

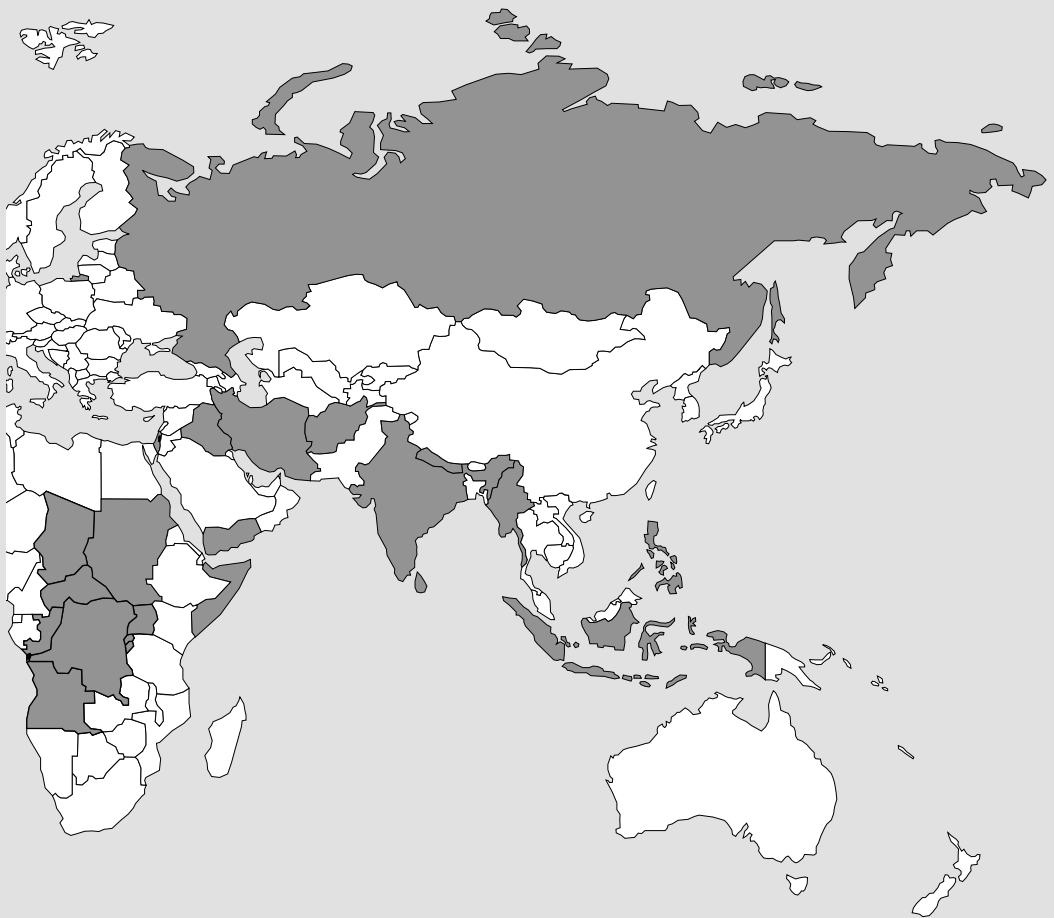
Child Soldiers

Global Report 2004

This report covers the period from
April 2001 to March 2004.

Countries/territories where child soldiers are involved in active conflict (2001–2004)





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This report is dedicated to children involved in armed conflict all over the world. We hope it will bring attention to their plight and contribute to ending the use of children as soldiers.

Casey Kelso
International Coordinator
Coalition to Stop the Use of Child Soldiers
London, September 2004

A Preface by Graça Machel

It has been ten years since the UN asked me to produce a report on the impact of armed conflict on children – and much has been achieved in that time. The very existence of the Coalition to Stop the Use of Child Soldiers and the Global Report, outlining the use of child soldiers worldwide, these are clear steps forward. We can point to a range of other actions that are testament in themselves to progress: the strengthening of humanitarian responses to the plight of children in war; the innovation, commitment and perseverance shown by civil society organisations across the globe in their work to improve the lives of children; the strengthening of international law to better protect children and women affected by armed conflict; the growing number of governments and armed groups that have pledged to abide by those laws; and some governments that have prioritised commitments to improving care and protection for children in the midst of armed conflict and once the fighting has stopped.

When my report was published in 1996 there was a strong, but little acknowledged perception that children were at best marginal to the ‘real’ security issues of the ‘real’ world. Now the UN Security Council regularly discusses children and armed conflict and the long-term protection of children is seen as a cornerstone of peace and security. It was with great pride and greater humility that in 2002 I watched a small group of children from diverse regions of the world eloquently, knowledgeably and passionately address the Security Council

on their experience in armed conflict and their visions of a world in which all children would be protected from the ravages of war.

So as I think about this Global Report there is a sense of progress – but in the end, it is not enough. In Addis Ababa young teenagers asked me when the world would do something about the abduction, rape and exploitation they have suffered for decades in Northern Uganda; in New York a Palestinian girl asked me when the international community would uphold its resolutions and act to end the conflict and violence suffered by generations of children in that region; in the Caucasus and other parts of the world the haunted eyes of child survivors ask all of us how we can live in a world where children can be brutalised and murdered as part of adult conflicts.

I have no answers for these children. No reasonable or convincing explanation for why we have collectively failed to protect them from the atrocities of war. No justification for generations of broken promises. Such questions show that progress made thus far is too little and too slow.

The horrors lived by child soldiers are overwhelming: abducted, subjected to sexual slavery, beaten, deprived, forced to kill and often murdered. We have known this for many years. We have it in our grasp to stop this nightmare – so why have we not made this happen? The problem is not that we lack the power to do this – the problem is our failure to use that power effectively, consistently and urgently.

It is heartening that the Security Council has condemned the use of child

soldiers and outlined measures to end the practice. But this is not enough. Governments and armed groups must be held accountable for their actions, yet assisted to take concrete steps to get children out of conflict and back to their families and communities. This must include efforts by ‘the silent partners’ – those organisations, corporations and governments in Europe, North America and other parts of the world that provide military training and resources that assist warring parties in conflict zones. They must ask themselves how they can fulfil their personal, their human and their State obligations to the care and protection of children while they continue to sell weapons and provide assistance to those shown to abuse children in their armed conflicts.

I hope that every reader of this Global Report will pledge her or himself to turn the knowledge gained from these pages into

practical commitments and concrete efforts to better protect children in situations of armed conflict and stop the use of children as soldiers.

Finally: a message to all activists – in families, in governments, in civil society groups – who work with such commitment and courage. To all of you, including members of the Coalition to Stop the Use of Child Soldiers throughout the world: your determination to bring an end to the use of child soldiers, your perseverance and your unstinting efforts in the face of grave dangers are shining examples of what true humanity and commitment mean. You keep alive the flame of hope and the belief that by working together we can create a world where children can grow up with love, in dignity and in peace.

In solidarity,

Graça Machel
Maputo, September 2004



Mural workshop at “Kids in touch” Conference and Workshops, Kundasale, Kandy, Sri Lanka.

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“Night commuters” at Kitgum Hospital in Northern Uganda. Thousands of children abandon their villages at night seeking safety from armed groups who abduct children and force them to become child soldiers or sexual slaves.

© Victoria Ivleva-Yorke, 2003

INTRODUCTION

Child soldiering: a damaging and despicable practice

Overview

UN Secretary-General Kofi Annan has condemned child soldiering as a “damaging and despicable practice”. Five UN Security Council resolutions have denounced it. Pope John Paul II has called the use of child soldiers a “horrible form of violence”. About half the world’s governments have formally committed themselves to end under-age recruitment or to do so in the future. Most major armed political groups, under increasing international pressure, have pledged (although often failed) to end their use of child soldiers.

Yet despite near-universal condemnation hundreds of thousands of children have fought and died in almost every major conflict in the world. The Coalition to Stop the Use of Child Soldiers has documented information on more than 20 countries and territories where armed hostilities occurred between April 2001 and March 2004. It has found that government forces in at least 10 continued to use children on the frontlines, including in Burundi, the Democratic Republic of the Congo (DRC) and Myanmar.

Some governments which did not directly recruit children nevertheless backed paramilitary groups, militias and local defence groups which used children to fight and to kill, to commit human rights abuses against civilians, or to loot and destroy

property. Those using these unofficial forces included Colombia and Zimbabwe. At least six governments claiming to have ended child recruitment, continued to deploy children to gather intelligence, and to act as messengers or scouts, directly exposing them to the hazards of war or to violent reprisals if identified by opposing groups. Governments have ruthlessly targeted children suspected of membership of armed political groups. Such children have been

Between 2001 and 2004, armed hostilities involving children less than 18 years old – “under-18s” – occurred in Afghanistan, Angola, Burundi, Colombia, the Democratic Republic of the Congo (DRC), Côte d’Ivoire, Guinea, India, Iraq, Israel and the Occupied Palestinian Territories, Indonesia, Liberia, Myanmar, Nepal, Philippines, Russian Federation, Rwanda, Sri Lanka, Somalia, Sudan and Uganda.

Governments which used child soldiers in armed conflict were Burundi, DRC, Côte d’Ivoire, Guinea, Liberia, Myanmar, Rwanda, Sudan, Uganda and the United States of America. Government-backed paramilitaries and militias, were using under-18s across the world, including in Colombia, Somalia, Sudan and Zimbabwe. Government forces and authorities also made informal use of children as informants, spies or collaborators in conflicts, including in Israel, Indonesia and Nepal.

detained and reportedly tortured often to extract information, such as in Israel. Some have been sentenced to death in unfair trials, including in military courts, such as in the DRC. Others have been killed during military “clean up” operations in Burundi, Indonesia and Nepal, or “disappeared”, such as in Chechnya in the Russian Federation.

Scores of armed political groups in most regions of the world continued to recruit children, force them into combat, train them to use explosives and weapons, and subject them to rape, violence, hard labour and other forms of exploitation. Children were also involved in a range of factional and clan-based groups, tribal militias or ethnic minorities fighting in opposition to central governments or to defend territory or resources from other groups, in Afghanistan, Chechnya, India, Laos and Yemen.

In all the conflicts children were forcibly recruited, sometimes in large numbers. Others enlisted voluntarily as a means of survival in war-torn regions after family, social and economic structures had collapsed. Many joined because of poverty, unemployment, lack of access to education, or to escape domestic violence,

Thomas (not his real name) was hit in the back with rifle butts in his five months of military training. His injuries were so severe that he was left without full use of his legs. “Being new, I couldn’t perform the very difficult exercises properly and so I was beaten every morning. Two of my friends in the camp died because of the beatings. The soldiers buried them in the latrines. I am still thinking of them”.

At the age of 13, Thomas was on his way to school with his eight-year-old brother, in the Democratic Republic of the Congo (DRC), when an armed group forcibly recruited them.¹ An estimated 30,000 children in the DRC were child soldiers in 2003.

abuse or exploitation. Child “volunteers” often identified government abuses as their motivation to join non-state armed groups, enlisting after seeing family members tortured or killed by members of government forces.

Tens of thousands of under-18s were estimated to have been recruited by armed forces in at least 60 countries. While thousands were legally recruited, others were forcibly conscripted in military round ups to replenish numbers in unpopular armies. Still others were enlisted in countries where the lack of a functioning birth registration system made it impossible to verify the age of recruits and ensure protection of under-18s from active military service.

“Other trainees, if they were caught trying to run away, their hands and feet were beaten with a bamboo stick and then put in shackles and beaten and poked again and again and they then were taken to the lock up.”

Boy from Myanmar, abducted at age 13 by government forces.

Much has been achieved during the last three years. Substantial progress has been made in establishing an international legal and policy framework for protecting children from involvement in armed conflict. The Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict came into force in 2002. It sets 18 as the minimum age for direct participation in hostilities, for compulsory recruitment by governments and for all recruitment into armed groups. States may accept volunteers from the age of 16, but must deposit a binding declaration when ratifying the treaty, which must outline certain safeguards for such recruitment. By August 2004, 77 governments had ratified the Optional Protocol. The Rome Statute of the International Criminal Court (ICC) defines all recruitment of children under 15, by governments and armed groups,

and their active participation in hostilities, as a war crime in both international and non-international armed conflict. The ICC provides for the possibility of identification, prosecution and punishment of recruiters. By July the ICC had begun preliminary investigations of war crimes and crimes against humanity in Uganda and the Democratic Republic of Congo. International Labour Organization (ILO) Convention 182 had been ratified by 150 governments by August 2004. It defines the forced or compulsory recruitment of children under 18 for use in armed conflict as one of the worst forms of child labour.

From 1999, a series of UN Security Council resolutions have condemned the use of child soldiers and outlined progressively stronger measures to stop the practice. Demobilization programs for child soldiers have been officially established in at least 12 countries, where UN agencies work in partnership with governments and international NGOs. Some governments have created their own programs. Community, church and grassroots organizations throughout the world have supported demobilized child soldiers and assisted them to return home.

Who are the child soldiers?

While there is no precise definition, the Coalition considers a child soldier any person under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed group, whether or not an armed conflict exists. Child soldiers perform a range of tasks including: participation in combat, laying mines and explosives, scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour; and sexual slavery or other recruitment for sexual purposes.

From 2001 to 2004 the global situation improved substantially in some countries while it remained the same or deteriorated in others. Wars ending in Afghanistan, Angola, Sierra Leone and elsewhere resulted in the demobilization of more than 40,000 children. During that same period, however, up to 30,000 more were drawn into new conflicts in Côte d'Ivoire and Liberia. And some countries which had pledged to stop using child soldiers continued to involve children in war. Overall, the use of child soldiers – young people under 18 years old associated with armed forces both in and outside conflict zones – appears marginally improved. However, rapidly changing circumstances on the ground and the difficulties of accessing child soldiers in conflict areas made it impossible to establish the exact numbers of children involved.

The Coalition to Stop the Use of Child Soldiers *Global Report 2004* documents child recruitment policies and practices in 196 countries and territories, including those mentioned above. It reviews trends and developments related to the use of child soldiers since the publication of the Coalition's last global report in 2001, and highlights failures – by the international community, governments and armed groups – to protect children's fundamental human rights. A team of researchers assisted staff in collecting information from the Coalition's global network of member organizations and partners. Information was also sought from a wide range of government and independent sources, organizations and individuals. The Coalition provided training and guidelines on research, interviewing and fact-finding to grassroots groups in national coalitions in most regions. In turn, international and local non-governmental organizations (NGOs) and partners provided data obtained through local interviews and research. The research process strengthened an international network

Children and armed conflict: the key issues

- The majority of the world's child soldiers are involved in a variety of armed political groups. These include government-backed paramilitary groups, militias, and self-defence units operating with government support in many conflict zones. Others include armed groups opposed to central government rule, groups composed of ethnic, religious and other minorities; and clan-based or factional groups fighting governments and each other to defend territory and resources.
- The use of children in hostilities by official government armed forces has declined since 2001 but continues in some countries. Government forces also continue to use children informally as spies, messengers and to run errands, exposing them to injury and death, as well as reprisals by opposing forces. Some government forces target children for suspected membership of armed political groups. Such children have been arrested, detained, tortured and killed.
- Many child soldiers are between 14 and 18 years old and enlist voluntarily. However, research shows that such adolescents see few alternatives to involvement in armed conflict. War itself, lack of education or work, and a desire to escape domestic servitude, violence or sexual exploitation are among the factors involved. Many also join to avenge violence inflicted on family members during armed conflict.
- Forcible recruitment and abductions continue unabated in some countries. Children as young as nine have been abducted.
- Demobilization, disarmament and reintegration (DDR) programs specifically aimed at child soldiers have been established in many countries, both during and after armed conflict. Such programs have assisted former child soldiers to acquire new skills and return to their

communities. However, the programs lack funds and adequate resources. Sustained long-term investment is needed if they are to be effective.

- Despite growing recognition of girls' involvement in armed conflict, girls are often deliberately or inadvertently excluded from DDR programs. Girl soldiers are frequently subjected to rape and other forms of sexual violence as well as being involved in combat and other roles. In some cases they are stigmatized by their home communities when they return. DDR programs should be sensitively constructed and designed to respond to the needs of girl soldiers.
- A series of international legal mechanisms provide for the protection of children from involvement in armed conflict. They include the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which prohibits the direct use of under-18s in hostilities, the compulsory recruitment of under-18s by governments and any recruitment of under-18s by non-government armed groups. The Rome Statute of the International Criminal Court defines the recruitment of children under 15 as a war crime and provides for the prosecution and punishment of offenders. International Labour Organization (ILO) Convention 182 defines the forced or compulsory recruitment of any person under 18 for use in armed conflict as one of the worst forms of child labour.
- The UN Security Council has repeatedly called for action to stop the use of child soldiers. Proposed measures include dialogue with parties to armed conflict aimed at the immediate demobilization of children; and measures to sanction those who continue to use children in hostilities.
- Despite near-universal condemnation of child soldiering and a solid legal and policy framework, lack of political will is an obstacle to achieving concrete improvements and effective child protection on the ground.

of activists working to put pressure on governments, politicians and communities in all countries where this shameful abuse of children persists.

So what needs to be done? The Coalition urges the UN Security Council to ensure that its “naming and shaming” of those using child soldiers in armed conflicts is followed by decisive action. It advocates the prosecution of child recruiters by the International Criminal Court and other justice mechanisms, for restrictions on military assistance and weapons trading, travel restrictions, asset freezing or other sanctions. Concerned governments must support dialogue between warring parties, and peace agreements should include specific provisions for reintegrating and rehabilitating former child soldiers. Demobilization, disarmament and reintegration (DDR) programs for child soldiers must be adequately funded and sensitively constructed, to ensure that the specific needs of boys and girls are addressed.

Children’s rights to protection from grave threats to their life and health, to family life and education, and to freedom from sexual and economic exploitation must be actively promoted. War-affected children should be closely involved in peace processes and decision-making which affect their lives. The international community and individual governments must renew their commitment to the demobilization and reintegration process. The Coalition will continue to campaign for universal ratification and enforcement of international treaties protecting children, and for governments to ban all recruitment of under-18s into any armed force. The Coalition’s members and partners remain committed to a world that does not allow children to fight wars.

Child soldiers

2001-2004

Children at war

Children have continued to play a significant part in some of the world’s most bitter and long-running wars. As new conflicts have ignited, successive generations of children have been recruited to replenish the fighting forces.

In Africa, children were involved in armed hostilities across the continent. In West Africa, children fought children in Côte d’Ivoire as both government and armed political opposition groups forcibly recruited under-18s. Some were recruited among Liberian child refugees and veteran child soldiers from the Liberian conflict. Abductions of children in northern Uganda by the armed group, the Lord’s Resistance Army (LRA) dramatically increased in 2003. Out of an estimated 20,000 children abducted by the LRA, nearly 10,000 were taken from mid-2002. The Ugandan government and the militias it supported also used child soldiers. In Central Africa, there were as many as 30,000 child soldiers in the DRC; and armed political groups backed by Rwanda and Uganda continued to recruit child soldiers in its eastern provinces. Children fought for both government and opposition forces in Burundi – where children as young as 10 were recruited to the government’s forces.

In Latin America, the 40-year armed conflict in Colombia continued after peace talks with opposition forces collapsed in 2002. Opposition groups and army-backed paramilitaries continued to recruit and use up to 14,000 children. The armed conflict drove tens of thousands of families to flee their homes. Armed political groups made incursions across the borders into Ecuador, Panama and Venezuela and recruited from among the refugee population. Fears grew that under-18s were among those recruited.

“The army does recruit children. Because we don’t have enough soldiers, recruitment takes place twice a year and, until the necessary strength is reached, all those who come forward are enlisted, whatever their age may be.”

A soldier, Burundi, May 2002.²

In Asia and the Pacific, children continued to be used to fight in smouldering conflicts in Indonesia, the Philippines and Myanmar. In that region, only the Philippines government took measures to address child soldiering, opening a dialogue with armed groups and NGOs. In Myanmar, despite ceasefires with numerous armed opposition groups, thousands, possibly tens of thousands, were thought to remain in the army; most had been forcibly recruited. Several thousand more remained in armed political groups. In South Asia, armed political groups carried out forcible abductions of children in India, Nepal and Sri Lanka.

In the Middle East and North Africa, child soldiers were recruited into a variety of armed groups in Iraq and Sudan.³ In Sudan, thousands of children remained in armed political opposition groups and in government and allied forces in the south of the country and Darfur. In the Occupied Palestinian Territories and Israel, Palestinian children became suicide bombers and took part in operations by armed groups. Israeli armed forces treated children as combatants, shot those throwing stones or participating in demonstrations, and coerced them into becoming informants.

While not absolving those directly responsible, some share of the blame lies with the international community. Governments continued to provide military training and assistance to armed forces using child soldiers or encouraging paramilitaries to do so; and small arms and light weapons

– all too easily used by children – continued to proliferate in most regions.

Armed political groups

The majority of the child soldiers involved in armed conflict throughout the world were associated with government-backed paramilitary and militia groups, as well as armed opposition forces.

Government-backed paramilitaries and other irregular forces in countries including Colombia and Sudan recruited children. In Zimbabwe, under-18s were among young people trained in military tactics in the government’s national youth service training program, with some encouraged to harass, torture and kill political opponents. In northern Uganda, “Arrow Groups” and other militias organized by the government used children to fight the opposition LRA, primarily composed of children itself. Children were also found in a range of informal armed groups used by governments and political parties, as well as in factional and clan based groups fighting in Afghanistan, the Chechen Republic of the Russian Federation, Laos, Somalia and Yemen.

“They give you a gun and you have to kill the best friend you have. They do it to see if they can trust you. If you don’t kill him, your friend will be ordered to kill you. I had to do it because otherwise I would have been killed. That’s why I got out. I couldn’t stand it any longer.”

Bernardo (not his real name), 17, member of army-backed paramilitary group in Colombia.⁴

Armed opposition groups continued to recruit children, despite renouncing their use in some cases. In Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) continued to recruit children despite pledges given to the UN Secretary-General’s Special Representative on Children and

Armed Conflict and UNICEF in 2003. The opposition Revolutionary Armed Forces of Colombia (FARC) flouted a public pledge made several years previously to the UN not to recruit children. Instead the FARC lured and compelled children to join their forces. The Mai-Mai fighters in the DRC also recruited and used thousands of children in combat. Many children were recruited by armed groups not to fight but as forced labour, for example in the diamond mines of Sierra Leone. On a positive note, armed groups in Algeria and Turkey appeared to have ended the recruitment of under-18s.

“Early on when my brothers and I were captured, the LRA [Lord’s Resistance Army] explained to us that all five brothers couldn’t serve in the LRA because we would not perform well. So they tied up my two younger brothers and invited us to watch. Then they beat them with sticks until two of them died. They told us it would give us strength to fight. My youngest brother was nine years old.”

Martin P, a child soldier at the age of 13 with the Lord’s Resistance Army, Uganda.⁵

In other countries, children joined anti-crime vigilante groups, such as in Nigeria, where the authorities endorsed or turned a blind eye to the violence of the Bakassi Boys. Armed gangs whose members included children were used to carry out acts of political violence in Nigeria. Criminal gangs with a history of involvement in political violence were used to intimidate political opponents on behalf of political leaders in Kenya and South Africa. Although not defined as child soldiers, children in Brazil were involved in organized criminal violence related to drug trafficking in forces with similar characteristics to non-state armies: they operated chains of command, trained their forces in arms and tactics, and defended territory.

One boy in the DRC was abducted by the Mai-Mai when he was 14. At the front line, his commander would put a substance in his water and tell him it had a mystic power that would protect him. The Mai-Mai said he could not be released because he had lived among the Rwandese Tutsis, enemies of the Mai-Mai, who might extract important information from him if he returned. There were many children like him in the ranks of the Mai-Mai.⁶

War on children

Governments killed, tortured and arbitrarily detained children suspected of being opposition combatants or supporters. In Israel and the Occupied Palestinian Territories, Israeli forces shot Palestinian children if they threw stones or joined demonstrations, and denied them protection and rights in detention that are allowed to Israeli children.

In their pursuit of armed opponents, government forces – including those that were not allowed to recruit under-18s under national law – nonetheless targeted children for recruitment as spies. Coalition-supported research found that Palestinian children detained by Israeli forces were tortured or threatened in attempts to coerce them to become informants. In Indonesia, children were used as informants in counter-

K. died young but not nearly as young as some of the others massacred alongside him....eight male villagers were executed that day, each shot in the head at close range. Besides K, one was 20 years old, two were 18, one was 17, one was 14, one 13 and one just 11. The Indonesian army claimed the dead were suspects killed during a shoot out.

Report of killings of suspected members of GAM, an armed political group in Nanggroe Aceh Darussalam, Indonesia.

insurgency activities. In Colombia, although it was illegal to use children as spies, contradictory regulations allowed children to be paid for supplying information.

Some governments simply blocked access to information about the recruitment and use of child soldiers by not allowing independent human rights monitors into areas of armed hostilities, including in Chechnya, India, Indonesia and Myanmar.

“I was detained on 18 March 2003... We are in a very small room with 11 people... We are allowed to use the bathroom only three times a day at specific times. Once a week we are allowed to take a 30-minute recess. The prison guards force us into shabeh position: they tie our hands up and one leg and then we have to face the wall.”

A 15-year-old boy, describing conditions at Bet El detention centre in an Israeli settlement outside Ramallah.⁷ Most Palestinian children in the Occupied Territories who are detained on suspicion of involvement in armed attacks are held in facilities for adults, treated as adults in law, and denied the protection offered to other young people under 18 years of age in Israel and in Israeli settlements.

Voluntary recruitment into government forces

As many as 60 countries outside conflict zones continued to recruit children at the ages of 16 and 17. They included Australia, Austria, Azerbaijan, Bangladesh, Canada, Cuba, Germany, India, Iran, Jordan, Democratic People's Republic of North Korea and the Netherlands. In Turkmenistan, minimum ages for both voluntary recruitment and conscription were lowered from 18 to 17, and China was also reported to have reduced the recruitment age to 17 in Beijing.

In Europe some young soldiers under 18 were exposed to malnutrition, disease

and institutionalized bullying. High levels of death and suicide were reported among recruits in Azerbaijan and Belarus, and the United Kingdom (UK) authorities responded to the deaths of two under-18-year-old recruits in disputed circumstances with flawed investigations and excessive secrecy.

Many underage recruits reached 18 before they completed training, or were not deployed to active service. After training its 17-year-old recruits, for example, Ireland requires newly-qualified Irish soldiers to wait a year before deployment overseas. The UK continued active recruitment of 16-year-olds. Young recruits could sign up for up to 22-year terms of service

In many non-western, non-European countries, the lack of a functioning birth registration system – the recording of birth dates and provision of birth certificates – increases the risk of child soldiers enlisting in the armed forces. The African Charter on the Rights and Welfare of the Child requires that safeguards against underage recruitment should include production of a birth certificate as evidence of age. However, a large proportion of births were unregistered in many countries. The risk of underage recruitment remained in Guinea and Tanzania, as well as in countries outside Africa, including in India, Papua New Guinea and Yemen.

Factors leading to recruitment

Children have often voluntarily joined armies and armed groups. In most cases, they had few alternatives. Invasion and occupation, ethnic and religious discrimination, abuses against community and family – all have impelled children into soldiering. Yet in conflict zones such as Colombia or Liberia, as also in countries not at war, poverty and a lack of alternative employment are critical “push factors” in the recruitment of children. Cultural expectations and violence in the home are often also decisive.

Coalition member organizations have studied the roots of child soldiering to gain better understanding of why so many children volunteer. In 2004, the International Labour Organization (ILO) funded the publication of research by the Quaker UN Offices on the factors leading adolescents to volunteer with armed groups. The Quakers have also conducted interviews with former girl soldiers in Angola, Colombia, Philippines and Sri Lanka about their lives as part of an armed group. Many of the girls volunteered in support of ideological or political beliefs. Others became soldiers to gain an education, money or status. Some were escaping abuse and violence in the family.

Responsibility for child soldiering lies not only with forces that actively recruit children, but also with governments and the international community, who must act to reduce unemployment, offer access to education and stem falling living standards. States will only prevent child recruitment by offering alternatives for young people to joining an armed force.

“I had to run away to a forest with my friend to join the underground. I was 14 when I first held a gun in my hands. I love to go to school but for the poverty of my family I have to lift a gun. Now I am earning enough money with the help of the gun for myself and can send money for my family also.”

Boy aged 16, Northeast India

Yet in many countries, governments encouraged the militarization of society by indoctrinating children in a military culture from an early age. Young people were compelled to undergo military training or received early exposure to a soldier's life in military schools and camps in countries

and territories such as Azerbaijan, Brazil, Chile, Eritrea, Kenya, Palestine, the Russian Federation, Uzbekistan and Zimbabwe.

The experience of girls

Girls as well as boys were involved in armed conflict in most regions. Girl soldiers are frequently subjected to rape and other forms of sexual violence as well as being involved in combat and other roles. In Afghanistan, some girls were reportedly forced into marriages with men involved in factional and clan-based groups. Girls attached to Colombian armed groups reported the enforced use of contraceptives and abortions, often after pressure to become the “girlfriend” of an adult soldier. In the DRC, almost all girls and some boys were reported to have been raped or sexually exploited by their commanders or other soldiers.

“They would eat and drink, then they would call for you. They were so many. It was so painful... If you refused, they used sticks to whip you... They all had sex with me... A man would come, then another and another. I wasn't even the youngest. Some girls were even younger than me. Even the commanders called for you... They said they'd kill you if you ran away.”

A girl abducted at the age of 13 by an armed group in Burundi.⁸

In Liberia, girls were recruited as both fighters and helpers, but faced routine rape and sexual assault. The LRA in northern Uganda abducted girls in large numbers to become fighters but also forced them into virtual slavery as “wives” to commanders, for whom they worked long hours as domestic servants. In Zimbabwe, former girl trainees reported rapes at the National Youth Service training centres, including by officials,

while one estimate in 2002 indicated that some 1,000 women were held in militia camps for sexual purposes.⁹

In some cases girls are stigmatized by their home communities when they return. Despite growing recognition of girls' involvement in armed conflict, girls are often excluded from disarmament, demobilization and reintegration (DDR) programs, which need to be sensitively constructed and designed to respond to their needs. Women and girls taken as "wives" by the Angolan armed opposition feared exclusion from government aid and rejection when they returned to their communities. Initially, demobilization programs were restricted to male adult soldiers. It was unclear whether later programs to address the needs of women and girls had been adequately implemented.

Girls in South and Southeast Asia reportedly joined up to escape domestic servitude, forced marriages and other forms of gender-based discrimination. "I left home and joined the NPA because I wanted to run away from my family's noise and I hated getting hurt."

Sonia, Philippines.

Not all armed groups committed sexual violence against girl recruits. In the Philippines and Sri Lanka, sexually intimate relationships between men and women were forbidden without the consent of the woman and the approval of a commander. The Sri Lankan government estimated that one third of all LTTE recruits were females.

The challenge of demobilization

Long-running armed conflicts came to an end, releasing tens of thousands of children from armies and armed groups. Former child soldiers searched for their place in post-conflict societies in Afghanistan, Angola, Liberia and Sierra Leone following peace agreements in those countries.

In Angola, where peace came in 2002 after three decades of war, thousands of former child soldiers from the government forces and those of *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, searched for their own way back to normalcy in peacetime. The ending of a decade of war in Sierra Leone in 2002 left an estimated 21,000 former child soldiers struggling to be reintegrated in a shattered society. About 7,000 children were demobilized in 2001 and 2002. In Liberia, where tens of thousands of children had been involved in conflict since 1990, the first demobilization programs were set up to assist 5,000 child fighters.

Demobilization, disarmament and reintegration (DDR) programs for former child soldiers operated in about a dozen countries, including Burundi, DRC, Sri Lanka and southern Sudan. However, such a program was not established for 8,000 children in Afghanistan until three decades of fighting had been officially over for two years.

Efforts to rehabilitate children were made as fighting continued in Colombia and the DRC. The programs were aimed at reintegrating child soldiers into their communities while avoiding their re-recruitment or further fuelling of the conflict. Since 2001 individuals and organizations working with former child soldiers have conducted studies and discussions to strengthen understanding of best practices in the reintegration of child soldiers. Child protection advisors were created within UN peacekeeping missions



The Bangladesh Coalition for Child Rights sponsored rallies in front of the National Parliament House and the National Press Club on 12 February 2002 to mark the coming into force of the Optional Protocol.

© Coalition, 2002

in Angola, Côte d'Ivoire, the DRC and Sierra Leone to ensure that the rights, protection and wellbeing of children were an integral part of peace processes.

However, demobilization efforts were not always given top priority or adequate resources; and many young fighters rejoined armed groups in Burundi, the DRC, Liberia and Sudan. Some demobilization programs excluded girls, children with disabilities or the children of child soldiers, as well as those who turned 18 during their time with the armed group. In Sierra Leone, demobilization programs initially failed to address the needs of thousands of girls associated with armed groups. In Guinea-Bissau, only 119 children were officially demobilized out of the thousands involved in the armed conflict of 1998-99. After war ended in Papua New Guinea in 1997, thousands of children who fought with government forces and the

opposition Bougainville Revolutionary Army were not demobilized.

Child soldiers became bargaining chips for their commanders during peace negotiations, when the international community pledged money to help demobilize child combatants. In Sudan, for example, the SPLA "stockpiled" children in 2004 to obtain UNICEF demobilization funds. In Sri Lanka, the LTTE retained most of its experienced child fighters during a fragile ceasefire, despite commitments to demobilize children from its ranks. Only small groups of children were handed over to the international community for demobilization while forcible abductions and aggressive re-recruitment increased in mid-2004. In Colombia only ten per cent of the estimated total number of child soldiers have been demobilized since 1999.

The international response

Growing consensus

The landmark development in ending child soldier use during the past three years was growing international support for the Optional Protocol, which came into force on 12 February 2002. In 2001, only four states had ratified it and another 79 states had signed it. By August 2004, 77 states had ratified it and 115 states had signed it. Of those which ratified, 58 also maintained a “straight-18” position to exclude any recruitment of children under 18. Ratifications have since gathered momentum, with 14 in Latin America and 27 in Europe. Africa and Asia had a poor record of ratification, although many countries in conflict did ratify. They included the DRC, Liberia, Rwanda and Uganda in Africa; and Afghanistan, Philippines and Sri Lanka in Asia. Both the DRC, Uganda and Liberia subsequently violated their legal obligations. Morocco, Qatar, Syria and Tunisia were the only four states to ratify in the Middle East and North Africa.

New Zealand became the first country to report on implementation of the Optional Protocol to the UN monitoring body, the Committee on the Rights of Child. Other countries scheduled to report included Finland and Austria.

Governments, including Burundi, Guatemala, Indonesia and Philippines introduced legal reforms or military regulations to protect children from involvement in armed conflict. Before military conflict in Afghanistan and Iraq, the USA pledged not to deploy under-18s in combat. Although it later failed to effectively enforce that pledge, this shift in deployment practice by a major military power demonstrated a new international consensus on the issue. Afghanistan’s new government adopted an official age

threshold of 22 for entry into the state armed forces, in response to a history of child soldiering in which boys as young as 14 were used as spies, messengers and porters, as well as combatants.

The European Parliament adopted several resolutions pressing for action to end the use of child soldiers and in 2003 and 2004 called for a special envoy to lead European Union (EU) policy. In December 2003 the EU adopted Guidelines on Children and Armed Conflict, which asked its diplomatic representatives in conflict areas to report on the use of child soldiers and spell out possible actions ranging from press statements to sanctions. The Human Security Network, a grouping of states including Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Slovenia, Switzerland and Thailand, in 2003 adopted the “Bridging the Gap Support Strategy” for children in armed conflict, with a strong focus on monitoring and reporting on child soldier use. A small but growing number of other like-minded governments demonstrated their commitment to ending child soldiering by mobilizing political support and resources to protect children in armed conflict and meet their needs for care and recovery from trauma.

Naming and shaming

The UN Security Council played an increasingly important role in condemning child soldiering and calling for the international accountability of those who recruit and use them. Since 1999, when it first identified children and armed conflict as an issue affecting international peace and security and condemned child soldiering (Resolution 1261), the Security Council has held a series of annual debates and adopted progressively stronger resolutions. In 2000, it requested peace negotiations to include protective measures for children (Resolution 1314).

In November 2001, resolution 1379 asked the UN Secretary-General to produce a list of parties to armed conflict on the Security Council's agenda which recruited or used children in violation of their international obligations. Following resolution 1460 (January 2003), in October 2003 the Secretary-General's list was expanded beyond the Security Council's formal agenda to include 54 forces in 15 countries, including those with some of the worst records for child recruitment, such as Colombia, Myanmar and Uganda.

Resolution 1539 in April 2004 demanded that forces named in Afghanistan, Burundi, Côte d'Ivoire, DRC, Liberia and Somalia develop concrete action plans to end child recruitment or face sanctions such as weapons bans or suspension of military assistance. The resolution created follow-up mechanisms such as the designation of UN "focal points" or representatives to establish dialogue with child recruiters and assist in creating plans for an end to recruitment and the demobilization of all children. The resolution extended the list to include forces responsible for war-related abuses against children, such as killing, maiming, abduction, sexual violence and denial of humanitarian access. In 2003 and 2004 Security Council representatives visited West and Central Africa, and discussed child soldier recruitment, among other human rights concerns, with governments and armed groups.

Prosecution for using child soldiers

For the first time, those who recruited children into armed forces or armed groups faced prosecution. In July 1998, the international community adopted the Rome Statute of the International Criminal Court to establish a permanent court to investigate and prosecute genocide, crimes against humanity and war crimes when national

courts were unable or unwilling to do so. The Statute provides that "conscripting or enlisting children under the age of 15 years into the national armed forces or armed groups or using them to participate actively in hostilities" is a war crime in both international and non-international armed conflicts. In its preparatory discussions, the states negotiating the Statute accepted that the definition covered direct participation in combat, as well as active participation in military activities linked to combat such as scouting, spying, sabotage, and the use of children as decoys, couriers or at military checkpoints.

In 2003, the Prosecutor of the Special Court for Sierra Leone (an international court established by the UN and the government in 2002) issued the first indictments against those bearing the greatest responsibility for crimes against humanity and war crimes committed during the country's decade-long conflict. The Special Court defines a war crime in the same way as the Rome Statute. The indictments, including against former Liberian President Charles Taylor, included charges of conscripting, enlisting and or using boys and girls under the age of 15 to participate in active hostilities. The trials began in June 2004. On a preliminary motion, the court ruled that child recruitment was a crime under customary international law even before the Rome Statute was adopted in 1998.

In 2004, the new International Criminal Court announced its first investigations into crimes under international law committed in Northern Uganda and the Democratic Republic of Congo. In both situations the use of child soldiers is widespread.

International labour law found its teeth as the International Labour Organization (ILO) began reviewing states' observance of ILO Convention 182, which defines the forced or compulsory recruitment of persons under the age of 18 for use in armed conflict as

one of the worst forms of child labour. The Convention entered into force in 2000, and in 2003 the ILO Committee on the Application of Standards reviewed the first 31 state reports. The Committee found evidence of the “forced or compulsory recruitment for use in armed conflict” of under-18s in Burundi, DRC, Myanmar, Sri Lanka, Syria and Uganda. In Myanmar, an agreement was reached between the government and the ILO in May 2003 to allow an independent facilitator to receive complaints on forced labour. However, the plan had not been implemented by June 2004. An ILO interim liaison officer in Myanmar had received a significant number of complaints by June, including at least seven complaints of forcible recruitment of children between the ages of 13 and 16 years.

A failure of will

Although the UN Secretary-General reported the presence of child soldiers in more than 30 country situations, Security Council action was limited to six armed conflicts, five of them in Africa. Permanent members of the Security Council were often reluctant to infringe upon state sovereignty or to incur the financial cost of enforcing sanctions against those using child soldiers. Geo-politics also played a role. Colombia appeared unlikely to be listed on the Security Council’s agenda because of falling within the US government’s “sphere of influence”. Likewise, the Russian government was likely to hinder efforts by the Security Council to take action on behalf of children involved in armed conflict in Chechnya. When specific country situations were discussed, the Security Council frequently reverted to previous practice and failed to mention the child rights issues involved.

Governments who ratified the Optional Protocol did not always immediately withdraw children from hostilities. The UN

Secretary-General named the governments of Burundi, DRC and Uganda as using child soldiers. All had ratified the Optional Protocol. Sixty-two US soldiers aged 17 were assigned to units in Afghanistan and Iraq in 2003 and 2004, despite US ratification of the Optional Protocol in 2002. In Tajikistan, which ratified the Optional Protocol in 2002, abduction and forcible recruitment of young people by recruitment officers raised the strong possibility of under-18s in its armed forces.

Other governments ratified the Optional Protocol but made special provision for the voluntary recruitment of 16 and 17-year-olds. In Europe, there was concern in the military that, without this provision, too few young people would join the armed forces. Otherwise strong proponents of child rights, including Germany, Ireland, the Netherlands and the UK, continued to recruit under-18s to their armed forces. Worldwide, only 10 parties to the Optional Protocol – Bangladesh, Brazil, Canada, Chile, El Salvador, Ireland, Mexico, Paraguay, Serbia and Montenegro and the UK – retained the age of 16 for the recruitment of volunteers, the lowest age allowed under the Optional Protocol.

The treatment of former child soldiers seeking asylum also highlighted the discrepancy between condemnation by Security Council members and national policy and practice. In Norway, a strong champion of child rights at the UN, immigration authorities refused asylum to two Eritrean youths who said they had been forcibly recruited. If returned they faced torture, arbitrary detention and forced labour for fleeing military service. In Germany, the recruitment of children was not deemed a form of child-specific persecution and former child soldiers had little chance of being granted asylum.

Maintaining the pressure

Turning consensus into action

The question remains: how can governments and armed groups be held accountable for actively recruiting or allowing the recruitment of children?

A key step is to ensure that the Security Council takes action to enforce its demands to end child soldier use. If governments and armed groups perceive its resolutions as empty rhetoric, then the progress made in international accountability will be lost. The Security Council must keep the spotlight on the governments and armed groups which have been given a deadline to submit action plans on ending the use of child soldiers in conflict in Afghanistan, Burundi, Côte d'Ivoire, DRC, Liberia and Somalia. Concerned governments can help that process forward by pledging resources to implement those plans, such as support for DDR programs for child soldiers. They should also promote dialogue between the warring parties, and impose penalties on those who flout Security Council directives. That small list of six conflict zones in which UN action has been authorized must be expanded to include more than 20 other situations of concern.

Defence and security agenda

In some cases, governments implement the Optional Protocol in their own countries – even promote it in international forums – but in practice overlook the use of child soldiers by governments they support with military assistance. The power to influence should be used to promote the standards of the Optional Protocol in foreign policy, especially through the provision of assistance in bilateral relations with other states and through intergovernmental

groupings such as the EU or the Human Security Network.

Concerns about children and armed conflict should be raised as a matter of routine in bilateral discussions with governments which use or allow the use of child soldiers, especially in defence and security talks. Military assistance and training must be contingent on practices that respect children's rights. In 2003, for example, the Belgian Parliament adopted legislation specifically banning arms transfers by the Belgian government to foreign government forces using child soldiers.

By contrast, other Western countries have broken their commitment to end child soldiering – in spirit if not in a legal sense – by not firmly requiring the governments which receive military training and assistance, such as Colombia, Rwanda and Uganda, to end their use of children in armed conflict.

Promoting child rights

Governments need to encourage a change of attitude towards children in society to be effective in preventing their future recruitment. Protecting children from soldiering requires recognition of the full range of child rights, including to family life, education, healthcare and freedom of expression. Comprehensive policies need to be developed and implemented to ensure children's rights to education, training and employment, to protection from domestic violence and from sexual and economic exploitation.

While armed political groups are often the main recruiters of children, governments must address the social and economic conditions that provoke children to voluntarily enlist to defend their communities, or to earn more money than they can earn in regular employment. Preventing child recruitment must involve

understanding the reasons for recruitment, and action by governments to create alternatives to joining armed forces. Long-term commitment and engagement by the international community should serve to assist those states which lack the resources to ensure that children's rights are fully protected.

Promoting the rights of war-affected children – including child soldiers – means more than defining them as “collateral damage” or as passive victims of war. Such children must be guaranteed a larger role in society and the right to participate in decisions that affect their lives. Most states fail to fully implement the requirement in the Convention on the Rights of the Child that children have the right to express their views and be heard in judicial or administrative proceedings that affect them (Article 12), which is especially relevant to former child soldiers in the juvenile justice system. Adults should be listening to child soldiers and young people as key stakeholders in negotiations to end conflicts.

Children's involvement is crucial not only to build a lasting peace but in all aspects of the dialogue between civil society and governments. Successful youth participation in policy-making has resulted in youth-driven peace processes, projects in which children teach adults about children's rights and needs during conflict, and programs in which street children train to be human rights monitors and peer mediators.

One model for youth involvement is an initiative by former child soldier Napoleon Adok, who has initiated discussions on peace in Sudan between former child soldiers and religious leaders, elders of ethnic communities and armed group commanders. In West Africa, the newly established Veteran Child Soldiers Association of Liberia took part in celebrations of World Refugee Day organized by the Liberian Welfare Council in Ghana in 2004.

“Straight-18”

Ensuring full implementation of existing standards should be a high priority for action. However, these legal standards should be strengthened further. This includes attaining a “straight-18” standard – the abandonment of provisions that allow children to be legally recruited as soldiers at the age of 16 or 17. Universal ratification of the Optional Protocol by governments that at the same time ensure a “straight-18” position remains a major objective. The more states that exclude the use of under-18s on ratification, the more the age of 18 will be recognized as a uniform, clear and workable standard.

Strengthening the grassroots

Finally, the good news in the movement against the use of child soldiers is found in the tremendous growth in the number of individuals and organizations working directly with war-affected children in conflict zones around the world. Whether they are international humanitarian aid workers or grassroots civil society groups, many thousands of people are courageously working to protect children from the atrocities of war or to assist them in regaining their childhood.

In the most remote conflict situations, activists can be found gathering information about the use of child soldiers by government armies and non-state armed groups. Such work is often difficult and dangerous. Activists face intimidation and harassment as they speak out on behalf of children, challenge the recruiters of children and remind governments of their international obligations to protect children from involvement in armed conflict. There are defenders of children's rights around the globe who provide education, health care and safety for war-affected children and help former child soldiers recover from

The Coalition has been building a grassroots membership and creating links from local groups to international organizations under its broad umbrella. It campaigns for ratification of the Optional Protocol at the national level, to raise awareness and to prevent children from becoming child soldiers. The Coalition also promotes grassroots monitoring. National member organizations across all regions have taken on the responsibility for monitoring how far governments and armed groups are honouring their international obligations and commitments.

Local groups have also campaigned for improved policies on reintegrating former child soldiers back into their communities. In Paraguay, for example, the Coalition successfully campaigned for ratification of the Optional Protocol in September 2002, and for an end to compulsory military training for secondary school students. The training was abandoned in 2003. The Belgium Coalition succeeded in its campaign for the government to adopt the “straight-18” position when ratifying the Optional Protocol in March 2002. In 2003 it presented recommendations from the Coalition’s round table in the Great Lakes region of Central Africa to the Belgian prime minister. The US network’s campaign led to the US Senate unanimously agreeing to ratify the Optional Protocol in December 2002.

their physical and psychological wounds. The increasing involvement of ex-child soldiers themselves heralds a major achievement in creating a global movement which is accountable to the children and communities affected by armed conflict. All of these people deserve not only praise and respect but solid, consistent support to facilitate their work aimed at ending the use of child soldiers.

- 1 Amnesty International (AI), *Democratic Republic of the Congo: Children at war*, September 2003.
- 2 International Labour Organization, *Wounded childhood – The use of children in armed conflict in Central Africa*, April 2003.
- 3 Sudan has been placed in the Middle East and North Africa section of this report.
- 4 Human Rights Watch (HRW), *You’ll learn not to cry – child combatants in Colombia*, September 2003.
- 5 HRW, *Stolen Children: Abduction and Recruitment in Northern Uganda*, March 2003.
- 6 Information from Child Soldiers Coalition members in Goma, DRC, September 2003.
- 7 Defence for Children International – Palestine Section, “Gross violation of children’s rights: Children kept in temporary detention centre in inhumane conditions for over one month”, 22 April 2003.
- 8 AI, *Burundi: Poverty, isolation and ill-treatment – Juvenile justice in Burundi*, 24 September 2002.
- 9 AI, “Zimbabwe: Assault and sexual violence by militia”, 5 April 2002.



J, 17, former child soldier, Centre penitentiaire et de re-education de Kinshasa (Makala Central Prison).

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Africa

Regional overview

Long-running wars came to an end releasing thousands of child soldiers but up to 100,000 children were estimated to remain involved in hostilities. Governments recruited children directly to their official armed forces as well as backing proxy forces which used child soldiers. Armed groups involved in peace processes recruited children as bargaining counters. Child soldiering continued in countries which had made commitments to end the practice.

Old, new and forgotten conflicts

An estimated 100,000 children were used in large-scale conflicts, including in **Burundi**, **Côte d'Ivoire**, the **Democratic Republic of the Congo** (DRC), **Somalia**, **Sudan**¹ and **Uganda**. Child recruitment, often forcible, escalated as peace processes in the DRC and Sudan were in their final stages. In Burundi, new recruitment took place as former armed groups and new signatories to peace agreements sought to enhance their negotiating positions by building up their fighting strength. Responsibility for the regionalized nature of the conflicts in central and West Africa lay not only with governments but also with neighbouring states, western governments, arms manufacturers and businesses benefiting from the exploitation of natural resources central to so many conflicts.

In the Great Lakes region, the governments of **Rwanda** and **Uganda** recruited and used children in the conflict

in eastern **DRC** until 2002 and 2003 respectively, as well as backing armed political groups which recruited and abducted children. Burundian children fought with Burundian armed political groups in **Burundi** and the DRC, as well as with Congolese armed political groups in the DRC, and were still being recruited in refugee camps in the DRC and **Tanzania** in 2004.

The Global Report documents the alarming situation of child soldiers in **Sudan**. In March 2004, there were an estimated 17,000 children in government forces, allied militias and opposition armed groups in the north, east and south. Between 2,500 and 5,000 children served in the armed opposition group, the Sudan's People's Liberation Army (SPLA), in the south. Despite a widely publicized child demobilization program, in which it claimed to have demobilized over 16,000 children between 2001 and 2004, the SPLA continued to recruit and re-recruit child soldiers.

As a humanitarian and human rights crisis unfolded in the western Darfur region of **Sudan** from early 2003, there were reports that young children were abducted and served with government armed forces as well as in government-backed *Janjaweed* militias. Armed opposition groups in Darfur also reportedly used child soldiers.

Abductions, recruitment and sexual violence against children in northern **Uganda** escalated dramatically between

¹ The country entries for Djibouti and Sudan are included in the Middle East and North Africa section of this report.

2002 and 2004. Of an estimated 20,000 children abducted by the rebel group Lord's Resistance Army (LRA), nearly 10,000 were taken from mid-2002. Thousands of children known as "night commuters" fled to towns at night to avoid abduction. The government launched a major military operation against the LRA in March 2002, following which LRA attacks escalated and the humanitarian situation rapidly deteriorated. The Ugandan government recruited children into its armed forces as well as into armed local defence units.

In March 2004, some 6,000 Ugandan and Sudanese children were held captive in southern Sudan by the LRA. In November 2002, the Ugandan government accused the Sudanese government of resuming its long-time support of the LRA. The SPLA reportedly used children in areas under its control in the DRC until September 2003. The SPLA allegedly received support from the Ugandan Government.

In West Africa, armed groups in **Sierra Leone** and **Liberia** were still recruiting children until 2002 and 2003 respectively, often among child refugees in neighbouring countries including **Burkina Faso**, **Côte d'Ivoire** and **Guinea**. The conflict that has devastated Sierra Leone and Liberia over the last decade spread to Côte d'Ivoire, where civil war erupted in September 2002. Children were recruited, often forcibly, by both sides.

At least 600 children were still serving in government and opposition forces in **Chad**, and both government and opposition forces reportedly deployed child soldiers in the **Central African Republic** from 2001 to 2003.

Somalia illustrated more than any other country the extent to which the increased flow of light weapons into Africa boosted the number of child soldiers. An estimated 200,000 children have carried a gun or been involved with a militia in Somalia since the 1991 collapse of central

government. Young children were used as soldiers in continued fighting between factional groups.

Unprotected by law

Former child soldiers were detained and prosecuted. Children in **Burundi** suspected of links with armed political groups were tortured and detained for long periods. Government child soldiers faced legal proceedings before military courts which fell far short of international standards for fair trial.

Although international law prohibits the use of the death penalty against child offenders, former child soldiers were sentenced to death in **Sudan** for crimes committed while they were soldiers. In the **DRC**, some child soldiers were executed by armed groups.

Political violence

Children were manipulated into committing acts of political violence. In **Nigeria**, politically-motivated armed groups used children and youths to instigate violence in the run-up to elections. The youth militia of the ruling United Democratic Front party in **Malawi** harassed the opposition, and young gang members were involved in political and criminal violence in **Kenya** and **South Africa**.

Thousands of children were exposed to military training and political indoctrination under a compulsory national youth service training program in **Zimbabwe**. Young recruits, reportedly trained in torture and killing techniques, were allegedly employed in the violent repression of opposition parties.

An uncertain future

Decades of civil war in **Angola** ended in April 2002. The conflict in **Sierra Leone** was

declared officially over in January 2002, and a peace agreement was signed in **Liberia** in August 2004. Wherever conflicts ended, child soldiers needed to overcome years of physical and psychological damage and find a place back in their communities.

Disarmament, demobilization and reintegration (DDR) programs for former child soldiers ended or were in their last stages in several countries. By 2002, the majority of child soldiers involved in the armed conflict in **Guinea-Bissau** were said to have been demobilized. At the closure of the initial reintegration program in **Sierra Leone** in December 2003 around 7,000 children had been demobilized, 6,000 of whom had been reunited with their families. In January 2004, nearly 2,000 child soldiers from the Ninja militia in the **Republic of Congo** (Congo-Brazzaville) had registered for demobilization. In March 2004, however, an estimated 16,000 children still needed to be demobilized in **Angola**, along with a further 2,000 in **Guinea** and 21,000 in **Liberia**.

Most DDR programs were established while conflict was continuing, with a view to the immediate demobilization of children. While the programs provided much-needed mechanisms for protecting children in **Burundi, Côte d'Ivoire, DRC, Uganda** and **Sudan**, the reality of ongoing conflict meant that demobilized child soldiers were at risk of re-recruitment. In January 2004 a program for the demobilization of 2,500 child soldiers began in Burundi. Although the demobilization of child soldiers in the DRC officially began in 2000, the forces involved showed no commitment to the process, and only about 1,900 children were demobilized. There was no formal demobilization process in Uganda, and it was impossible to estimate the number of children who escaped from the LRA and returned to their communities.

DDR programs brought hope to thousands of former child soldiers, but girls were often excluded from them, despite having frequently been recruited and abducted to armed groups for sexual purposes. In several countries, inadequate funding, lack of long-term commitment and poor management undermined DDR programs. Child soldiers were given lower priority in the demobilization program in **Angola**, where the authorities did not classify under-18s in the fighting forces as soldiers, so excluding them from the assistance offered to demobilized adults. In **Liberia**, an official demobilization program started in December 2003, but special facilities for child soldiers were not provided at that time. Many captured or escaped child soldiers in refugee camps in **Guinea** and **Sierra Leone** did not benefit from child protection programs and were at risk of re-recruitment by groups fighting in Liberia or **Côte d'Ivoire**. Peace remained fragile in Liberia and the risk of further violence or the re-recruitment of children remained high.

Impunity and international law

Africa hosted the first ever efforts to bring recruiters of children to justice. By the end of March 2004, the Special Court of **Sierra Leone** had indicted 11 people for war crimes and crimes against humanity, including the recruitment of children under 15. In 2004 the International Criminal Court announced investigations into child recruitment in **Uganda** and the **DRC**.

By March 2004, only 11 out of 46 countries in Africa had ratified the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict.¹ Ratification and signature of the Optional Protocol did not bring an end to child recruitment in the **DRC** and **Uganda**, which ratified in 2001 and 2002 respectively, or in **Burundi**, which signed in 2001.

Optional Protocol: ratifications and signatures

Acceded/ratified: Chad, Cape Verde, Congo (Democratic Republic), Kenya, Lesotho, Mali, Namibia, Rwanda, Senegal, Sierra Leone, Uganda. **Signed:** Benin, Botswana, Burkina Faso, Burundi, Cameroon, Gabon, Gambia, Ghana, Guinea Bissau, Madagascar, Malawi, Mauritius, Nigeria, Seychelles, South Africa, Togo; **Not signed:** Angola, Central African Republic, Comoros, Congo (Republic of), Côte d'Ivoire, Equatorial Guinea, Eritrea, Ethiopia, Guinea, Liberia, Mauritania, Mozambique, Niger, Sao Tome and Principe, Swaziland, Tanzania, Zambia, Zimbabwe.

ANGOLA

Republic of Angola

Population: 13.2 million (7.1 million under 18)

Government armed forces: 129,000-131,000

Compulsory recruitment age: 20

Voluntary recruitment age: 18 for men, 20 for women

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I, ILO 138, ILO 182; ACRWC

Child soldiers were used extensively during the civil war by both government armed forces and the armed opposition group, UNITA (União Nacional para a Independência Total de Angola), National Union for the Total Independence of Angola. As many as 30,000 girls were estimated to have been abducted by fighting forces. An estimated 16,000 children in the forces of both sides required demobilization when the conflict ended in April 2002. After the conflict ended some soldiers recruited as children during the war remained with government forces, especially in rural areas, many having reached adulthood.

Context

The government and UNITA agreed a ceasefire in April 2002 that ended the most recent period of fighting. Under the Luena Memorandum of Understanding, government forces were to be restructured and UNITA's forces demobilized with 5,000 UNITA soldiers to be incorporated into the army. Fighting continued between government troops and armed factions of the *Frente de Libertação do Enclave de Cabinda* (FLEC), Front for the Liberation of the Cabinda Enclave, in the Cabinda enclave, a major source of Angola's oil revenue. Following a renewed offensive in October 2002, the government began exploratory talks with FLEC.¹

An estimated 4.5 million people were internally displaced and 450,000 fled to neighbouring countries during nearly three decades of conflict.² Angola had among the world's worst child and maternal mortality rates, and half its predominantly youthful population had no access to safe water, health services or education.³ As of 2004, at times nearly 24 per cent of the population were living in extreme food insecurity.⁴

Government

National recruitment legislation and practice

The 1992 constitution stipulates that "The defence of the country shall be the right and the highest indeclinable duty of every citizen" (Article 152).⁵ Under Law 1/93, military service is compulsory for all men and women aged between 20 and 45, although in practice women were not recruited.⁶ The Decree of application on military service, No. 40/96 of 13 December 1996, established a minimum age of 18 for the voluntary recruitment of men and 20 for women.

The Angolan Parliament adopted a resolution to "adhere" to Optional Protocol in August 2002,⁷ but no formal instrument of ratification was deposited with the UN. In March 2003, the government gave a commitment not to conduct new recruitments to the armed forces in 2002 and 2003, and declared that those who had been child soldiers during the war were exempt from compulsory military service, although they could still be recruited on a voluntary basis.⁸

Child recruitment and deployment

Up until the 2002 ceasefire, thousands of child soldiers were used in government forces. After full-scale conflict broke out again in 1998, children had been rounded up in recruitment drives in government-held areas and forced to fight.⁹ After the 2002 ceasefire, although boys stationed in the capital were released from military service, child soldiers serving in rural areas were still being reported in December 2002.¹⁰

In March 2003 the government estimated that under-18s had composed 10 per cent of the armed forces at the end of the war.¹¹ This approximated to 10,000 children, based on a 1999 estimate of a troop strength of 100,000.¹² The actual number may have been considerably higher.¹³ As many as 30,000 girls were estimated to have been abducted by fighting forces during the war.¹⁴

The low rate of birth registrations, at around five per cent, complicated efforts to establish the number of under-18s in the armed forces.¹⁵ In 2003, children were reportedly still being recruited because of the difficulties in proving dates of birth.¹⁶

There had been reports of the recruitment of Namibian or Angolan refugee children in Namibia to fight in Angola, although after the 2002 ceasefire there were no further reports of this.¹⁷

Armed political groups

After the 2002 ceasefire, the government estimated that there were at least 6,000 – and possibly many more – underage UNITA combatants to be demobilized.¹⁸ Before the

ceasefire, there were many reports of UNITA's recruitment of children under 18, sometimes forcibly, and their use as combatants, domestic servants and sex slaves.¹⁹ Smaller children served as cooks or gathered food, while older children carried arms and supplies or fought in battle. Girls were taken as "wives" by soldiers or forced to have sex with their guests. Boys and girls as young as eight years old were forced to carry heavy loads, whipped for not following orders, or sent on hazardous expeditions to collect food and firewood in areas held by government forces.²⁰

There were two FLEC armed factions, *FLEC-Renovada* (FLEC-Renewed) and *FLEC-Forças Armadas de Cabinda* (FLEC-FAC), FLEC-Armed Forces of Cabinda. The latter was estimated at around 600 strong in 1998, and was also reported to have recruited children during the war, some as young as eight years old and at least 30 per cent of them girls. A similar situation was believed to exist in *FLEC-Renovada*.²¹ More recent information on FLEC recruitment of children was not available.

Disarmament, demobilization and reintegration (DDR)

Child soldiers were given a lower priority in the implementation of the Luena agreement than under the earlier 1994 Lusaka Protocol, which had brought a fragile four-year truce.²² The Luena agreement required that UNITA combatants were first incorporated within the national army, and by February 2004 more than 90,000 had been demobilized, mainly with government support.²³ In accordance with the minimum recruitment age, under-18s were not integrated into the armed forces or, therefore, demobilized within the government-run demobilization program. That program was for adults only, including soldiers recruited as children but who were 18 by the time of demobilization.²⁴ The authorities classified the under-18s as family members and not soldiers, so that former child soldiers did not get similar assistance to adults.²⁵

In May 2002 the government adopted a comprehensive "Post-war Child Protection Strategy", which included supporting and reintegrating former child soldiers. Children who had been soldiers or otherwise affected by the war reportedly received a "child rights package", comprising birth registration and civil identification documents, and access to family tracing and reunification services, education and skills training, and psychosocial support,²⁶ although what was reported publicly versus what was actually delivered remains unclear. The first stage of this strategy, completed in March 2003, focused on releasing children from military control in UNITA quartering areas and providing them with immediate protection and help in tracing their families. Phase two, which was continuing into early 2004, involved the

reintegration of nearly 3,500 children, including former child soldiers. Funding remained a major constraint.²⁷

Children were reticent to identify themselves as former soldiers, and efforts were made not to distinguish between former soldiers, refugees and the internally displaced but to focus support on general reintegration in the community. Demobilization and reintegration programs for adults were criticized for discriminating against child soldiers, many of whom performed the same duties as adults during the conflict but who did not receive the same resettlement package.²⁸

Women and girls taken as "wives" by UNITA feared exclusion from government aid and rejection when they returned to their communities. The disarmament, demobilization and reintegration program was restricted to UNITA soldiers, denying assistance to abducted women and girls.²⁹

The World Bank granted US\$33 million in February 2003 for the Angola Emergency Demobilization and Reintegration Project (ADRP), recognizing that "female, child and disabled ex-combatants often require customized economic, social and medical support to establish sustainable livelihoods". The project proposed support for underage soldiers and other children associated with government and UNITA forces.³⁰

Other developments

The UN Special Representative of the Secretary-General for children and armed conflict visited Angola in May 2002, calling on the government to ratify the Optional Protocol and to support the urgent identification, rehabilitation and reintegration of former child combatants.³¹

International organizations were laying the groundwork for a national child protection coordinating group, with links to national, provincial and local authorities and to provincial coordinating groups, and a National Technical Unit to work with government and the ADRP.³² Relationships between the army and the social welfare ministry and the child rights authorities were also strengthened.³³

* see glossary for information about internet sources

- 1 IRIN, Special on Cabinda, <http://www.irinnews.org/webspecials/cabinda/cabinda031007-2.asp>.
- 2 World Bank, *Angola: Emergency Demobilization and Reintegration Project*, February 2003, Report No. PID 11534, <http://www.worldbank.org>.
- 3 UN Office for the Coordination of Humanitarian Affairs (OCHA), Africa First quarterly field report, 1994, Section 1.2.4.
- 4 Christian Children's Fund, *Presentation on Community-Based Psychosocial Assistance in Angola*, Regional Inter-Agency Meeting on Children and Armed Conflict, 2-5 February 2004.

- 5 Constitution, <http://www.angola.org/reference/constitution>.
- 6 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscripted and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 7 National Assembly, Resolution 21/02 of 13 August 2002.
- 8 Ministry of Social Welfare, *Mesa Redonda sobre os desafios da Protecção da Criança no processo de Reintegração*, 7 March 2003.
- 9 Human Rights Watch (HRW), *Forgotten fighters: Child soldiers in Angola*, April 2003.
- 10 HRW, *Forgotten fighters*, op. cit.
- 11 Ministry of Social Welfare, op. cit.
- 12 International Institute for Strategic Studies (IISS), *The Military Balance 1998-9*, cited in Institute for Security Studies, *Country Profiles: Angola*, 8 November 2002, <http://www.iss.co.za/AF/profiles/Angola/SecInfo.html>.
- 13 World Bank, *Angola: Emergency Demobilization and Reintegration Project*, op. cit.
- 14 Christian Children's Fund, *Peace in Angola brings critical needs*, 11 July 2002, www.christianchildrensfund.org/emergencies/angola_peace.
- 15 UNICEF, Humanitarian Appeal for Children and Women, January-December 2001, Angola.
- 16 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 17 Information from Legal Assistance Centre, Windhoek, 17 February 2004; and confidential source, 29 March 2004.
- 18 World Bank, *Angola: Emergency Demobilization and Reintegration Project*, op. cit.
- 19 Including HRW, *Annual report 2000*; US Department of State, *Country Reports on Human Rights Practices 2000*, February 2001.
- 20 HRW, *Forgotten fighters*, op. cit.
- 21 IISS, op. cit.; *Africa Confidential*, 11 April 1997; freelance journalist Peter Stranberg, quoted in the Angola entry in Child Soldiers Coalition's Global Report, 2001.
- 22 HRW, *Forgotten fighters*, op. cit.
- 23 World Bank, *Angola: Multi-country demobilization and reintegration programme for the greater Great Lakes region*, February 2004, <http://www.mdrp.org/countries/profile-angola.febo4.pdf>.
- 24 HRW, *Forgotten fighters*, op. cit.
- 25 Confidential source, Luanda, February 2004; World Bank, *Angola: Emergency Demobilization and Reintegration Project*, op. cit.
- 26 Ministry of Social Welfare, op. cit.; confidential source, op. cit.; IRIN, "Angola: Rehabilitation of child soldiers critical, UNICEF", 10 March 2003, <http://www.irinnews.org>.
- 27 Confidential source, op. cit.; IRIN, "Angola: Moving child rights up the agenda", 9 April 2004.
- 28 HRW, *Forgotten fighters*, op. cit.; IRIN, "Angola: Former child soldiers forgotten, Human Rights Watch", 29 April 2003.
- 29 IRIN, "Angola: UNITA 'wives' fear exclusion from government aid", 10 March 2003.
- 30 World Bank, *Angola: Emergency Demobilization and Reintegration Project*, op. cit.; IRIN, "Angola: World Bank grant to resettle ex-combatants", 9 September 2003.
- 31 Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict, "UN Envoy for War-Affected Children Calls for Urgent Action to Halt Humanitarian Crisis in Angola", UN press release AFR/413 HR/4594, 17 May 2002.
- 32 Christian Children's Fund, *Presentation on Community-Based Psychosocial Assistance in Angola*, op. cit.
- 33 Angola government official, email to Child Soldiers Coalition, 29 March 2004.

BENIN

Republic of Benin

Population: 6.6 million (3.5 million under 18)

Government armed forces: 4,550 (estimate)

Compulsory recruitment age: 21

Voluntary recruitment age: 21

Voting age: 18

Optional Protocol: signed 22 February 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in the armed forces.

Context

A serious problem of child trafficking and child labour was repeatedly highlighted by non-governmental organizations and others. In March 2004 the government set up a national child protection committee to oversee the fight against child trafficking, as well as the work of child protection organizations.¹

Benin provided troops, military observers and police officers to peacekeeping operations under the command of the UN or the Economic Community of West African States (ECOWAS) in a number of countries including Côte d'Ivoire, the Democratic Republic of the Congo and Liberia.²

Government

National recruitment legislation and practice

The 1990 constitution states that the defence of the nation and its territorial integrity is the duty of all citizens, and that military service is compulsory under the terms set down by law (Article 32).³ Recruitment to the armed forces is governed by Law no. 63-5 of 30 May 1963 as amended by Ordinance no. 75-77 of 28 November 1975. The minimum age for conscription or voluntary enlistment is 21.⁴ Conscription is selective and military service is for 18 months.⁵

- 5 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>; International Institute for Strategic Studies (IISS), *The Military Balance*, 2003-2004.

1 IRIN, "Benin: Government creates anti-child trafficking committee", 2 March 2004, <http://www.irinnews.org>.

2 UN Peacekeeping, Contributors, <http://www.un.org/Depts/dpko/dpko/contributors>.

3 Constitution, <http://www.gouv.bj>.

4 Initial report of Benin to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.52, 4 July 1997, <http://www.ohchr.org>.

BOTSWANA

Republic of Botswana

Population: 1.8 million (0.8 million under 18)

Government armed forces: 9,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 24 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There was no evidence of under-18s in the armed forces. However, the lack of formal age qualification for volunteers indicates that under-18s could be enlisted.

Context

Botswana has one of the highest levels of HIV/AIDS infection in the world. According to UNICEF, an estimated 39 per cent of people between the ages of 15 and 49 were infected, and most of the parents of the country's 78,000 orphans died of HIV/AIDS.¹

Government

National recruitment legislation and practice

Recruitment into the armed forces is on a voluntary basis.² Enlistment is regulated by the Botswana Defence Force Act of 1977. A volunteer must have the apparent age of 18, and providing false information to a recruiting officer is punishable by up to three months' imprisonment and/or a fine. There was no evidence of child recruitment in the armed forces. However, it was unclear how volunteers' exact ages were determined.

The National Service program (Tirelo Setshaba) established in 1980 consists primarily of community service, obligatory for all school students between the ages of 16 and 20. It is not linked to the military.³

Women did not have access to military or national service training.⁴

Developments

In July 2001 Botswana ratified the African Charter on the Rights and Welfare of the Child.⁵

1 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

- 2 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.
- 3 Galetsang Maakwe, Director of Tirelo Setshaba, *National service programs and proposals, Botswana*, paper submitted for the conference on National youth service: a global perspective, Wisconsin, 1992, revised 1997, <http://www.utas.edu.au/docs/ahugo/NCYS/first/1-Botswana.html>.
- 4 US Department of State, op. cit.
- 5 African Union, <http://www.africa-union.org>.

BURKINA FASO

Burkina Faso

Population: 12.6 million (7.1 million under 18)

Government armed forces: 10,800

Compulsory recruitment age: 18 (no law)

Voluntary recruitment age: 20

Voting age: 18

Optional Protocol: signed 16 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRCW

There were no reports of under-18s in the government armed forces. The government supported the Mouvement patriotique de Côte d'Ivoire (MPCI), Patriotic Movement of Côte d'Ivoire, an armed group that used child soldiers and abducted women and girls into sexual slavery in neighbouring Côte d'Ivoire. It was not known whether Burkinabè nationals allegedly recruited by the MPCI included under-18s.

Context

From 2001, tens of thousands of Burkinabè nationals fled to Burkina Faso from growing hostility and xenophobic attacks in Côte d'Ivoire. Relations between the two countries deteriorated following an insurrection in Côte d'Ivoire in September 2002 by the MPCI, an armed group formed in Burkina Faso by soldiers loyal to the former Ivorian president, General Robert Gueï. Côte d'Ivoire accused Burkina Faso of supporting the MPCI, a charge it denied, despite evidence to the contrary.¹ In October 2003 Burkina Faso accused officials in Côte d'Ivoire and Togo of supporting an alleged coup attempt after the Burkinabè authorities arrested 16 people.²

A UN Panel of Experts also expressed concern at Burkina Faso's role in the diamonds for arms trade linked to conflict and widespread human rights abuses in Liberia and Sierra Leone.³

Government

National recruitment legislation and practice

According to the 1991 constitution, "Each citizen of Burkina Faso is required to contribute to the defence and preservation of territorial integrity" (Article 10).⁴ In February 2002 the government informed the UN Committee on the Rights of the Child that there was no minimum age in law for participation in hostilities. This was despite reporting to the Committee in 1993 that 18 was the minimum age for conscription into the

armed forces and 20 for voluntary recruitment.⁵ No under-18s were reported in the armed and paramilitary forces.

The Burkinabè armed forces reportedly supported, and possibly trained, the MPCI, which recruited hundreds of hunters from Burkina Faso, Mali and northern Côte d'Ivoire in 2002, as well as Burkinabè mercenaries. There were persistent reports that the Burkinabè government assisted the MPCI in obtaining weaponry, including from the Presidential Guard, and in transferring or allowing the transfer of arms through its territory to MPCI-controlled areas of Côte d'Ivoire.⁶ The MPCI was responsible for widespread and serious human rights abuses in Côte d'Ivoire, including the recruitment and abduction of children, rape and other forms of sexual violence and unlawful killings.⁷ It was not known whether Burkinabè children joined the MPCI.

Other developments

In considering Burkina Faso's 2002 report on its implementation of the Convention on the Rights of the Child, the UN Committee on the Rights of the Child expressed grave concern at a number of issues relating to juvenile justice, in particular that children aged 16 and 17 could be sentenced to death. It also expressed concern at child labour and child trafficking.⁸

- 1 International Crisis Group (ICG), *Côte d'Ivoire: "The war is not yet over"*, Africa Report No. 72, 28 November 2003, <http://www.crisisweb.org>.
- 2 IRIN, "Burkina Faso: Army major arrested in connection with September coup plot", 9 January 2004, <http://www.irinnews.org>.
- 3 Report of UN Panel of Experts on Liberia, UN Doc. S/2001/1015, 26 October 2001, <http://www.un.org/documents>.
- 4 Constitution of 2 June 1991.
- 5 Second periodic report of Burkina Faso to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.12, 13 February 2002; Initial report, UN Doc. CRC/C/3/Add.19, 15 July 1993, <http://www.ohchr.org>.
- 6 ICG, op. cit.
- 7 Human Rights Watch, *Côte d'Ivoire: Trapped between two wars – Violence against civilians in western Côte d'Ivoire*, August 2003, <http://www.hrw.org>; Amnesty International, *Côte d'Ivoire: Without immediate action the country will descend into chaos*, 19 December 2002, <http://web.amnesty.org/library/engindex>.
- 8 UN Committee on the Rights of the Child, Concluding observations: Burkina Faso, UN Doc. CRC/C/15/Add.193, 9 October 2002.

BURUNDI

Republic of Burundi

Population: 6.6 million (3.6 million under 18)

Government armed forces: 50,500

Compulsory recruitment age: 16

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: signed 13 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Use of child soldiers was widespread in government forces and all active armed political groups. Children as young as ten served in the Burundi armed forces and militia, the Gardiens de la paix (Peace Guards), as combat troops, spies and domestic labour. Armed political groups abducted girls into sexual slavery. Child soldiers fought with Burundian armed political groups in Burundi, and with Burundian and Congolese armed political groups in the Democratic Republic of the Congo (DRC). A program began in January 2004 for the demobilization of 2,500 child soldiers, most of them from government forces, although an estimated 5,000 further child soldiers required demobilization. However, armed political groups, including those taking part in the demobilization project, continued to recruit children to their ranks.

Context

A new transitional government headed by incumbent President Pierre Buyoya took office in November 2001, following signature of a peace agreement in Arusha, Tanzania, in August 2000. However, fighting escalated between government forces and armed political groups that had not signed the agreement, and serious human rights abuses were committed by all sides. A December 2002 ceasefire agreement, which included a commitment to end the recruitment and use of child soldiers, between the government and the *Conseil national pour la défense de la démocratie – Forces pour la défense de la démocratie* (CNDD-FDD (Nkurunziza)), National Council for the Defence of Democracy – Forces for the Defence of Democracy, the main active armed political group, was not implemented and failed to stop the fighting.

In April 2003 President Buyoya transferred power to Domitien Ndayizeye of the political party *Front pour la démocratie au Burundi* (FRODEBU), Front for Democracy in Burundi, thus beginning the second half of the political transition. In October 2003 a power-sharing agreement (Pretoria Agreement) was signed by the government and the CNDD-FDD (Nkurunziza), and in November a new inclusive government was established after a second Pretoria agreement granted the forces of both sides immunity from prosecution.¹ In March 2004 only the *Parti pour la libération du peuple Hutu – Forces nationales de libération* (PALIPEHUTU-FNL (Rwasa)), Party for the Liberation of the Hutu People – National Liberation Forces, which is commonly referred to as FNL (Rwasa), remained officially at war. Integration of members of the CNDD-FDD (Nkurunziza) into the security forces began in 2004. Rival armed political groups party to the agreements clashed periodically.

African Union military observers began arriving in Burundi in March 2003 to monitor the ceasefire agreements. Their mandate included assisting the disarmament, demobilization and reintegration (DDR) of former combatants and securing their cantonment zones.² In March 2004 the UN Secretary-General proposed sending UN peacekeepers to the country.

Government

National recruitment legislation

The age of compulsory recruitment remained 16, despite a 1999 government commitment made to the Special Representative of the UN Secretary-General for Children and Armed Conflict to raise the minimum recruitment age to 18.³ Legislation punishing and preventing the crime of genocide and crimes against humanity was passed in May 2003. The law classifies the recruitment of children under the age of 15 as a war crime and provides for the death penalty for those found guilty of the offence.⁴

Child recruitment and deployment

Child soldiers were recruited into the government armed forces, trained and sent into battle. Major recruitments of children appeared to have ended; however, other children, often very young, were used or recruited, sometimes forcibly, as unpaid spies, porters and cooks (referred to as “*doriya*”). They too risked being sent, untrained, into combat. Children were also recruited into an unpaid government militia, the *Gardiens de la paix* (Peace Guards).⁵

In 2004 children as young as ten years old continued to be used as domestic labour, porters, and spies as well as in combat in Burundi and DRC by the government armed forces. Other children were knowingly exposed to danger by government soldiers who forced or bribed them

to provide intelligence on activities by armed political groups opposed to the government. In July 2003, for example, two children aged between 11 and 13 were summarily executed by the FNL after they admitted that government soldiers had bribed them with peanuts and bread to provide information on FNL positions.⁶

Child soldiers were often not paid, either because they belonged to the unpaid Peace Guards or because they were unable to prevent or challenge abuses of their rights. Some were arrested after turning to crime to compensate.⁷ A study by the International Labour Organization (ILO) found that 94 per cent of child soldiers had received no pay. It also found that children were ill-treated during military training.⁸ There appeared to be no estimates of the numbers of child soldiers killed in combat.

The authorities said there was no policy of recruiting children but that sometimes they lied about their ages in order to join the armed forces.⁹ As part of a demobilization program with UNICEF, the Ministries of Defence and Interior established that the number of child soldiers in the armed forces and the Peace Guards were 1,000 and 1,500 respectively. In December 2003 the Ministry of Human Rights acknowledged that the real figures might be higher.¹⁰ The figure of children to be demobilized from the armed forces did not include children trained as soldiers, only those used in other capacities such as intelligence gathering.¹¹

The Peace Guards militia

The Peace Guards, an unpaid and largely untrained militia, were responsible for numerous human rights abuses since they were established in the late 1990s. Although in theory under the control of the Ministry of Interior and formed to support the local administration in protecting local communities, in practice they often received limited training from the armed forces and served in frontline military duties. Many members were former opposition child soldiers who were forced to join under threat of being accused of belonging to armed political groups opposed to the government.¹² Other children were recruited directly. In late 2003 some provinces announced an expansion of the Peace Guards program in response to an increase in armed crime.¹³ The authorities claimed that mistakes in the previous program would be avoided and that children would not be recruited.¹⁴

Armed political groups

All Burundi's armed political groups recruited and used child soldiers. Many children were abducted. Others joined armed groups after seeing their parents or neighbours killed or after indoctrination. They sometimes moved from group to group, fighting with armed groups in

DRC and Burundi. As in previous years, some children were reportedly recruited from refugee camps in Tanzania.¹⁵ Throughout 2003 the CNDD-FDD (Ndayikengurukiye), FNL (Mugabarabona), CNDD-FDD (Nkurunziza) and FNL (Rwasa) either actively recruited or used child soldiers. Young girls were forced into sexual servitude for periods ranging from days to years. All armed groups were accused of rape and other forms of sexual violence.¹⁶ Minor groups such as the CNDD (Nyangoma), *Front pour la libération nationale* (FROLINA), National Liberation Front, and PALIPEHUTU (Karatasi) also recruited child soldiers in an effort to boost the numbers under their command prior to demobilization.¹⁷

CNDD-FDD (Ndayikengurukiye) and FNL (Mugabarabona)

Under the leadership of Jean-Bosco Ndayikengurukiye, the CNDD-FDD recruited large numbers of child soldiers. Ousted and replaced by Pierre Nkurunziza in October 2001, he and a breakaway FNL leader, Alain Mugabarabona, signed ceasefire agreements with the government in October 2002. Following their return to Burundi in February 2003, both leaders actively recruited child soldiers, some as young as 12, in an attempt to live up to their claims of having fighters to command.¹⁸ New recruits were promised large sums of money to join, and some were reportedly beaten during training, receiving little medical care for their injuries.¹⁹

CNDD-FDD (Nkurunziza)

When the CNDD-FDD (Nkurunziza) arrived in the capital, Bujumbura, to join the government in November 2003 it was accompanied by scores of child soldiers, some estimated at no more than ten years old. Young child soldiers formed part of commanders' bodyguard.²⁰

The CNDD-FDD (Nkurunziza) recruited and abducted hundreds of children, many from schools, others from refugee camps in Tanzania. In November 2001 nearly 300 children were abducted from schools in Ruyigi and Kanyanza provinces, many of them forced to carry equipment or assist wounded soldiers. Most returned home shortly afterwards.²¹

As well as fighting in Burundi, CNDD-FDD (Nkurunziza) child soldiers were in combat against the Burundian army in eastern DRC and took part in operations with Congolese armed political groups. In 2003 and 2004 the rape and abduction of women and girls by CNDD-FDD (Nkurunziza) troops increased.²²

FNL (Rwasa)

The FNL under Agathon Rwasa denied having child soldiers in its ranks, despite eyewitness reports of children in its ranks and of children being persuaded to join its youth wing, the *Jeunesse patriotique hutu*, Patriotic Hutu Youth,

or abducted as porters. Children were made to carry the wounded and the dead. Weapons were said to have been modified for operation by children. On 13 July 2003, after a week-long FNL occupation of Bujumbura, at least 28 of its combatants, most of them children aged between about 10 and 14, were killed in an attack on the Gatoke district. At least two were killed by government soldiers as they tried to surrender.²³ Both boys and girls took part in the attack, and were heard singing religious songs to invoke divine protection as they passed through the streets.²⁴ A small number of child soldiers who have returned from DRC are reported to have subsequently joined the FNL (Rwasa).²⁵

CNDD (Nyangoma)

The CNDD (Nyangoma), like other formerly active armed groups, claimed no longer to have child soldiers as they had all reached the age of 18 or older. However, it was known to be recruiting and re-recruiting combatants, including child soldiers, ahead of demobilization.²⁶ In March 2004, three recruits aged between 15 and 17 escaped from one of the group's camps in southern Burundi. They and other new recruits had been promised large sums of money in return for joining the CNDD.²⁷ Child soldiers returning from DRC also reportedly were re-recruited by the CNDD (Nyangoma).²⁸

Disarmament, demobilization and reintegration (DDR)

In October 2001 the government and UNICEF signed an agreement on a program for the demobilization and reintegration of child soldiers.²⁹ The program involved the participation of the Ministries of Human Rights, Defence, Interior, Public Security and Social Action, as well as the indirect involvement of the Education, Crafts, Labour, Health and AIDS Ministries. The reintegration program aimed to provide sustainable support to each family through appropriate assistance decided on an individual basis, including the possibility to provide vocational and professional education for an 18-month period, and psychosocial support and medical care for those with severe illnesses and injuries.³⁰

The program was launched in January 2004 with the demobilization of 23 child soldiers, aged between 14 and 17, from the CNDD-FDD (Ndayikengurukiye). In March 2004 Alain Mugabarabona was continuing to oppose the demobilization of nine child soldiers from the FNL (Mugabarabona), who had been in a camp for nearly one year, despite their expressed wish to leave the force.³¹ Over 500 government child soldiers, some as young as 11, were demobilized by late March 2004, and most of them reintegrated with their families.³² Some

children showed signs of trauma and were hostile to the concept of demobilization.³³ The number of girls identified was very low, and armed political groups and the Peace Guards reportedly continued to recruit child soldiers to their ranks.³⁴

The program targeted at that stage only child soldiers from the government, civil defence forces and the CNDD-FDD (Ndayikengurukiye) and FNL (Mugabarabona). Child soldiers with other armed movements, estimated to number around 3,000, were to be covered under the general DDR program. Concern was expressed that this might lead to children not being covered by either program. There were also concerns as to whether the special needs of girl child soldiers would be adequately addressed,³⁵ and whether child soldiers officially recruited into the government armed forces and not considered as children "accompanying" the military (*doriya*), were indeed all demobilized. Some of the demobilized children expressed concern that adequate preparations had not been made for their reintegration into civilian society, leading to fears they might rejoin armed political groups.³⁶ Efforts by UNICEF and others to disengage children from all forces in advance of the general demobilization program, which had not started in March 2004, were therefore only partially successful.³⁷

Over 3,000 Burundian fighters, mainly from the FDD (Nkurunziza), returned from the DRC, about 500 of them repatriated by the UN Mission in the DRC (MONUC).³⁸ They included an unknown number of child soldiers. Some were reunited with their families by the International Committee of the Red Cross (ICRC), and then brought into the DDR program.³⁹ Some former child soldiers who had left their forces spontaneously were placed in foster homes in the DRC, after attempts to trace their families failed.⁴⁰ The UN estimated that up to 1,500 Burundian fighters remained in the DRC in March 2004.⁴¹

Detention of child soldiers

Under Burundian law, a child under the age of 13 is not criminally responsible for their actions and cannot be detained. Children between the ages of 13 and 18 receive reduced sentences and may not be sentenced to death. In practice the law is not always respected and many children have difficulty in proving their age. Government child soldiers faced trial by military courts (*conseils de guerre*) which fell far short of international standards for fair trial.⁴²

Approximately 160 of Burundi's 8,000 prison population were juveniles, a minority of them former child soldiers. Several from government forces were detained on accusations or charges of murder or acts of violence. In some of these cases, it appeared that the children had been traumatized by their war experiences.⁴³ Other children were arrested, often arbitrarily, and

accused of links with an armed political group, tortured and detained for long periods without trial. All potentially faced years of detention before being tried and were at risk of ill-treatment and torture. In September 2002 Amnesty International reported on the case of Mossi Rukundo, who had not been charged three years after his arrest in 1999, aged 14, on suspicion of involvement with an armed political group.⁴⁴ He was released shortly afterwards. Another 14-year-old child, arrested in June 2001 on suspicion of FNL membership and involvement in the murder of a Bujumbura local government official, was stabbed and beaten during a period of incommunicado detention following his arrest. In March 2004 he had not been tried.⁴⁵ By March 2004, under the UNICEF-supported government program for demobilization and reintegration of child soldiers, at least 12 child soldiers had been released from detention.⁴⁶

Other developments

The National Assembly adopted the Rome Statute of the International Criminal Court, without debate, in April 2003.⁴⁷ However, in June 2003 the government withdrew the bill after it became apparent that the Senate would not support a last-minute proposal to prevent the court from exercising its jurisdiction over war crimes for the first seven years. Although the National Assembly issued a successful legal challenge that enabled the bill to be forwarded to the President for signature, it had not been signed into law as of March 2004.⁴⁸

The UN made several appeals on behalf of child soldiers to the government and to the leaders of armed political groups. The UN Commission on Human Rights and the UN Special Rapporteur on Burundi urged all parties to the conflict to end the use of children as soldiers.⁴⁹

* see glossary for information about internet sources

- 1 Amnesty International (AI), *Burundi: Child soldiers – the challenge of demobilization*, March 2004, <http://web.amnesty.org/library/engindex>.
- 2 Human Rights Watch (HRW), *Everyday victims: Civilians in the Burundian war*, December 2003, <http://www.hrw.org>.
- 3 Protection of children affected by armed conflict, Report of the Special Representative of the UN Secretary-General for Children and Armed Conflict, UN Doc. A/54/430, 1 October 1999, <http://www.un.org/documents>.
- 4 Information from Burundi Child Soldiers Coalition, May 2004.
- 5 Information from HRW, May 2004.
- 6 AI, *Burundi: Child soldiers*, op. cit.
- 7 AI, *Poverty, isolation and ill-treatment – juvenile justice in Burundi*, 1 December 2002.
- 8 International Labour Organization (ILO), *Wounded childhood: The use of children in armed conflict in Central Africa*, April 2003, <http://www.ilo.org/public/english/standards/ipecc/publ/childsoldiers/woundedchild.htm>.
- 9 IRIN, “Winning back Burundi’s child soldiers”, 12 May 2004, <http://www.irinnews.org>.
- 10 IRIN, “Burundi: Grappling with the effects of war on young lives”, 12 December 2003.
- 11 Information from HRW, May 2004.
- 12 ILO, *Wounded childhood*, op. cit., HRW, *To protect the people: The government-sponsored “self-defence” program in Burundi*, December 2001.
- 13 AI, *Burundi: A critical time*, January 2004.
- 14 Information from AI, August 2003.
- 15 AI, *Burundi: Child soldiers*, op. cit.
- 16 AI, *Burundi: Rape – the hidden human rights abuse*, February 2004.
- 17 Confidential source, May 2004.
- 18 Information from HRW, May 2004.
- 19 AI, *Burundi: Child soldiers*, op. cit.
- 20 Information from the Association burundaise pour la protection des droits humains et des personnes détenues (APRODH), Burundian Association for the Protection of Human Rights and Detainees, March 2004.
- 21 AI, *Burundi: Child soldiers*, op. cit.
- 22 AI, *Burundi: Rape – the hidden human rights abuse*, op. cit.
- 23 AI, *Burundi: Child soldiers*, op. cit.
- 24 HRW, *Everyday victims*, op. cit.
- 25 Confidential source, May 2004.
- 26 AI, *Burundi: Child soldiers*, op. cit.
- 27 Ligue Burundaise des Droits de l’Homme ITEKA, *Six enfants enrôlés dans le Cnnd de Nyangoma ont déserté les rangs de ce mouvement*, 27 March 2004, <http://www.ligue-iteka.bi>.
- 28 Confidential source, May 2004.
- 29 AI, *Burundi: Child soldiers*, op. cit.
- 30 Information from UNICEF, May 2004.
- 31 Confidential source, May 2004.
- 32 UN Office for the Coordination of Humanitarian Affairs (OCHA) in Burundi, Situation report, 16-21 March 2004, <http://www.ochaburundi.org>.
- 33 Confidential source, May 2004.
- 34 Rapport de la revue à mi parcours du projet enfants soldats au Burundi, 28-30 avril 2004, Bujumbura, Projet du Gouvernement du Burundi appuyé par l’UNICEF.
- 35 Information from HRW, May 2004.
- 36 ITEKA, *29 child-soldiers working for the national army have been demobilized*, 16 February 2004.
- 37 Information from UNICEF, May 2004.
- 38 IRIN, “RDC: 9,775 rwandais, ougandais et burundais rapatriés dans le cadre du DDRR”, 25 March 2004.

39 ICRC, "Burundi: Former child soldiers reunited with families", 16 February 2004 with additional information from UNICEF, May 2004.

40 Confidential source, May 2004

41 IRIN, "8,000 Rwandan militia still in DR Congo: UN", 31 March 2004.

42 AI, *Poverty, isolation and ill-treatment – Juvenile justice in Burundi*, September 2003.

43 AI, *Burundi: Child soldiers*, op. cit.

44 AI, *Poverty, isolation and ill-treatment*, op. cit.

45 Information from APRODH, March 2003.

46 AI, *Burundi: Child soldiers*, op. cit.

47 ITEKA, *Burundi: Cour Penale Internationale – Pour une ratification sans exception du Statut de Rome de la CPI*, 12 June 2003.

48 Information received from Burundi Child Soldiers Coalition, May 2004.

49 UN Commission on Human Rights, Resolutions 2002/12 and 2003/16, <http://www.ohchr.org>.

CAMEROON

Republic of Cameroon

Population: 15.7 million (7.8 million under 18)

Government armed forces: 23,100 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18; under 18 with parental consent

Voting age: 20

Optional Protocol: signed 5 October 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in government armed forces, although under-18s could volunteer with parental consent.

Context

Political activity by opposition parties and repression by government and security officials increased in the run-up to presidential elections scheduled for October 2004. As in the legislative elections in 2002, the authorities banned opposition meetings and detained government critics, including political activists and journalists.¹ The security forces were accused of arbitrary arrests, torture and the use of lethal force against demonstrators.²

Civil society groups continued to express concern that the exploitation of oil, which is to be piped through Cameroon from southern Chad, would have a negative impact on social, cultural and economic rights and destroy rural livelihoods.³

Government

National recruitment legislation and practice

Presidential Decree No. 94/185 (September 1994), concerning non-officer military personnel, sets the minimum recruitment age at 18 and the maximum at 22 (Article 11). Recruitment is on a voluntary basis.⁴ In April 2001 Cameroon reported to the UN Committee on the Rights of the Child that there was no conscription in Cameroon. The government also stated that no child under the age of 18 may be recruited into the armed forces, gendarmerie or police force except with parental consent.⁵ No information was available on the numbers of recruits under the age of 18 in the armed forces.

Military training and military schools

The *Ecole Militaire Inter-Armes* in the capital, Yaoundé, is a military school for officers with a

minimum recruitment age of 18. Applicants under the age of 21 must have parental authorization.⁶

Other developments

In November 2001 the Committee on the Rights of the Child expressed concern about a number of children's rights issues, including the lack of safeguards to protect children from forced labour, particularly in the Pygmy and Kirdi communities, and child trafficking across borders. Among its concerns was the high level of unregistered births.⁷ The lack of a functional registration system raises the risk of underage recruitment into the armed forces.

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Fédération internationale des ligues des droits de l'Homme (FIDH), *Un premier octobre de tous les dangers au Cameroun anglophone : comme d'habitude?*, September 2003, <http://www.fidh.org>.

3 *Amnesty International Report 2004*, Chad.

4 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.

5 Initial report of Cameroon to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.16, 4 April 2001, <http://www.ohchr.org>.

6 Minister Delegate at the Presidency in charge of Defence, press communiqué, 12 May 1997.

7 UN Committee on the Rights of the Child, Concluding observations: Cameroon, UN Doc. CRC/C/15/Add.164, 6 November 2001.

CAPE VERDE

Republic of Cape Verde

Population: 454,000 (216,000 under 18)

Government armed forces: 1,200 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: acceded 10 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 182; ACRWC

17 year olds may volunteer for military service with parental consent. No information was available on the presence of under-18s in the armed forces.

Context

A number of people were sentenced to prison terms for vote rigging in connection with presidential elections in January 2001. The International Monetary Fund reported "encouraging economic growth" in Cape Verde. However, local sources and trade unions complained at rising prices and that privatization of basic utilities had placed them beyond the reach of many Cape Verdeans.¹

Government

National recruitment legislation and practice

Under the 1992 constitution, all individuals "shall have the duty to contribute to the defence of the nation" (Article 83). The constitution also states that "Military service shall be compulsory" and that "Conscientious objectors and those who are unfit for military service shall perform civic service, as provided by law" (Article 271).

Military service is compulsory for all men aged between 18 and 35 years. Volunteers may enlist at the age of 17, with parental consent.² Military service is reportedly for two years.³

Other developments

The UN Committee on the Rights of the Child, in considering the initial report of Cape Verde in October 2001, welcomed improvements in children's rights, a fall in the mortality rate of children under five, and a rise in school enrolment. It expressed concern at the number of births that remained unregistered, violence against children within the family, practices of child labour, increasing sexual violence and exploitation, and the possibility of child trafficking.⁴

- 1 *Afrol news*, "Cape Verdean election delegates to prison", 26 June 2003; "Continued economic growth in Cape Verde", 14 June 2003; "Protests against Cape Verdean price hikes", 17 January 2003.
- 2 Initial report by Cape Verde to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.23, 9 January 2001; Summary record of the 746th meeting: Cape Verde, UN Doc. CRC/C/SR.746, 7 November 2001, <http://www.ohchr.org>.
- 3 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 4 Concluding observations of UN Committee on the Rights of the Child: Cape Verde, UN Doc. CRC/C/15/Add.168, 7 November 2001.

CENTRAL AFRICAN REPUBLIC

Central African Republic

Population: 3.8 million (1.9 million under 18)

Government armed forces: 2,550 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Child soldiers were reportedly used by government and opposition forces during armed conflict from 2001 to 2003. Armed groups from neighbouring countries operating in the Central African Republic (CAR) made extensive use of child soldiers until early 2003. There appeared to be no safeguards to prevent the recruitment of children to armed vigilante groups.

Context

In May 2001 forces loyal to the former President, General Andre Kolingba (1981-93), attempted to overthrow the government of President Ange-Félix Patassé. In November 2001 the army chief of staff, General Francois Bozizé, fled to neighbouring Chad with his followers after he was accused of a separate coup attempt. Following repeated clashes along the Chad border with the CAR armed forces, in October 2002 General Bozizé's force again attempted to overthrow the government. Dozens of civilians died in the fighting. Serious human rights abuses, including unlawful killings and rape, were largely attributed to forces of the government and of its allies, the Libyan government and the Congolese opposition group, the *Mouvement pour la libération du Congo* (MLC), Movement for the Liberation of Congo. A successful coup in March 2003 brought General Bozizé's government to power. Libyan and MLC forces had been withdrawn by April 2003. Several hundred Chadian government soldiers were subsequently deployed as an international peacekeeping force, supported by several hundred French soldiers.¹

Government

National recruitment legislation

The minimum age for conscription or voluntary recruitment into the armed forces is 18.²

Conscription is selective and military service is for two years.³ The 1995 constitution was suspended

following the March 2003 coup and replaced by two constitutional laws that pledged respect for international human rights treaties ratified by CAR.⁴ The labour code defines the worst forms of child labour as dangerous work or tasks involving serious risks to the child's health, security or morality.⁵

Child recruitment and deployment

Under the government of President Patassé, the authorities said that there was no policy of recruiting children, while acknowledging that underage recruits may have been recruited into the armed forces because of low levels of birth registration.⁶ However, in February 2003 street children aged between 12 and 15 were reportedly recruited by a French mercenary who was a special adviser to President Patassé, and were sent to reinforce MLC units.⁷

Children aged 15 and above were reportedly recruited into General Bozizé's armed group. Untrained and ill-disciplined, they looted and committed human rights abuses. Some child soldiers were integrated into government forces after the coup, including 17-year-old Eric Mbelenga in October 2003, who was promoted to the rank of sergeant.⁸ However, the fate of most was not clear.

Armed vigilante groups

The proliferation of arms aggravated existing problems of armed robbery and poaching, leading to the formation of self-defence vigilante groups, sometimes supported by the security forces.⁹ The government's Defence and Security Commission recommended that self-defence groups be formed of local volunteers.¹⁰ There appeared to be no safeguards to prevent recruitment of children to such groups.

Armed groups from neighbouring countries

The MLC was responsible for widespread killings, rapes and other human rights abuses in CAR.¹¹ In late 2002 and early 2003, hundreds of women and girls, as well as some young boys, were systematically raped by MLC combatants who included child soldiers. The government of President Patassé initially refused to acknowledge or condemn the rapes and subsequently took no action against perpetrators. The government of President Bozizé also failed to take action.¹²

Disarmament, demobilization and reintegration (DDR)

In January 2002 the CAR authorities and the UN Development Programme (UNDP) began a DDR program for former fighters. Some arms had been handed to children as young as 13 for safekeeping

by fleeing combatants.¹³ The government's Defence and Security Commission estimated in September and October 2003 that 50,000 arms were held illegally in CAR, 30,000 of them in Bangui.¹⁴ A larger program to disarm and demobilize over 7,500 ex-combatants and government soldiers was approved by the government and its international partners in February 2004.¹⁵

Other developments

In February 2003 the Central African Republic signed the African Charter on the Rights and Welfare of the Child.¹⁶

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Initial report of Central African Republic to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.18, 18 November 1998, <http://www.ohchr.org>.
- 3 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 4 Office of the UN High Commissioner for Human Rights (OHCHR), Africa Region, Quarterly reports of field offices, 16 September 2003.
- 5 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 6 UN Committee on the Rights of the Child, Concluding observations: Central African Republic, UN Doc. CRC/C/15/Add.138, 16 October 2000.
- 7 US Department of State, op. cit.
- 8 IRIN, "CAR: Special report on the disarmament, demobilization, reintegration of ex-fighters", 8 December 2003, <http://www.irinnews.org>.
- 9 IRIN, "Les autorités locales créent des groupes d'autodéfense dans l'est", 18 Décembre 2003; IRIN, "Impact of war on the northeast", 3 March 2004.
- 10 Dialogue national – Commission No. 3: Défense et Sécurité, <http://www.sangonet.com/ActualiteC17/Dialn-dra/DN-Commission3-def-secu.html>.
- 11 Amnesty International (AI), *Democratic Republic of the Congo: Children at war*, September 2003.
- 12 *Amnesty International Report 2004*.
- 13 IRIN, "Focus on disarmed women", 8 March 2004.
- 14 IRIN, "CAR Special report on the disarmament, demobilization, reintegration of ex-fighters", 8 December 2003.
- 15 IRIN, "Le gouvernement approuve le programme de DDR du PNUD", 11 February 2004.
- 16 African Union, <http://www.africa-union.org>.

CHAD

Republic of Chad

Population: 8.3 million (4.4 million under 18)

Government armed forces: 30,350 (estimate)

Compulsory recruitment age: 20

Voluntary recruitment age: 18 (younger with parental consent)

Voting age: 18

Optional Protocol: ratified 28 August 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 182; ACRWC

Up to 600 child soldiers were reportedly serving in government and opposition forces but no further recruitment of children was reported.

Context

A January 2002 peace agreement with the government split the *Mouvement pour la démocratie et justice au Tchad* (MDJT), Movement for Democracy and Justice in Chad, the remaining active armed political group. One faction continued sporadic armed conflict with government forces in northern Chad. Oil production began in southern Chad in October 2003. In the past there had been conflict and human rights abuses in areas of prospective oil exploitation, and the government admitted to having used funding for the oil project to purchase military equipment.¹

In 2003 tens of thousands of refugees fled to Chad from neighbouring Sudan and the Central African Republic (CAR) to escape conflict and human rights abuses. Sudanese refugees were in a dire humanitarian situation, with limited distribution of food and non-food items to only a minority, and several reportedly killed in attacks by Sudanese militia on refugee camps. The Chadian government facilitated negotiations between the Sudanese authorities and the Sudan Liberation Army/Movement (SLA/M), which resulted in a ceasefire in September.² However fighting and human rights abuses intensified in early 2004.

A UN Panel of Experts, investigating links between diamond mining, arms trafficking and the Liberian conflict, raised questions about a number of flights to and from the Chadian capital, N'Djaména, in 2002.³ Belgian and Chadian courts continued judicial investigations into torture, murder, "disappearances" and other human rights violations allegedly committed by former Chadian President Hissène Habré and others.⁴ Some of the victims included children suspected of links with armed political groups or political opponents.⁵

Government

National recruitment legislation and practice

The 1996 constitution states that the defence of the country and of national territorial integrity is the duty of every citizen, and that military service is compulsory (Article 51).⁶ A 1991 ordinance on the reorganization of the armed forces establishes 18 as the minimum age for voluntary recruitment and 20 for conscription (Article 14, Ordinance No. 01/PCE/CEDNACVG/91 of 16 January 1991).⁷ However, the 1992 General Statute of the Army provides that a person under the age of 18 can be enrolled with the consent of a parent or guardian (Article 52, Ordinance No. 006/PR/92).⁸ The labour code prohibits children under the age of 18 from undertaking any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.⁹

Child recruitment and deployment

In 2001 and 2002 an unknown number of under-18s and other members of the Zaghawa ethnic group were reported to have been forcibly conscripted into the armed forces in northern Chad and deployed on the front line.¹⁰

In March 2002, children were among more than 100 people arbitrarily and illegally arrested in N'Djaména, beaten and transferred to gendarmerie stations up to 150 km north of N'Djaména. Amid fears the detainees might be conscripted, or "disappear" in detention, Chadian human rights groups protested at the arrests and within three weeks all had been released or escaped.¹¹

Chadian combatants, believed to include government soldiers, helped an armed group led by General François Bozizé to overthrow the CAR government of President Ange-Félix Patassé in March 2003. General Bozizé's forces included child soldiers. Several hundred Chadian government soldiers were subsequently deployed in CAR as part of a peacekeeping force, and were reportedly involved in summary executions of alleged looters and of looting private and public property.¹²

Armed political groups

The MDJT was believed to include a number of child soldiers within its ranks.

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 *Amnesty International Report 2004*.

3 Report of UN Panel of Experts on Liberia, UN Doc. S/2002/470, 19 April 2002, <http://www.un.org/documents>.

4 *Amnesty International Report 2004*.

- 5 Amnesty International, *Tchad: L'héritage Habré*, 16 October 2001.
- 6 Constitution, <http://www.chadembassy.org/constitution.htm>.
- 7 Initial report of Chad to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.50, 24 July 1997, <http://www.ohchr.org>.
- 8 Correspondence from Ministry of Foreign Affairs to the Swedish embassy, N'Djaména, 26 January 2001.
- 9 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 10 US Department of State, *Country Reports on Human Rights Practices 2002*, March 2003.
- 11 Collectif des associations des droits de l'homme (APLFT – ATNV – ATPDH – LTDH – TNV), *Rapport de mission d'information et d'observation relative aux personnes raflées à N'Djaména et déportées à Massakory et à Tourba*, 19-20 April 2002.
- 12 *Amnesty International Report 2004*, Central African Republic.

COMOROS

Union of the Comoros

Population: 706,000¹

Government armed forces: unclear²

Compulsory recruitment age: no conscription

Voluntary recruitment age: unknown

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRCW

Armed political groups allegedly recruited children during internal conflict which ended in 2002.

Context

After three years of peace talks aimed at national reconciliation, a new constitution was approved in March 2002, reuniting the three islands, Grande Comore (Ngazidja), Anjouan and Mohéli, each with its own elected President. Colonel Assoumani Azali, who had seized power in a coup in 1999, was inaugurated as President of the Union in May 2002 following elections that were marred by serious irregularities and violence.³ In February security forces said that they had foiled a coup plot against President Assoumani.⁴

Government

National recruitment legislation and practice

No information was available on legislation or whether there were under-18s in the armed forces.

Armed political groups

There was little information available about armed political groups and their recruitment practices. There were several groups on Anjouan reported to be armed, including paramilitary forces, militias and civilian groups. The two separatist groups on Anjouan allegedly recruited young boys between 13 and 16 years old during internal conflict that ended in 2002.⁵

Other developments

In 2004 Comoros ratified the African Charter on the Rights and Welfare of the Child.⁶

¹ *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.

- 2 The military resources of Comoros consist of a small standing army, a 500-member defence force and a 500-member police force. A defence treaty with France provides naval resources for protection of territorial waters, training of Comorian military personnel, and air surveillance. France maintains a small maritime base and a foreign legion contingent on Mayotte, which remains under French administration. (US Department of State, *Background Note: Comoros*, November 2003, <http://www.state.gov/r/pa/ei/bgn/5236.htm>).
- 3 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 4 BBC, "Timeline: Comoros – A chronology of key events", <http://news.bbc.co.uk>.
- 5 Global March Against Child Labour, *Worst Forms of Child Labour Data, 2002: Comoros*, <http://www.globalmarch.org/worstformsreport/world/comoros.html>.
- 6 African Union, <http://www.africa-union.org>.

CONGO, Democratic Republic of the

Democratic Republic of the Congo

Population: 51.2 million (27.5 million under 18)

Government armed forces: 97,800 (estimate)

Compulsory recruitment age: no conscription in law

Voluntary recruitment age: 18

Voting age: unknown

Optional Protocol: ratified 11 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

All parties to the conflict in the Democratic Republic of the Congo (DRC) recruited, abducted and used child soldiers, often on the front line. As many as 30,000 child soldiers were estimated by international and government agencies to need demobilizing in 2003.¹ In eastern DRC in 2003, armed political groups continued to recruit child soldiers, who constituted more than 40 per cent of their forces in some instances. Women and girls were raped or subjected to other forms of sexual violence and abducted into sexual servitude. Although demobilization of child soldiers officially began in 2000, none of the forces involved were genuinely committed to the process and only a small proportion of child soldiers were demobilized. Thousands of foreign combatants, including an unknown number of child soldiers, left the DRC under a regional demobilization program and as peace processes in the region evolved.

Context

More than three million people were estimated to have died as a result of armed conflict in the DRC since 1998. Exploitation of natural and economic resources fuelled the conflict and systematic human rights abuses, particularly in the east and northeast. In December 2003 around 3.4 million people were still unable to return to their homes.²

Following an agreement in December 2002 between the main parties to the conflict, a government of national unity took office in July 2003, comprising representatives of the former government, major armed political groups and civil society. A joint military command was established. However, the country remained

fragmented under the control of different armed forces, and conflict continued in several areas, particularly in Ituri district in the northeast.

In June 2003 the UN Security Council authorized deployment of a European Union (EU) Interim Emergency Multinational Force (IEMF) in Ituri. The force replaced Ugandan troops that had been in occupation since 1998.³ Child soldiers with the Ugandan armed forces fought in the DRC, and the Ugandan authorities and armed forces were closely involved with a number of Congolese armed opposition groups and militia.⁴ In September 2003 the UN Mission in the DRC (MONUC) assumed responsibility from the IEMF. Although the force was able to establish some security in Bunia town, areas outside remained under the control of various armed groups in the area, and prey to violence.⁵

International pressure forced Rwanda also to begin withdrawing its troops in late 2002. However, despite denials by the Rwandese government, as of March 2004 its army continued to be militarily active in the DRC, supporting and providing arms to armed groups that made extensive use of child soldiers: the *Rassemblement congolais pour la démocratie-Goma* (RCD-Goma), Congolese Rally for Democracy-Goma; and the *Union des Patriotes Congolais* (UPC), Union of Congolese Patriots.⁶

In March 2004 fighting and attacks on the civilian population were reported in several regions, and dissident soldiers attacked the capital, Kinshasa, in an alleged coup attempt.

Government

National recruitment legislation

The transitional constitution of April 2003 bans the recruitment into the armed forces of anyone under the age of 18, or their use in hostilities (Article 184). It also prohibits the formation and deployment of militias (Article 182). Legislation adopted after public consultations in October 2002 criminalized the recruitment of child soldiers, but appeared not to have come into force by March 2004.⁷

The labour code prohibits the recruitment of minors, defining the use of child soldiers as one of the worst forms of child labour.

Child recruitment and deployment

Early in 2003 the Congolese authorities indicated that about 30,000 child soldiers were awaiting demobilization.⁸ Observers, including UN agencies, estimated in 2003 that children made up some ten per cent of the armed forces. Recruitment of child soldiers seemed to have ceased by 2003 and their numbers in the ranks diminished as they reached the age of 18, escaped or were demobilized.

However, the government continued to support armed groups – including the *Mai-Mai*,

loosely allied indigenous militia groups, and the *Rassemblement congolais pour la démocratie-Mouvement de libération* (RCD-ML), RCD-Liberation Movement – that were reportedly still recruiting or abducting children in August 2003.⁹

Armed political groups

All the Congolese armed political groups in the DRC continued to use child soldiers, many of them under the age of 15. Numerous children were abducted or coerced into joining, but others volunteered, particularly in Ituri district. Almost all girls and some boys were reported to have been raped or sexually exploited by their commanders or other soldiers. Children in all the armed groups witnessed and often participated in serious human rights abuses against civilians, as well as undertaking frontline duties.¹⁰ Accurate information was not always available because of the isolated locations of some groups.

RCD-Goma

In February 2003 the then RCD-Goma leader, Adolphe Onusumba, claimed that child soldiers joined RCD-Goma voluntarily and benefited from education and care in the force. His personal guard included a 13-year-old boy. Yet RCD-Goma's child soldiers were made to kill and rape as a way of brutalizing them. They had to kill their own relatives or were forced to commit cannibalistic or sexual acts on the corpses of enemies killed in battle.¹¹ Girls were raped, subjected to other forms of sexual abuse and forced to become commanders' "wives".¹²

When Rwanda began to withdraw its troops in late 2002, RCD-Goma launched intensive recruitment drives in which children as young as eight were recruited, often forcibly, usually in rural areas and sometimes from schools. In April 2003 MONUC estimated that 20 per cent of RCD-Goma frontline combatants were under the age of 18.¹³ In June 2003 children including former child soldiers, many of them under 15, were forcibly recruited from the streets and markets on Idjwi island, Lake Kivu. Child soldiers were sent to villages to persuade other children to join. Recruits were trained at military bases and beaten severely if they failed at exercises. In July 2003 a 15-year-old boy soldier was reportedly beaten to death for trying to escape.¹⁴

Continuous recruitment by RCD-Goma as well as some other armed groups was reported in South Kivu province between May and August 2003. Children from Idjwi island, Kabare, Walungu, Uvira and Bukavu were taken to training camps in Nyamunyunge, Mwenga, Shabunda, Fizi and Kihumba.¹⁵

In addition to its main armed forces, RCD-Goma claimed to have 10,000 members in its paramilitary Local Defence Forces (LDF). Hundreds of children in the LDF, some as young

as 12 and with barely any training, were sent into combat. Unpaid LDF members frequently robbed local people. Many were subsequently integrated into RCD-Goma.¹⁶

RCD-ML

The armed wing of RCD-ML was active in North Kivu and southern Ituri. A splinter group, it received direct military support from the DRC government and remained a rival of the Rwandese-backed RCD-Goma, although both were in the government of national unity.

In July 2003 RCD-ML told Amnesty International that its child soldiers had been demobilized, although at the time children as young as 12 were still serving as frontline troops and a 13 year old was a guard to one of its leaders. Member organizations of the Child Soldiers Coalition in the east estimated the number of RCD-ML child soldiers at one thousand. In July 2003 the armed wing of RCD-ML re-recruited dozens of children who had been demobilized by the *Mai-Mai* between May and August 2003 in South Kivu. They were taken to military training camps in Eringeti, Watalinga and other locations near the Ugandan border. Abductions by the RCD-ML were reported in Beni, North Kivu, in August 2003.¹⁷

Mai-Mai

Up to 50 per cent of *Mai-Mai* combatants were estimated to be under the age of 18, and many of these under 15.¹⁸ Mainly active in the eastern provinces of Maniema, Katanga and Kivu, the *Mai-Mai* received direct military support from the DRC government and entered opportunistic alliances with former enemies. Coalition members in DRC detected heavy *Mai-Mai* recruitment of children between March and August 2003 in Walungu, Mwenga, Shabunda, Fizi and Buyankiri, in South-Kivu.¹⁹ Young girls were abducted, raped and forced into sexual servitude with commanders as their “wives”.²⁰

One *Mai-Mai* group, the Mudundu 40, for several months fought alongside RCD-Goma forces and forcibly recruited child soldiers, some as young as seven, for them. Nearly half of the group's own child soldiers were estimated in 2003 to be aged 15 or younger.²¹

One boy, who was like many other children in the ranks of the *Mai-Mai*, stated that he was abducted by the *Mai-Mai* when he was 14 in Kindu (Kampere). At the front line his commander would put some substance in his water and tell him it had a mystic power that would protect him. He said the *Mai-Mai* told him he could not be released because he lived with their enemies, the Rwandese Tutsis, who might extract important information from him.²²

Other armed groups

One armed group, led by Patrick Masunzu and dominated by South Kivu Tutsi (*Banyamulenge*), used child soldiers in its operations against Rwandese forces occupying South Kivu and their ally, RCD-Goma, in 2002. In January 2003 two child soldiers from the group were demobilized and transferred to a transit centre run by a Coalition member organization in Bukavu.²³

The *Mouvement pour la libération du Congo* (MLC), Movement for the Liberation of Congo, supported by the Ugandan army, acknowledged that it had 1,800 child soldiers in its ranks. MLC troops were responsible for human rights abuses including killings, widespread rape and other forms of sexual violence in both the DRC and neighbouring Central African Republic, where the MLC intervened from 2002 to 2003 in support of the then government. In September 2002 the MLC detained a journalist from Radio Okapi for eight days for reporting on the conditions of child soldiers in its forces.²⁴ Two members of a local non-governmental organization (NGO) were also detained.²⁵

One 12-year-old child soldier with the UPC in 2003 told Amnesty International that most soldiers in his unit were aged between 10 and 12.²⁶ Boys and girls as young as seven were recruited by the UPC. In February 2003 newly recruited children, still in their school uniforms, were seen on the streets in Bunia. Child soldiers took part in widespread and repeated random killings, rape, looting and arson in the district.²⁷ UPC ranks were reported at that time to include 6,000 children aged between eight and 17.²⁸

Rwandese, Ugandan and Burundian armed political groups maintained bases in the DRC, and the Rwandese and Burundian groups took an active part in the DRC conflict. Burundian groups, including the *Conseil national pour la défense de la démocratie—Forces pour la défense de la démocratie* (CNDD-FDD (Nkurunziza)), National Council for the Defence of Democracy—Forces for the Defence of Democracy, had numerous child soldiers in their ranks. Their fighters reportedly raped women and girls, and abducted some into sexual servitude.²⁹

Ituri

A plethora of armed groups and militias, often formed on ethnic lines, operated in Ituri, an area of considerable natural wealth. Among them were the MLC, RCD-ML and UPC, as well as RCD-National and the *Parti pour l'unité et la sauvegarde de l'intégrité du Congo* (PUSIC), Party for the Unity and Safeguarding of the Integrity of the Congo. Much of the conflict stemmed from the desire to control the region's economic resources. The Ugandan, Rwandese and DRC governments all reportedly gave arms and training to armed groups and their child soldiers in the area, as well as deploying their own troops. In 2003 all

the major armed groups were backed for a time by Uganda, whose shifting support exacerbated insecurity. Changing alliances between armed groups also led to violence, further recruitment of child soldiers and other human rights abuses.³⁰

The use of child soldiers was at its highest in Ituri, with all armed groups having large and increasing numbers of child soldiers as the war escalated. At the start of the conflict, families of the Hema ethnic group reportedly had to give up one child to Hema militias or pay an exemption fee. If they refused, the children were taken by force. However, many children volunteered to join up after seeing relatives killed. Lendu and Ngiti militias also used children, sometimes as fighters but also as human shields or to carry out looting. Children as young as 12, armed with firearms and knives, were reported to have taken part in attacks on civilians.³¹ In February 2003 Ngiti leaders claimed to have some 5,000 child soldiers.³² Their use continued into 2004.

Detention and execution

A small number of child soldiers were arrested, some for military offences such as desertion and failure to obey orders, others on suspicion of committing crimes including murder and rape. Of 44 child soldiers detained in Bukavu in 2003, 33 were released, ten redeployed to the front, and one 17 year old accused of rape was still in detention in early 2004.³³

Although military jurisdictions were not competent to try people under the age of 18, the law was not rigorously applied. Some child soldiers were tried by the *Cour d'ordre militaire*, Military Order Court, before it was abolished in April 2003. Their trials were grossly unfair, and they had no right of appeal. One 15-year-old child soldier, sentenced to death by the court in 1999, had his sentence reduced to five years' imprisonment in August 2002. Other child soldiers were summarily executed without trial. Bahati, an RCD-Goma soldier aged 17, was arrested by RCD-Goma in Uvira in May 2003 after allegedly killing a soldier the previous night during an attempted theft. He was not tried but was executed in public the same day.³⁴

Disarmament, demobilization and reintegration (DDR)

From 2001, the DRC government and most of the DRC's armed political groups were formally committed to demobilizing child soldiers. Success was limited however, particularly in the east, in part because of continuing conflict. By February 2004 an estimated 900 child soldiers had been demobilized by the government, and 1,000 by the armed groups with the help of NGOs.³⁵ According to the DRC Child Soldiers Coalition, 4,522 children (including 121 girls) had been demobilized from

the *Forces armées congolaises* (FAC), Congolese armed forces, and armed groups in Bukavu, Goma, Kindu, Bunia, Kalemie, Kassai and Kinshasa as of March 2004.³⁶

Re-recruitment was high. Many demobilization initiatives were mere public relations exercises, undermined by lack of commitment to the process, inaccurate information, poor preparation and coordination, and lack of resources.³⁷ A national DDR framework was finally adopted in February 2004.³⁸

Groups such as RCD-Goma, RCD-ML and the MLC at times threatened those working on demobilization and reintegration, and re-recruited child soldiers, including from demobilization centres run by Coalition members. In March 2003, a Coalition member reported the re-recruitment of 19 children by an RDC-ML commander from one of its transit centres.

In Ituri, armed political groups and militias made no serious efforts to demobilize child soldiers. However, after the IEMF was deployed, and under international scrutiny, the UPC decreed in June 2003 that all its child soldiers be demobilized. Around 40 were demobilized the same month.³⁹

Fundamental weaknesses in the program continued after the inauguration of the government of national unity. In some cases, fighters who had grouped ready for demobilization, including one thousand *Mai-Mai* in January 2004, returned to the forest when it became apparent that nothing was in place to assist them. In December 2003 the government, with the help of UNICEF, introduced official "leaving" (*attestation de sortie*) certificates for child soldiers. However, by March 2004 the government had not passed on appropriate orders to regional officials and no certificates had been issued, with the result that children felt too vulnerable to leave transit centres.⁴⁰

As part of a regional DDR program, MONUC assisted in the repatriation of foreign combatants to Burundi, Rwanda and Uganda. Repatriation to Uganda and Rwanda began in December 2003.⁴¹ By March 2004 it had assisted in the repatriation of nearly 10,000 combatants, including an unknown number of child soldiers, and their dependants.⁴²

Other developments

In June 2003 the Prosecutor of the International Criminal Court announced that the human rights abuses in the DRC, including those by Ugandan supported groups in Ituri, would be the subject of a preliminary examination to decide whether to seek authorization for a criminal investigation. However, when in January 2004 the Prosecutor announced an investigation into war crimes in Uganda, it appeared that it would focus only on one Ugandan opposition group, the Lord's Resistance Army.⁴³

In October 2003 the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in DRC submitted its final report to the UN Security Council. Previous reports had named a number of international companies that had exploited resources in the DRC in a way that effectively funded the conflict. The final report referred 40 of these companies for further investigations by their own governments. Part of the report was not made public and allegedly accused Rwanda and Uganda of continued engagement in such exploitation in DRC and of breaking the arms embargo. The Panel was disbanded at the end of October 2003. The majority of its recommendations remained unimplemented.⁴⁴

* see glossary for information about internet sources

- 1 IRIN, "DRC: MONUC denounces recruitment of child soldiers by Lubanga's UPC/RP", 7 February 2003, <http://www.irinnews.org>.
- 2 Amnesty International Report 2004, <http://web.amnesty.org/library/engindex>.
- 3 Human Rights Watch (HRW), *Ituri: "Covered in blood" – Ethnically targeted violence in northeastern DR Congo*, July 2003, <http://www.hrw.org>.
- 4 US Department of State, *Country Reports on Human Rights Practices 2003*, Uganda, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 5 Forum on Early Warning and Early Response (FEWER), "DRC: Ituri update Jan 15-31 2004", 29 February 2004, <http://www.reliefweb.int>.
- 6 Amnesty International (AI), *DRC: Children at war*, September 2003.
- 7 Confidential source, March 2004.
- 8 AI, *DRC: Children at war*, op. cit.
- 9 Information from members of Child Soldiers Coalition, DRC, August 2003.
- 10 AI, *DRC: Children at war*, op. cit.
- 11 AI, *DRC: Children at war*, op. cit.
- 12 Confidential source, March 2004.
- 13 Confidential source, January 2003.
- 14 AI, *DRC: Children at war*, op. cit.
- 15 Information from Coalition members, DRC, September 2003.
- 16 AI, *DRC: Children at war*, op. cit.
- 17 Information from Coalition members, DRC, September 2003.
- 18 AI, *DRC: Children at war*, op. cit.
- 19 Information from Coalition members, DRC, September 2003.
- 20 Confidential source, March 2004.
- 21 AI, *DRC: Children at war*, op. cit.
- 22 Testimony given to Coalition members in Goma, September 2003.
- 23 Information from Coalition member, DRC, January 2003.
- 24 Report of the UN Secretary-General on MONUC, UN Doc. S/2002/1180, 18 October 2002, <http://www.monuc.org>.
- 25 AI, *DRC: Children at war*, op. cit.
- 26 AI, *DRC: Children at war*, op. cit.
- 27 HRW, *Ituri: "Covered in blood"*, op. cit.
- 28 IRIN, "DRC-Uganda: Ituri braces for Ugandan pullout", 17 April 2003.
- 29 AI, *Burundi: Child soldiers – the challenge of demobilization*, March 2004.
- 30 AI, *DRC: On the precipice – the deepening human rights and humanitarian crisis in Ituri*, March 2003.
- 31 HRW, *Ituri: "Covered in blood"*, op. cit.
- 32 IRIN, "DRC-Uganda: Ituri braces for Ugandan pullout", op. cit.
- 33 Report of Coalition National Coordinator, DRC, October 2003.
- 34 Information from Arche d'Alliance, Coalition member, DRC, September 2003.
- 35 Rachele Magloire, "Les Mai Mai et ex-combattants dans l'attente d'être démobilisés", MONUC, 6 January 2004, <http://www.monuc.org>.
- 36 Information received from the DRC Coalition to Stop the Use of Child Soldiers, March 2004.
- 37 AI, *DRC: Children at war*, op. cit.
- 38 Confidential source, March 2004.
- 39 AI, *DRC: Children at war*, op. cit.
- 40 Confidential source, March 2004.
- 41 Desire Baere, "MONUC repatriates ex-combatants from Kitona base", Radio Okapi, 10 January 2004, <http://www.monuc.org>.
- 42 Fabrice Badibanga, "Retrospective du 21 au 27 mars 2004", MONUC, <http://www.monuc.org>.
- 43 Information from Coalition member, DRC, March 2004.
- 44 AI, *DRC: Children at war*, op. cit.

CONGO, Republic of

Republic of the Congo

Population: 3.6 million (1.9 million under 18)
Government armed forces: 10,000 (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

Child soldiers were incorporated into the wider disarmament and reintegration process for combatants who fought in the conflict of 1998-9 and subsequent outbreaks of violence. They included children in the Ninja militia, which signed a final ceasefire agreement in March 2003. However, the process had apparently not begun by March 2004 because of continuing tensions between the Ninjas and government. There were no reports of new recruitment of child soldiers by government forces.

Context

The main opposition candidates were excluded from presidential elections in March 2002 won by incumbent President Denis Sassou Nguesso. The fairness of these and parliamentary elections in May 2002 was questioned.

Following the elections, the armed forces stepped up military operations against the Ninjas, a militia led by Pastor Ntoumi that had continued hostilities.¹ Tens of thousands of people were displaced by the fighting. Angolan troops supporting President Nguesso pulled out in December 2003, ending a five-year presence in the country.² After a peace agreement between the government and the Ninjas in March 2003, 2,300 militia fighters voluntarily disarmed. Sporadic violence continued, however, and in March 2004 the situation appeared volatile. The government rejected Pastor Ntoumi's demands for militia members to be brought into government, and several thousand armed fighters remained in the Pool region.³

In August 2003 the National Assembly approved a law granting amnesty to members of the Ninja militia, as well as to government forces, allied militias and mercenaries, under which human rights abuses committed during armed conflict since 2000 would not be investigated. The government also tried to prevent investigations by French courts into the "disappearance" of over 350 returning refugees in May 1999.⁴

Government

National recruitment legislation

There has been no conscription since 1969. Enlistment into the armed forces is voluntary with a minimum recruitment age of 18. A bill to ratify the Rome Statute of the International Criminal Court was passed by the National Assembly in November 2003 but had not been approved by the Senate by March 2004.

Child soldier use

As fighting flared again in 2002 there were reports, denied by government authorities, that street children had been recruited for military service in the Pool region. Unofficial sources reported that children were enticed to join with promises of money and clothes. Following the March 2003 peace agreement there were no new reports of child soldiers.⁵

Armed political groups

The Ninjas, led by Pastor Ntoumi, who broke away from the Ninja militia that signed a peace agreement with the government in 1999, were based in the Pool region. They were known to have child soldiers in their ranks, as well as young adults who had been recruited as children.⁶

Disarmament, demobilization and reintegration (DDR)

Child soldiers who had served in President Nguesso's private militia during the 1998-9 conflict, alongside government forces, were reported to have been disarmed, demobilized and reintegrated. However, the exact measures undertaken in this process, and the numbers of child soldiers involved, remained unclear. Many militia members simply returned home, with their weapons.⁷

In January 2004, 1,875 child soldiers from the Ninjas, including 375 girls, were reported to have registered for demobilization. According to officials, an estimated 37,000 militia members, some living as refugees in neighbouring Democratic Republic of the Congo or Gabon, needed to be demobilized.⁸ In March 2004, demobilization of Ninjas had not started, apparently because of conditions imposed by Pastor Ntoumi.⁹

Between 1999 and 2003 there were three independent overlapping processes of disarmament and, in some cases, reintegration. However, their success was threatened by the lack of a national strategy for DDR, the failure to collect tens of thousands of small arms and light weapons, and delays in reintegration projects. In June 2002 around 16,000 Ninja fighters, who

were still waiting for reintegration programs, were reportedly re-recruited as fighting broke out.¹⁰

Although most opposition militias ceased fighting and were disbanded under a 1999 peace agreement, many fighters, including child soldiers, retained weapons and remained marginalized and a potential threat to security. The number of child soldiers demobilized and reintegrated through the programs was not reported and it was not clear whether their special needs had been addressed. According to one survey, some 15 per cent of ex-combatants were aged 18 or younger during the 1998-9 conflict.¹¹

A study by the International Labour Organization (ILO) found that child soldiers appeared to have been used in a variety of roles. They fought on the front line, laid landmines, served as scouts and spies, and acted as bodyguards to commanders. They were used to guard prisoners, help the wounded and carry out domestic tasks. Many child soldiers drank alcohol, smoked and took drugs. After they left armed groups, only half of them returned to their homes and few of these to their parents' homes.¹²

Other developments

In September 2001 the UN Secretary-General's report on children and armed conflict expressed concern that a 1999 amnesty that precluded any prosecutions for war crimes, including those against women and children, had led to a heightened sense of trauma and helplessness. The report warned that the failure to provide a place for victims to give voice to the injustices they had suffered would have long-term and harmful consequences.¹³

In 2004 the ILO expressed concern that Congolese law allowed forced labour that was not of a purely military nature to be carried out under military service and that, although the government had stated that the measure was not enforced, the law had not been amended. It also expressed concern at child trafficking.¹⁴

* see glossary for information about internet sources

- 1 *Africa Confidential*, Congo-Brazzaville, <http://www.africa-confidential.com>.
- 2 IRIN, "Congo: Angolan troops begin pull-out", 17 December 2003, <http://www.irinnews.org>.
- 3 IRIN, "Brazzaville rejects rebel leader's demands", 9 March 2004; AFP, "Congo's Pool region between war and peace, one year after accord", 17 March 2004.
- 4 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 5 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 6 IRIN, "Congo Republic to demobilise 800 'Ninja' rebels", 14 January 2004.

- 7 R. Muggah, P. Maughan and C. Bugnion, *The Long Shadow of War: Prospects for Disarmament, Demobilisation and Reintegration in the Republic of Congo*, a Joint Independent Evaluation for the European Commission, UNDP and MDRP Secretariat, 13 February - 6 March 2003, http://www.undp.org/bcpr/smallarms/docs/DDR_evalcongo_e.pdf.
- 8 IRIN, "Congo Republic to send 'Ninja' children to school", 19 November 2003.
- 9 PANA, "Govt, rebels wrangle over demobilisation in Congo", 8 May 2004.
- 10 R. Muggah, P. Maughan and C. Bugnion, op. cit.
- 11 S. Demetriou, R. Muggah and I. Biddle, *Small Arms Availability and Trade in the Republic of Congo*, a Study Prepared by the Small Arms Survey for the International Organisation for Migration and UNDP, September 2001, <http://www.reliefweb.int>.
- 12 International Labour Organization (ILO), *Wounded childhood: The use of children in armed conflict in Central Africa*, April 2003, <http://www.ilo.org/public/english/standards/ipec/publ/childsoldiers/woundedchild.htm>.
- 13 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/56/342-S/2001/852, 7 September 2001, <http://www.un.org/documents>.
- 14 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Convention No. 29, Forced Labour, 1930 - Congo, <http://www.ilo.org/ilolex/database>.

CÔTE D'IVOIRE

Republic of Côte d'Ivoire

Population: 16.4 million (8.1 million under 18)

Government armed forces: 17,050 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Ivorian government and allied forces recruited children, including Liberian refugees, as soldiers. Forces opposed to the government, including Liberian-dominated Ivorian armed political groups and Liberian armed political groups with bases in Côte d'Ivoire, also used child soldiers. Children were often recruited forcibly and used in combat. Armed political groups abducted girls into sexual slavery. Ivorian child soldiers fought alongside Liberian armed political groups in Liberia.

Context

In September 2002 armed conflict erupted in Côte d'Ivoire following an attempted coup by an armed group formed in Burkina Faso by soldiers loyal to the former Ivorian president, General Robert Guei. The uprising came after two years of turmoil, human rights violations and xenophobia which had divided the country in two. By the end of September 2002 most of northern Côte d'Ivoire was under the control of the *Mouvement patriotique de Côte d'Ivoire* (MPCI), Patriotic Movement of Côte d'Ivoire, an armed political group formed by the insurrectionists.¹ Under a ceasefire agreement in October 2002 the government and the MPCI agreed not to recruit and use mercenaries and child soldiers. However, government forces attacked opposition positions in the west of the country, and by November 2002 two new armed political groups were formed: the *Mouvement pour la justice et la paix* (MJP), Movement for Justice and Peace, and the *Mouvement Populaire Ivoirien du Grand Ouest* (MPIGO), Ivorian Popular Movement for the Great West. MPIGO was composed largely of fighters from armed political groups in Liberia and Sierra Leone. As the war in the west of the country intensified, civilians were recruited, some forcibly.²

Interests within neighbouring countries fuelled the war. Although the full extent of

Burkinabè support for the MPCI is not clear, the Burkinabè authorities, who were certainly aware of preparations for the September 2002 coup attempt, reportedly supported and probably armed the MPCI, which recruited hundreds of hunters from Burkina Faso, Mali and northern Côte d'Ivoire as the war began. The Liberian government of President Charles Taylor reportedly supported armed opposition groups in western Côte d'Ivoire, including the MJP and MPIGO. The Ivorian armed forces fought alongside the Liberian armed opposition in Liberia. Two pro-government armed groups also fought alongside government forces in Côte d'Ivoire: the government-supported Movement for Democracy in Liberia (MODEL), and the *Forces de Libération du Grand Ouest* (FLGO), Liberation Forces of the Great West, a pro-government militia dominated by Liberians. Liberian fighters and Liberian nationals recruited from refugee camps in Côte d'Ivoire and Ghana fought in both government-allied and opposition forces.³

The conflict drove hundreds of thousands of people from their homes, and fighting in eastern Liberia forced Liberians as well as Ivorian refugees back into Côte d'Ivoire. Liberian refugees suspected of supporting the armed opposition in western Côte d'Ivoire were harassed and abused by Ivorian government supporters and forces. The Ivorian armed forces also themselves recruited Liberian nationals, including children and sometimes forcibly, in addition to Liberian mercenaries.⁴

In January 2003 a second ceasefire agreement was signed by all parties to the conflict, which aimed at bringing them all within a transitional government of national reconciliation. Pro-government youth militias demonstrated in protest for four days, and implementation of the ceasefire was hampered by political disagreements between signatories and further fighting in the west of the country, both sides using Liberian combatants.⁵ In September 2003 the former armed political groups, now known as the *Forces Nouvelles*, New Forces, suspended participation in the transitional government, and violence broke out again in November.⁶ In March 2004 the security forces and the pro-government militia *Jeunes Patriotes*, Young Patriots, killed scores of civilians after a banned demonstration organized in the capital, Abidjan, by some political opposition parties with the support of the *Forces Nouvelles*. The *Forces Nouvelles*, which had rejoined the government in January 2004, again suspended their participation in protest.⁷

In February 2004 the UN Security Council agreed to send a peacekeeping force, scheduled to deploy in April 2004, to supervise the disarmament of opposition forces and the presidential elections planned for October 2005.⁸ A French peacekeeping force, in Côte d'Ivoire since 2002, stated its intention to remain until after the presidential elections.

Government

National recruitment legislation

The Armed Forces Code of 7 September 1995 establishes a minimum age of 18 for compulsory and voluntary military service for men and women (Article 82), and prohibits acts contrary to international law governing armed conflicts. A postponement or exemption may be granted to complete education (Article 88).⁹

The 2000 constitution prohibits forced labour, provides guarantees for the protection of children, and establishes that the defence of the nation is assured solely by state defence and security forces according to conditions set down in law (Articles 3, 7 and 24).¹⁰

In August 2003 the National Assembly passed an Amnesty Act, granting amnesty to opposition forces of Ivorian nationality for acts threatening the state since September 2000. It excluded from the amnesty “serious violations” of international human rights and humanitarian law.¹¹

Child recruitment and deployment

During the conflict the government and its armed forces were supported by state militias, youth groups and local self-defence groups, as well as mercenaries and fighters from armed political groups. Child soldiers served in all forces.

As fighting escalated in December 2002, 3,000 new recruits joined the government armed forces, some of them schoolchildren under the age of 18, although there were no reports of forced recruitment of children. Many new recruits were sent as “cannon fodder” to the war in the west of the country.¹² The government also recruited European and African mercenaries to its forces, as well as Liberian veterans of armed conflict in Liberia and Sierra Leone, many hundreds of them child soldiers or former child soldiers. Liberian children were reportedly recruited under an arrangement between the Ivorian government and the Liberian armed opposition group, Liberians United for Reconciliation and Democracy (LURD), that the children would be allowed to keep their guns and return to Liberia if they accomplished their mission in Côte d’Ivoire.¹³

From December 2002 both Ivorian children and Liberian children in refugee camps were recruited into the FLGO. Dominated by Liberians, FLGO appeared effectively to be a Liberian armed political group backed by Côte d’Ivoire.¹⁴ Liberian fighters carried out most recruitment. Recruits were offered payment, but those who refused to join up were harassed and threatened. Children as young as 14 were reportedly recruited, some after heavy intimidation, and sent into combat.¹⁵ By May 2003 over 9,000 refugees, including boys as young as eight, had reportedly been recruited and approximately 200 killed.¹⁶ Liberian fighters recruited Ivorian children in villages around Toulepleu, by asking the chiefs for children to

train. Witnesses described boys or girls aged between nine and 12, posted at roadblocks in the area, as barely able to control their guns and firing at anything. The government regained control of Toulepleu in late January 2003.¹⁷

Urban pro-government militia groups, referred to collectively as the *Jeunes Patriotes*, proliferated following the September 2002 crisis. Several groups – the Bees, the Gazelles, the Ninjas and the Panthers – were known to have received training from the armed forces, and some were reportedly armed by government forces and included under-18s in their ranks. Membership was estimated to be in the thousands.¹⁸ Some observers put the figure as high as 100,000.¹⁹ These militias quickly spread outside Abidjan, transforming or appropriating rural self-defence committees. They incited violence and attacked civilians, often on the basis of nationality or ethnicity.²⁰

Opposition armed groups

Forces Nouvelles

The MPCJ, the MJP, and the MPIGO all recruited child soldiers, many under the age of 15 and some as young as ten years old. Child soldiers were among the Liberian fighters, particularly in the MJP and MPIGO. Some Guineans are also reported to have joined the MPCJ.²¹ It is not known whether they included child soldiers. Further recruitment by these groups also took place in Liberian refugee camps in Ghana.²²

In December 2002 the MPCJ authorities in the northern city and opposition stronghold of Bouaké said that there were no child soldiers in their ranks and that soldiers might appear younger than they were because of inadequate nutrition. These claims were clearly false.²³ In September 2002 all schools in MPCJ territory had been closed as the educational system collapsed. Children were then recruited by the MPCJ and in December 2002 were seen posted at roadblocks.²⁴ In December 2003, MPCJ roadblocks in one area were largely guarded by child soldiers, mainly aged between 10 and 15, and armed with Kalashnikov rifles or rocket-propelled grenade launchers. Unpaid, most were surviving by begging or extortion.²⁵

Other child soldiers were left in the care of the MPCJ as their Liberian commanders left the country in May 2003, including 21 child soldiers left behind in Man, aged between 13 and 16. Although the MPCJ initially did not attack civilians, as the war progressed and with the entry of the MJP and MPIGO into the conflict, such attacks, including rape and looting, increased dramatically. Women and girls were abducted into sexual slavery. In one reported case, five girls and young women aged between 14 and 20 were abducted, held for a week at a military camp, probably an MPIGO camp, repeatedly

raped by Ivorian and Liberian fighters, and forced to do domestic labour. Ivorian child soldiers were reportedly being trained in a camp near Bin Houye in March 2003. Observers of conditions in the rebel areas stated that in every Liberian unit of five to six fighters attached to the MPIGO, there would usually be at least one child soldier, often as young as 10 or 12.²⁶

Widespread human rights abuses by the MPIGO and MJP forced civilians and Liberian refugees in western Côte d'Ivoire to flee into government-held territory. Both groups recruited refugees, sometimes forcibly, including children.²⁷ They also recruited some Liberian refugees from camps in Ghana.²⁸

Liberian armed political groups

As well as fighting alongside government forces, after breaking away from LURD in early 2003, MODEL forces launched an offensive into Liberia from bases inside Côte d'Ivoire. MODEL recruited children from refugee camps to fight in Liberia with the open support of the Ivorian government.²⁹

Disarmament, demobilization and reintegration (DDR)

Save the Children and UNICEF negotiated with the MPCl, which agreed in principle to demobilize children bearing arms.³⁰ Other armed political groups agreed to a DDR program for child soldiers coordinated by UNICEF.³¹ However, the program did not include Liberian armed groups operating in western Côte d'Ivoire, and it was not clear whether it would include Liberians who were still involved in Ivorian government and opposition forces.³²

On 11 July 2003 the official international headquarters for the DDR process was set up in Bouaké. UN officials, French military commanders, and representatives of the Ivorian armed forces, the MPCl, MPIGO and MJP, staffed the office.³³ UNICEF had opened three centres for child soldiers in Bouaké, including one for girls, and one in Man by mid-2003. In January 2004 a government official stated that a national DDR program would cover pro-government militias and members of armed political groups, as well as 4,000 people recruited into the government armed forces in September 2002.³⁴ The program had not been launched by March 2004. After the killings of demonstrators and other civilians in Abidjan in March 2004, the *Forces Nouvelles* announced that they would not disarm their forces.³⁵

Other developments

The UN Secretary-General expressed concern on several occasions about human rights abuses during the conflict, including the use of child

soldiers by all sides and the sexual slavery of young girls. In the Secretary-General's November 2003 report, the Ivorian armed forces and the MPCl, MJP and MPIGO were identified as recruiting or using child soldiers.³⁶

In December 2003, at an open meeting of the Security Council on the protection of civilians in armed conflict, the UN Under Secretary-General for Humanitarian Affairs expressed concern at the "pervasive involvement of youth" in the conflicts in Côte d'Ivoire and neighbouring countries. He said that the "extensive engagement of largely young unemployed men in the militias fighting in Sierra Leone, Liberia and Côte d'Ivoire threatens to undermine the security of the region". He called for comprehensive regional protection programs to control the flow of arms and address the needs of young people brutalized by war, including child soldiers.³⁷ The call for a regional approach to issues such as child soldiers and mercenaries was echoed by the UN Security Council in March 2004.³⁸

In July 2001 the UN Committee on the Rights of the Child criticized the situation of child rights in Côte d'Ivoire more broadly, including that the age of criminal responsibility was ten years. Among its concerns were discrimination faced by children, including members of ethnic minorities and street children, and continued child labour and trafficking. The Committee however welcomed the 2000 constitution, which abolished the death penalty, which had previously been applicable to children of 16 years and older, and the treaty concluded between Côte d'Ivoire and Mali prohibiting child trafficking.³⁹

In February 2004 Côte d'Ivoire signed the African Charter on the Rights and Welfare of the Child.⁴⁰

* see glossary for information about internet sources

- 1 Information from Amnesty International (AI), May 2004.
- 2 Human Rights Watch (HRW), *Trapped between two wars: Violence against civilians in western Côte d'Ivoire*, August 2003, <http://www.hrw.org>.
- 3 International Crisis Group (ICG), *Côte d'Ivoire: "The war is not yet over"*, Africa Report No. 72, 28 November 2003, <http://www.crisisweb.org>.
- 4 AI, *Liberia: No escape – Liberian refugees in Côte d'Ivoire*, 24 June 2003, <http://web.amnesty.org/library/engindex>.
- 5 HRW, *Trapped between two wars*, op. cit.
- 6 IRIN, "Côte d'Ivoire: Rebels announce their return to government", 22 December 2003, <http://www.irinnews.org>.
- 7 Information from AI, May 2004.
- 8 IRIN, "Côte d'Ivoire: UN sends peacekeepers, but disarmament on hold", 29 February 2004.
- 9 Initial report of Côte d'Ivoire to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.41, 27 April 2000, <http://www.ohchr.org>.

- 10 Constitution, Law No. 2000-513, 1 August 2000.
- 11 IRIN, "Côte d'Ivoire: Amnesty law approved", WA Weekly 187, 2-8 August 2003.
- 12 Marie Chantal Obinde, "Côte d'Ivoire, Belligerents Recruit Child Soldiers", Inter-Press Service, 28 January 2003; ICG, *Côte d'Ivoire: "The war is not yet over"*, op. cit.
- 13 HRW, *Trapped between two wars*, op. cit.
- 14 HRW, *Trapped between two wars*, op. cit.
- 15 Report of UN Panel of Experts on Liberia, UN Doc. S/2003/498, 24 April 2003, <http://www.un.org/documents>.
- 16 IRIN, "Côte d'Ivoire, Army continues giving guns to Liberian refugees", 12 May 2003.
- 17 HRW, *Trapped between two wars*, op. cit.
- 18 HRW, *Côte d'Ivoire: Militias commit abuses with impunity*, 27 November 2003.
- 19 Forum on Early Warning and Early Response (FEWER), *Crisis in Côte d'Ivoire: "Pax Marcoussis" – Emerging challenges and prospects*, 18 December 2003.
- 20 HRW, *Trapped between two wars*, op. cit.
- 21 ICG, *Guinée: Incertitudes autour d'une fin de règne*, Africa Report No. 74, 19 December 2003.
- 22 ICG, *Côte d'Ivoire: "The war is not yet over"*, op. cit.
- 23 AI, *Côte d'Ivoire: Without immediate international action, the country will descend into chaos*, 19 December 2002.
- 24 AI, *Liberia: No escape: Liberian refugees in Côte d'Ivoire*, op. cit.; Marie Chantal Obinde, op. cit.
- 25 IRIN, "Côte d'Ivoire, Age – 10 to 15, Occupation – Soldier", 12 December 2003.
- 26 HRW, *Trapped between two wars*, op. cit.
- 27 AI, *No escape: Liberian refugees in Côte d'Ivoire*, op. cit.
- 28 ICG, *Côte d'Ivoire: "The war is not yet over"*, op. cit.
- 29 HRW, *How to fight, how to kill: Child soldiers in Liberia*, February 2004; *Trapped between two wars*, op. cit.
- 30 IRIN, "Liberia: Child soldiers are back on the frontline", 9 June 2003.
- 31 Economic Community of West African States (ECOWAS) official, confidential report, April 2003.
- 32 Information from Save the Children, 30 June 2003.
- 33 Child Soldiers Coalition briefing for the 4th UN Security Council debate on children and armed conflict, January 2004.
- 34 IRIN, "Côte d'Ivoire: US\$111 million to demobilize 30,000 ex-fighters", 19 January 2004.
- 35 IRIN, "Côte d'Ivoire: Ivorians pessimistic about future of peace deal", 31 March 2004.
- 36 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>.
- 37 Statement, 9 December 2003, <http://www.reliefweb.int>.
- 38 4933rd Meeting, reported in "Security Council calls for regional approach in West Africa to address such cross-border issues as child soldiers, mercenaries, small arms", UN Press Release SC/8037, 25 March 2004, <http://www.un.org/documents>.
- 39 UN Committee on the Rights of the Child, Concluding observations: Côte d'Ivoire, UN Doc. CRC/C/15/add.155, 9 July 2001, <http://www.ohchr.org>.
- 40 African Union, <http://www.africa-union.org>.

EQUATORIAL GUINEA

Republic of Equatorial Guinea

Population: 481,000 (241,000 under 18)

Government armed forces: 1,320

Compulsory recruitment age: Not known

Voluntary recruitment age: Not known

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

Information was not available on the use of under-18s in the armed forces or on the minimum age for conscription or voluntary recruitment.

Context

Peaceful political activity continued to be repressed, and government critics faced politically motivated arrests and torture. Between March and May 2002 more than 150 people were arrested, including former members of the armed forces and relatives of Felipe Ondó Obiang, leader of the *Fuerza Democrática Republicana* (FDR), Republic Democratic Force, an unauthorized political party. They were reportedly tortured or ill-treated, and two died in custody. In May and June 2002, 67 people were convicted after an unfair trial of plotting against the security of the state and sentenced to long prison terms; Felipe Obiang was sentenced to 20 years' imprisonment. Only five of the group were released in an October 2002 amnesty.¹

In March 2004, 15 foreign nationals were arrested on suspicion of being mercenaries and of plotting a coup, a capital offence. Their arrests were linked to the arrests of 64 suspected mercenaries in Zimbabwe two days earlier. Some were reported to have been severely tortured.²

Government

National recruitment legislation

The constitution makes military service compulsory. However, it was not clear what, if any, laws regulated national service.³ There was no information on whether the armed forces conscripted anyone under the age of 18. Equatorial Guinea's initial report to the UN Committee on the Rights of the Child in January 2004 made no reference to military service, conscription or voluntary recruitment.⁴

The Labour Act, which regulates child labour, states that the minimum age for admission to

employment "which by its nature or owing to the conditions under which it is performed may place at risk the health, safety or morals of children shall be 16 years" (Article 1).⁵

Other developments

In February 2003 Equatorial Guinea completed the process of ratification of the African Charter on the Rights and Welfare of the Child.⁶

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 Amnesty International (AI), *Equatorial Guinea: Alleged mercenaries and opposition activists at grave risk of torture and death*, 19 March 2004.
- 3 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>; Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.
- 4 Initial report of Equatorial Guinea to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.26, 28 January 2004, <http://www.ohchr.org>.
- 5 Initial report of Equatorial Guinea to UN Committee on the Rights of the Child, op. cit.
- 6 African Union, <http://www.africa-union.org>.

ERITREA

Eritrea

Population: 4.0 million (2.1 million under 18)
Government armed forces: 202,000 (estimate)
Compulsory recruitment age: 18
Voluntary recruitment age: 18
Voting age: transitional system
Optional Protocol: not signed
Other treaties ratified (see glossary):
 CRC, ILO 138; ACRWC

There were reports of forcible recruitment of under-18s into the army. Punishments for deserting, evading conscription or infringements of military discipline included torture and arbitrary detention. The government decreed that secondary school students should complete their education at a school close to a military training camp.

Context

In early 2004 some 60,000 people remained internally displaced in Eritrea following the two-year border war with Ethiopia that ended in December 2000.¹ Both countries expelled an estimated 75,000 of each other's nationals during the war, some of whom continued to be subjected to torture and illegal detention.² The UN peacekeeping mission, the UN Mission in Ethiopia and Eritrea (UNMEE), continued to monitor a buffer zone in Eritrea. In September 2003 Ethiopia rejected an international ruling on border delimitation.

A coalition of opposition groups, the Alliance of Eritrean National Forces (AENF), reportedly established a military wing with support from Ethiopia, Sudan and Yemen.³ The Eritrean government was alleged to provide support to Ethiopian and Sudanese armed opposition groups.⁴

The government failed to uphold the 1997 constitution in many respects, and national elections were postponed in 1997 and 2001.

Government

National recruitment legislation

The constitution states that all citizens must "be ready to defend the country" and "complete ... National Service" (Article 25).⁵ Under the National Service Proclamation, No. 82/95 of 23 October 1995, national service is obligatory for men and women between the ages of 18 and 40.⁶ Recruitment of children under 18 into the armed forces is prohibited under Proclamation 11/1991.⁷

National service consists of six months' military service, 12 months' development service and military reserve obligations.⁸

Child recruitment and deployment

Despite the December 2000 peace treaty, compulsory military service was extended repeatedly, with aggressive roundups of new recruits and evaders, forcible conscription, detentions and ill-treatment.⁹ Street children and other under-18s were reportedly used as forced labour in military camps.

In January 2004 UNICEF expressed concern at the requirement that all secondary school students must complete their final year at a school near the main military training camp in Sawa if they wanted to graduate or to attend university.¹⁰ Access to the school was strictly controlled and an official was reported as saying he considered the students to be members of the armed forces.¹¹

In 2001 over 2,000 students were detained when they demanded reform of a mandatory summer work program. Two students had reportedly died from the harsh conditions on the program. In August 2003 over 200 students on the program were allegedly beaten for possessing bibles, and 57 of them detained in scorching conditions inside metal shipping containers without adequate food or medical care. Six students were reportedly still held in solitary confinement in underground cells in November 2003.¹²

Two former child soldiers who fled Eritrea in 2002 said that they had been conscripted at the age of 15, that about 30 per cent of recruits at the Sawa camp were under 18, and that those fleeing military service faced torture, arbitrary detention and forced labour.¹³ Asylum-seekers forcibly returned from Malta in October 2002 were alleged to have been tortured and detained in secret on their arrival in Eritrea. At least one was reportedly shot dead.¹⁴

Disarmament, demobilization and reintegration (DDR)

In July 2002 the Eritrean National Commission for Demobilization announced the completion of a pilot project for the demobilization of 200,000 combatants over the next two years.¹⁵ In March 2004 former combatants already incorporated in the government armed forces were issued with demobilization cards and asked to continue national service until January 2005. The World Bank, a principal funder, recognized the need for a special program for combatants under the age of 25.¹⁶ The UN Security Council called for Ethiopia and Eritrea to facilitate the sustainable reintegration of demobilized soldiers.¹⁷

Other developments

In October 2001 a handbook on child protection was distributed to UNMEE forces, and some UN peacekeepers received child protection training.¹⁸ Following visits to Ethiopia and Eritrea in 2002, the UN Special Representative of the Secretary-General for children and armed conflict called for child protection to be included in UNMEE's mandate.¹⁹ A subsequent commitment by the Eritrean government to ratify the Optional Protocol had not been met by early 2004.²⁰ In 2003 the UN Country Team in Eritrea set up a Child Protection Working Group to coordinate child protection strategies.²¹

* see glossary for information about internet sources

- 1 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Donor information update: Eritrea*, 31 January 2004.
- 2 Human Rights Watch (HRW), *The Horn of Africa: Mass expulsions and the nationality issue*, 30 January 2003, <http://www.hrw.org>.
- 3 BBC, "New rebel force in Eritrea", 2 May 2003, <http://news.bbc.co.uk>.
- 4 Ulf Terlinden, *IGAD – Paper tiger facing gigantic tasks*, February 2004; International Institute for Strategic Studies (IISS), *Ethiopia country report*, 2003, http://acd.iiss.org/armedconflict/MainPages/dsp_AnnualUpdate.asp?conflict (subscription required).
- 5 Constitution, at UN Online Network in Public Administration and Finance (UNPAN), <http://www.unpan.org>.
- 6 Letter from the Ministry of Foreign Affairs to Child Soldiers Coalition, 31 May 1999.
- 7 Initial report of Eritrea to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.12, 27 July 2001, <http://www.ohchr.org>.
- 8 Amnesty International (AI), *Eritrea: Arbitrary detention of government critics and journalists*, 18 September 2002, <http://web.amnesty.org/library/engindex>. Another source states that military service is for two years: see HRW, *Eritrea human rights overview*, January 2004.
- 9 AI, *op. cit.*; HRW, *Eritrea human rights overview*, *op. cit.*
- 10 US Department of State, *Country Reports on Human Rights Practices 2003*, 25 February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>; Jonah Fisher, "Eritrea rapped for 'military' schooling", BBC News, 11 January 2004..
- 11 HRW, *Eritrea human rights overview*, *op. cit.*
- 12 UNHCR, *UNHCR Position on Return of Rejected Asylum Seekers to Eritrea*, January 2004.
- 13 AI interviews with former child soldiers, 25 February 2004.
- 14 UNHCR, *op. cit.*
- 15 IRIN, "Eritrea: Demobilisation Pilot Phase Completed", 2 July 2002.

- 16 World Bank, *Technical Annex for a Proposed Credit of SDR 48.1 Million (US\$ 60 million equivalent) to the State of Eritrea for an Emergency Demobilization and Reintegration Project*, 22 April 2002.
- 17 UN Security Council Resolution 1398, UN Doc. S/Res/1398, 15 March 2002, <http://www.un.org/documents>.
- 18 Information from UN source, 6 February 2004.
- 19 Annual report of the UN Special Representative of the Secretary-General for children and armed conflict, UN Doc. E/CN.4/2003/77, 3 March 2003, <http://www.ohchr.org>.
- 20 UNMEE, Press conference by the UN Special Representative of the Secretary-General for children and armed conflict, 12 March 2002, <http://www.un.org/Depts/dpko/missions/unmee>.
- 21 UN High Commissioner for Human Rights, Africa region, Quarterly reports of field offices, December 2003, <http://www.ohchr.org>.

ETHIOPIA

Federal Democratic Republic of Ethiopia

Population: 69.0 million (36.1 million under 18)

Government armed forces: 162,500

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

There was no evidence of under-18s being used by government forces. The possibility of under-18s being recruited could not be ruled out, given the lack of a functioning birth registration system.

Context

The UN peacekeeping mission, the UN Mission in Ethiopia and Eritrea (UNMEE), established in 2000 following the two-year border war with Eritrea that ended in December 2000, continued to monitor a buffer zone in Eritrea. In September 2003 Ethiopia rejected an international ruling on border delimitation.

Ethiopia continued to face internal armed opposition backed by Eritrea, including the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF); it also continued to support Eritrean opposition groups.¹ Longstanding unrest in Gambella, near the Sudan border, erupted in violent intercommunal conflict in 2003. The conflict reportedly resulted in about four hundred deaths, large-scale internal and cross-border displacement and the targeting of economic interests, including gold mines and oil resources.²

Government

National recruitment legislation

Military service is not compulsory in Ethiopia.³ However, Defence Force Proclamation No. 27/1996 states that the defence ministry “may, in accordance with criteria issued by it from time to time, recruit persons fit and willing for military purposes” (Article 4). In call up notices, these criteria have defined a minimum recruitment age of 18 years.⁴ Failure to respond to call up is punishable by “simple” imprisonment, and in times of emergency, general mobilization or war, by up to 10 years’ “rigorous” imprisonment.⁵

The constitution 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” (Article 36).⁶

Military training and military schools

There were at least six known military training camps in Ethiopia, all operational, and officers’ and specialized training schools. A defence force engineering college was established in 1996, but information on the minimum age of enrolment was not available.

Child recruitment and deployment

National recruitment guidelines in use since 1991 specify that recruits must be between the ages of 18 and 25, and have completed six years of secondary education (two years for recruits from marginalized regions).⁷ However, in 2001 the lack of a birth registration system was noted with concern by the UN Committee on the Rights of the Child.⁸ Recruitment officers were believed to have operated with considerable discretion, putting minors at risk of recruitment, particularly in rural and impoverished communities.⁹

Armed political groups

Lack of access to the regions concerned prevented the investigation and monitoring of child soldier recruitment or use by armed political groups. In 2001, young former combatants reported that the OLF recruited boys and girls.¹⁰

Disarmament, demobilization and reintegration (DDR)

In 2000 the World Bank approved a loan to Ethiopia to support an emergency demobilization and reintegration project for 150,000 adult veterans.¹¹ The USA and other states pledged funding but there was no information on whether the program included specialized support for demobilized children. A number of troops were demobilized, but others were deployed in regions experiencing increased unrest.¹² The UN Security Council called for Ethiopia and Eritrea to facilitate the sustainable reintegration of demobilized soldiers.¹³

Other developments

Ethiopia ratified the African Charter on the Rights and Welfare of the Child in December 2002.¹⁴ In October 2001 a handbook on child protection was distributed to UNMEE forces, and some UN peacekeepers received child protection training.¹⁵ Following visits to Ethiopia and Eritrea in 2002, the UN Special Representative of the Secretary-General for children and armed conflict reported that “no systematic recruitment and use of child soldiers had been taking place during the conflict in either Ethiopia or Eritrea”, and called for child protection to be included in UNMEE’s mandate.¹⁶ He recommended ratification of the Optional Protocol, but the government had not signed or ratified it by early 2004.

* see glossary for information about internet sources

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 Martin Plaut, "Ethiopia 'faces new rebellion'", BBC, 12 February 2004, <http://news.bbc.co.uk; Human Rights Watch, Ethiopia: Human rights overview, January 2004, http://www.hrw.org>.
- 3 UN Committee on the Rights of the Child, Consideration of initial report of Ethiopia, UN Doc. CRC/C/SR.350, 16 January 1997, <http://www.ohchr.org>.
- 4 Information from Rädä Barnen (Save the Children – Sweden), March 2004.
- 5 Amnesty International Netherlands Section 1998, Ethiop: dienstwiger en desertie, citing War Resisters' International, Ethiopia: CONCODOC 1998 report, 17 August 1998, <http://wri-irg.org/co/rtba/ethiopia.htm>.
- 6 Constitution of the Federal Republic of Ethiopia, 1994, <http://www.ethiobar.net/English/cnstiotn/consttn.htm>.
- 7 Letter from Ministry of Foreign Affairs to Child Soldiers Coalition, 28 April 1999.
- 8 UN Committee on the Rights of the Child, Concluding observations on second periodic report of Ethiopia, UN Doc. CRC/C/15/Add.144, 21 February 2001.
- 9 Information from UN source, 6 February 2004.
- 10 Rädä Barnen, Children of War Newsletter No. 1/01, March 2001.
- 11 World Bank, *Ethiopia – Demobilization and Reintegration Project: Environmental Assessment*, 31 May 2004.
- 12 US Department of State, *Country Reports on Human Rights Practices 2002*, March 2003, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 13 UN Security Council Resolution 1398, UN Doc. S/Res/1398, 15 March 2002, <http://www.un.org/documents>.
- 14 African Union, <http://www.africa-union.org>.
- 15 Information from UN source, 6 February 2004.
- 16 Annual report of the UN Special Representative of the Secretary-General for children and armed conflict, UN Doc. E/CN.4/2003/77, 3 March 2003, <http://www.ohchr.org>.

GABON

Gabonese Republic

Population: 1.3 million (0.6 million under 18)

Government armed forces: 4,700 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 20

Voting age: 18

Optional Protocol: signed 8 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 182

There were no indications of under-18s in government armed forces

Context

In July 2003 the National Assembly adopted constitutional amendments that would allow President Omar Bongo, in power since 1967, to seek re-election indefinitely.¹ The Gabonese economy weakened as oil production fell, leading to cutbacks in education, healthcare and other social services.² In January 2004, Gabon and Equatorial Guinea agreed to UN mediation of a territorial dispute dating from 1972 over islands in potentially oil-rich waters.³

Gabon contributed troops and military observers to a peacekeeping force of the Economic and Monetary Community of Central African States (CEMAC) in the Central African Republic, as well as to an African Union ceasefire monitoring force in Burundi.⁴

Government

National recruitment legislation and practice

The Gabonese constitution states that it is the duty of every citizen to defend the country, (Article 21). The state security forces defend the nation and safeguard public order, and the creation of private militias is forbidden (Article 22).

There is no conscription into the armed forces. Under Act No. 004/98 of February 1998 on the general organization of national defence and public security, the minimum age for voluntary recruitment is 20.⁵

Other developments

In April 2002 the UN Committee on the Rights of the Child, in its concluding observations on the initial report of Gabon, welcomed legislation to protect and promote children's rights but expressed concern at failures to implement it. It expressed concern at discrimination against vulnerable children, at the low level of birth

registrations, at widespread child labour and child trafficking, and at the increasing sexual exploitation of children.⁶ The trafficking of children to Gabon was widely condemned.⁷

- 1 IRIN, "Chronology of key developments in West Africa in 2003", 19 January 2004, <http://www.irinnews.org>.
- 2 IRIN, "Gabon: Student riots crystallize frustration with education cutbacks", 27 January 2004.
- 3 IRIN, "Equatorial Guinea-Gabon: UN mediates dispute over Corisco Islands", 23 January 2004.
- 4 IRIN, "Central African Republic: First contingent of intervention force arrives", 5 December 2002; "Burundi: AU Observer team now complete", 12 March 2003.
- 5 Initial report of Gabon to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.10, 13 July 2001, <http://www.ohchr.org>.
- 6 UN Committee on the Rights of the Child, Concluding observations: Gabon, UN Doc. CRC/C/15/Add.171, 3 April 2002.
- 7 Human Rights Watch, *Borderline slavery: Child trafficking in Togo*, April 2003.

GAMBIA

Republic of the Gambia

Population: 1.4 million (0.7 million under 18)

Government armed forces: 800

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 21 December 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in the armed forces.

Context

Restrictions on political activities were lifted in July 2001, and incumbent President Yahya Jammeh won presidential elections in October 2001.¹ Opposition parties boycotted legislative elections in January 2002 in protest at alleged irregularities, and the ruling party won all but three seats.²

The UN Panels of Experts on Sierra Leone and Liberia expressed concern on several occasions at exports of diamonds by Gambia, which is not a diamond producing country, and the relocation to Gambia of prominent individuals within the Liberian diamond trade. The Panels had been established by the UN Security Council to investigate links between the diamond trade, violations of an arms embargo against Liberia and the fuelling of armed conflict in the region.³ Child soldiers were used extensively by most parties to the conflicts in the region. In 2001 the UN Security Council placed a travel ban on Baba Jobe, a member of the Gambian National Assembly for the ruling party, the Alliance for Patriotic Reorientation and Construction (APRC), for his alleged involvement in the illicit diamond trade and arms trafficking from Sierra Leone.⁴ In March 2004 Baba Jobe was sentenced by a Banjul court to nine years and eight months' imprisonment for fraud and economic crimes involving non-payment of customs duties to the state by the company he headed, Youth Development Enterprises.⁵ Until March 2003 he had been the majority leader of the Gambian National Assembly.⁶

Government

National recruitment legislation

There was no conscription. The Armed Forces Act specifies that "Where a person enlisting has not attained the age of eighteen years, his period of enlistment shall commence from the date he attains the age of eighteen years"

(Section 23). Gambia told the UN Committee on the Rights of the Child in September 2000 that “The legislation ... requires amendment so that any person below 18 should not be enlisted in the armed forces”, but the law was not known to have been amended.⁷ In November 2001 the Committee expressed concern that there was no clear legal definition of the child and called on Gambia to establish a clear legal minimum age for enlistment in the armed forces.⁸

There were no military schools in Gambia. Military training was carried out in the Fajara barracks, including by Turkish trainers.⁹

Other developments

The Committee on the Rights of the Child expressed concern at the low age of criminal responsibility in Gambia (seven years) and the possibility that a child could be sentenced to death, at low levels of birth registration, and at increasing problems of child labour and sexual exploitation of children.¹⁰

1 *Amnesty International Report 2002*, <http://web.amnesty.org/library/engindex>.

2 *Amnesty International Report 2003*.

3 Reports of UN Panel of Experts on Liberia, UN Docs. S/2000/1195, S/2001/1015, S/2002/470, <http://www.un.org/documents>.

4 UN Press Release SC/8027, “Security Council Committee issues list of names of individuals subject to measures imposed by paragraph 4 of resolution 1521 (2003)”, 16 March 2004, <http://www.un.org/documents>.

5 Confidential source, May 2004.

6 *L’Afrique en bref*, 30 March 2004, <http://www.radiofrance.fr/divers>.

7 Initial report of Gambia to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.61, 28 September 2000, <http://www.ohchr.org>.

8 UN Committee on the Rights of the Child, Concluding observations: Gambia, UN Doc. CRC/C/15/Add.165, 6 November 2001.

9 Confidential source, May 2004.

10 UN Committee on the Rights of the Child, op. cit.

GHANA

Republic of Ghana

Population: 20.5 million (9.7 million under 18)

Government armed forces: 7,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 24 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 182

There were no reports of under-18s in the armed forces. Fighters, possibly including under-18s, were reportedly recruited by Ivorian government and Liberian opposition forces in Liberian refugee camps in Ghana.

Context

In January 2003 the National Reconciliation Commission started hearings. The Commission was mandated to establish a complete record of human rights violations from 1979 until the end of military rule in 1993. Former President Jerry Rawlings appeared before the Commission to answer allegations of extrajudicial executions during the periods of military rule under his leadership.¹

In June 2003 a ceasefire agreement aimed at ending the conflict in Liberia was negotiated in Ghana, under the aegis of the Economic Community of West African States (ECOWAS), but collapsed within days. Ghana contributed troops to ECOWAS peacekeeping missions in Côte d’Ivoire and Liberia.²

Government

National recruitment legislation and practice

According to the 1992 constitution it “shall be the duty of every citizen to defend Ghana and render national service where necessary” (Article 41). This “national service” is not always military service, but often consists of public service, sometimes in the rural areas. There is no conscription and the armed forces consist entirely of volunteers. The minimum age of recruitment is 18.³ There were no reports of under-18s in the armed forces.

Recruitment by neighbouring countries

The government of Côte d'Ivoire was reported to have recruited Liberian fighters in Ghana to join its forces fighting in the conflict in Côte d'Ivoire.⁴ It was not known whether they included child soldiers, although some Liberian mercenaries were known to be children.⁵

The Liberian armed political group, Liberians United for Reconciliation and Democracy (LURD), also recruited fighters from a number of countries including Ghana. LURD supported the Ivorian government, which in turn helped form and train a LURD splinter group, the Movement for Democracy in Liberia (MODEL). LURD recruited and made extensive use of child soldiers. However, it was not known whether child soldiers were recruited from Ghana.

In January 2003 as many as 500 Liberian refugees in Ghana were alleged to have been offered money and taken to a training base by LURD recruiters. Ghanaian President John Kufuor reportedly intervened to end recruitments.⁶

1 IRIN, "Ghana: Rawlings makes brief first appearance at reconciliation commission", 12 February 2004, <http://www.irinnews.org>.

2 Ghanaweb, "ECOWAS soldiers to fly to Cote d'Ivoire by 10 January 2003", 3 January 2003, <http://www.ghanaweb.com>; Ghanaweb, "3,000 ECOWAS troops to Liberia", 4 July 2003, <http://www.news24.com>.

3 Initial report of Ghana to UN Committee on the Rights of the Child, UN Doc. CRC/C/Add.39, 19 December 1995, <http://www.ohchr.org>.

4 A.C. Ohene, "Swoop on Buduburam", *Ghanaian Chronicle*, 24 February 2003.

5 Human Rights Watch, *Trapped between two wars: Violence against civilians in western Côte d'Ivoire*, August 2003, <http://www.hrw.org>.

6 International Crisis Group, *Côte d'Ivoire: "The war is not yet over"*, Africa Report No. 72, 28 November 2003, <http://www.crisisweb.org>.

GUINEA

Republic of Guinea

Population: 8.4 million (4.2 million under 18)

Government armed forces: 9,700

Compulsory recruitment age: 18 (but not enforced in practice)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

Children as young as 15 were recruited to government militias in 2001 and 2002.

By 2004 most members were over 18.

Guinea provided support to a Liberian armed political group, Liberians United for Reconciliation and Democracy (LURD), which recruited children in Guinea, often forcibly. The Sierra Leonean armed group, the Revolutionary United Front (RUF), reportedly abducted Guinean children. Programs for the demobilization and reintegration of child soldiers began in December 2002.

Context

Despite being gravely ill, incumbent President Lansana Conté contested and won presidential elections in December 2003 that were reportedly rigged and were boycotted by opposition parties. The European Union refused to monitor or fund parliamentary or presidential elections, in anticipation of large-scale irregularities. In November 2003 suspected government opponents in the armed forces and civilians were arrested following rumours of an attempted coup.¹ A number of violent demonstrations took place during 2003, largely in protest at price increases.

Tens of thousands of refugees fleeing conflicts within the region continued to arrive in Guinea, which by March 2004 was hosting about 110,000, most from Liberia. Other refugees and over 100,000 Guineans in Côte d'Ivoire were forced by violence and fear of persecution to seek safety in Guinea in 2003.² The rights of refugees were not respected.³

The use of Guinea as a rear base by Sierra Leonean and Liberian armed political groups, and Guinea's involvement in conflicts in the region, led to ever-widening recruitment of child soldiers and the proliferation of small arms. Human rights groups and others, including the UN Panel of Experts on Liberia, frequently reported on the

support given to LURD by the Guinean authorities and military. Guinea repeatedly denied that it was a supply route for arms in violation of the UN arms embargo against Liberia.⁴ The Panel accused LURD of recruiting in Guinea and other countries, and expressed concern at the link between arms trafficking and the diamond trade.⁵ In May 2003 the Liberian authorities and fleeing civilians reported that Guinean troops were fighting alongside LURD in Liberia, an accusation denied by the Guinean authorities.⁶

Guinean peacekeepers in Sierra Leone allegedly facilitated the flow of weapons to LURD in early 2003. In mid-2003, munitions imported by Guinea from Iran were forwarded to LURD. In 2002, weapons that Guinea had received from the United Arab Emirates were also reportedly forwarded to LURD. Guinea received considerable US military aid despite its support for LURD and its involvement in the region's conflicts,⁷ and in May 2003, one month before LURD's attack on the Liberian capital Monrovia, despite Guinean support of LURD which was well documented including by the UN Panel of Experts, the UN Security Council under US pressure refused to extend the arms embargo to Guinea. The deliberate blindness of the international community to Guinean support and hosting of LURD was a major factor in the recruitment of child soldiers and forcing of girls into sexual servitude in both Liberia and Guinea.⁸ Only in August 2003, after LURD had reached Monrovia, with weapons supplied by Guinea, did the US authorities officially ask Guinea to end its support for LURD.⁹

In several instances RUF fighters abducted Guinean women and children and took them to Sierra Leone. Refugee camps in Guinea were also attacked by RUF fighters during 2002.¹⁰ RUF incursions in 2000 and 2001 caused between 150,000 and 180,000 people to be displaced.¹¹

Guinea reportedly supported the Côte d'Ivoire government in its activities in opposition to Liberia. At the same time, Guineans were said to have joined armed opposition groups in Côte d'Ivoire.¹² It was not known whether these groups included child soldiers.

Government

National recruitment legislation and practice

The 1990 *Loi fondamentale* (constitution) states that international treaties take precedence over Guinean law. Under Order No. 072/PRG/SGG/90 of 25 June 1990, all Guinean citizens between the ages of 18 and 25 may be called to military service for 18 months (Article 1).¹³ While conscription is provided for in law there is no military service and conscription is enforced only in times of need.¹⁴

Guinean law and army regulations prohibit the recruitment of under-18s into the armed forces.

However, very few people have birth certificates, and under-18s may be recruited. In some cases, impoverished parents and community leaders reportedly encourage under-18s to apply to the armed forces.¹⁵

Child soldier use

From September 2000 to February 2001, up to 9,000 children and young adults responded to a patriotic appeal to defend Guinea against the increased threat from Sierra Leonean incursions and fighters. They were recruited into militias known as the *Jeunes volontaires* (Young Volunteers), operating under the Ministry of Defence. Militia members acted as lookouts, cooks and porters for the regular armed forces, helped clear the bush and took part in combat. Some were reported to be as young as 15 at the time of recruitment, although only a minority were still under 18 by March 2004.¹⁶ From 2002 onwards militia activities substantially decreased and by March 2004 militia members had largely returned home, been incorporated into the armed forces or demobilized.

Government support for LURD

As LURD's activities intensified in Liberia from 2002, it recruited children as young as 13 in refugee camps in Guinea and at the Guinean border, where they were conscripted with other refugees and forced to carry arms and ammunition from Guinea into Liberia. The Guinean military was largely complicit in this recruitment, although in some instances members of the Guinean security forces prevented it. Children as young as ten years old carried LURD commanders' personal belongings or other provisions back to Liberia from Guinea. Adolescent girls were reported to have been forcibly taken from refugee camps, raped or kept as sex slaves and later returned to the camps.¹⁷ LURD was reported to have placed family members in Kouankan, Guinea's largest refugee camp, where it maintained an openly armed presence and it continued to return there for rest and recreation, stocks and new recruits.¹⁸

LURD child soldiers, often under the influence of drugs given them by their commanders, witnessed and participated in killings and rapes of civilians in Liberia. In June 2003 LURD pledged to end the recruitment of child soldiers and demobilize those in its ranks, but appeared to take no action to this end.¹⁹ At the end of March 2004 LURD was reported to be present in Kouankan camp and in Nzerekore and Macenta towns, and still recruiting child refugees.²⁰

Disarmament, demobilization and reintegration (DDR)

In November 2003 some 2,000 Guinean child soldiers, believed to include about 400 girls and child soldiers returning from Liberia, were estimated to require demobilization and reintegration.²¹

In March 2004 UNICEF reported that 348 Young Volunteers had finished their vocational training as part of a demobilization and reintegration program. A further 6,200 Young Volunteers, many of whom had been recruited as children, had been identified in military garrisons across the country, largely posted at roadblocks. Despite the risk of their recruitment into armed political groups in the region or their potentially destabilizing role within Guinea, a program for their demobilization and reintegration had not been implemented due to lack of funds. Other Young Volunteers had reportedly left the militia or joined armed political groups within the region.²² Training had taken place for officers and local leaders on the Optional Protocol with the aim of preventing further recruitment of children, leading to the creation of a child protection committee in each of the country's four military regions. UNICEF expressed concern that underfunding could jeopardize the program.²³

* see glossary for information about internet sources

- 1 Fédération internationale des ligues des droits de l'Homme (FIDH), *Guinée: Une démocratie virtuelle, un avenir incertain*, No. 386, April 2004, <http://www.fidh.org>.
- 2 UNICEF, *Guinea donor update*, 8 March 2004, <http://www.reliefweb.int>.
- 3 Amnesty International Report 2003, <http://web.amnesty.org/library/engindex>.
- 4 Report of UN Panel of Experts on Liberia, UN Doc. S/2003/498, 24 April 2003, <http://www.un.org/documents>.
- 5 Report of UN Panel of Experts on Liberia, UN Doc. S/2002/470, 19 April 2002.
- 6 Alphonso Toweh, "Liberia says Guinean troops join rebels in battle", Reuters, 19 May 2003.
- 7 Human Rights Watch (HRW), *Weapons sanctions, military supplies and human suffering: Illegal arms flows to Liberia and the June-July 2003 shelling of Monrovia*, Briefing Paper, 3 November 2003, <http://www.hrw.org>.
- 8 Confidential source, Guinea, June 2004.
- 9 International Crisis Group (ICG), *Guinée: Incertitudes autour d'une fin de règne*, Africa Report No. 74, 19 December 2003; *Liberia: Security challenges*, Africa Report No. 71, 3 November 2003, <http://www.crisisweb.org>.
- 10 Amnesty International Report 2002, Sierra Leone.
- 11 Confidential source, Guinea, May 2004.
- 12 ICG, *Guinée: Incertitudes autour d'une fin de règne*, op. cit.

- 13 The question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/1997/99, 16 January 1997, <http://www.ohchr.org>. Other sources state that military service lasts for 24 months.
- 14 Confidential source, Guinea, May 2004.
- 15 Confidential source, Guinea, May 2004.
- 16 Confidential source, Guinea, May 2004.
- 17 IRIN, "Liberia: Preparing for the transition from war to normal life", 12 December 2003, <http://www.irinnews.org>; HRW, *Liberian refugees in Guinea: Refoulement, militarization of camps, and other protection concerns*, November 2002.
- 18 Confidential source, Guinea, May 2004.
- 19 HRW, *How to fight, how to kill: Child soldiers in Liberia*, February 2004.
- 20 Confidential source, Guinea, May 2004.
- 21 UNICEF, *A window on West Africa's war-weary children*, 4 November 2003.
- 22 Confidential source, Guinea, May 2004.
- 23 UNICEF, *Guinea donor update*, op. cit.

GUINEA-BISSAU

Republic of Guinea-Bissau

Population: 1.4 million (0.8 million under 18)

Government armed forces: 9,250 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 16; younger with parental consent

Voting age: 18

Optional Protocol: signed 8 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II

There were no reports of child soldiers in government forces although by law children aged under 16 years could enlist with parental consent. Of the children who participated in the 1998-9 armed conflict, only 301 had been officially demobilized.

Context

In September 2003 President Kumba Ialá was ousted in a bloodless coup by General Veríssimo Correia Seabra, the head of the armed forces and a former child soldier who at the age of 16 had joined the *Partido Africano da Independência da Guiné e Cabo Verde* (PAIGC), Africa Party for the Independence of Guinea-Bissau and Cape Verde.¹ The coup followed months of political tension as President Ialá repeatedly delayed parliamentary elections, interfered with the judiciary and repressed political dissent in a mounting economic crisis.² Although condemned internationally, the coup appeared well received in Guinea-Bissau. General Seabra handed power to a civilian transitional government headed by President Henrique Rosa two weeks later.

Unpaid government salaries, including within the armed forces, prompted continuing fears of further unrest.³ In March 2004 student protests against a teachers' strike over pay arrears turned violent.⁴ In early March 2004 President Ialá, who had been under house arrest since the coup, was released.⁵ Legislative elections held in March 2004 were won by the PAIGC. Presidential elections were scheduled for a year later.⁶

Government

National recruitment legislation and practice

Decree 20/83 of 9 July 1983 provides for compulsory military service for any individual aged between 18 and 25 years. However, it also allows for boys under the age of 16 to do military service if they have the support of their parents or

guardians. Criminal responsibility is established at 16 years.⁷

In June 2002 the UN Committee on the Rights of the Child, in its observations on Guinea-Bissau's initial report, expressed concern that boys under the age of 16 were allowed to join the armed forces with parental consent, and that children well under the age of 16 were recruited into the armed forces during the 1998-9 armed conflict. It recommended that the age limit be raised to comply, at a minimum, with the standards set in the Optional Protocol.⁸ However, no legislative changes were known to have been made.

Disarmament, demobilization and reintegration (DDR)

The Committee also expressed concern that children involved in the armed conflict might have suffered psychological trauma, and that child soldiers might not have received support towards demobilization and family and social integration. It urged the government to ensure that all underage soldiers were demobilized and assisted with reintegration, including psychological care. The Committee further expressed concern that landmines were placing children at risk.⁹ By March 2003 more than 2,400 of the estimated 4,000 mines buried during the armed conflict had been destroyed.¹⁰

During the Committee's examination of Guinea-Bissau's report, the government acknowledged that the number of child soldiers who participated in the 1998-9 conflict was not known, and that only 119 children had been demobilized and registered as former combatants. The government said that Guinea-Bissau had requested UNICEF support for an anti-trauma program for former child soldiers, and that fathers of former child soldiers had been receiving some financial assistance.¹¹ According to UNICEF, 301 child soldiers had been officially registered as former combatants and demobilized as of March 2003. UNICEF and other partners were working on the DDR program for these children, conducted by the government.¹²

All child soldiers involved in the armed conflict were reported to have been demobilized in 2002.¹³ They were reportedly demobilized as part of a broader DDR program. In November 2003 there were peaceful protests at the program's shortage of funding by former combatants who had been excluded from the reintegration phase. There were 4,372 former combatants, identified as the most vulnerable out of a total of 11,300, who benefited from the program.¹⁴ Previously, 6,000 former combatants had been identified as beneficiaries.¹⁵

* see glossary for information about internet sources

- 1 IRIN, "Guinea-Bissau, The child soldier who became president", 17 September 2003, <http://www.irinnews.org>.
- 2 IRIN, "Guinea-Bissau: Army ousts president who kept delaying elections", 14 September 2003.
- 3 Report of the UN Secretary-General on developments in Guinea-Bissau and on the activities of the UN Peace-building Support Office, UN Doc. S/2003/1157, 5 December 2003, <http://www.un.org/documents>.
- 4 IRIN, "Guinea-Bissau: Students go on the rampage after police break up demo", 5 March 2004.
- 5 IRIN, "Guinea-Bissau: Ousted president freed ahead of end-of-March polls", 9 March 2004.
- 6 IRIN, "Guinea-Bissau: International observers generally satisfied with polls", 30 March 2004.
- 7 Initial report of Guinea-Bissau to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.63, 26 July 2001, <http://www.ohchr.org>.
- 8 UN Committee on the Rights of the Child, Concluding observations: Guinea-Bissau, UN Doc. CRC/C/15/Add.177, 13 June 2002.
- 9 UN Committee on the Rights of the Child, Concluding observations: Guinea-Bissau, op. cit.
- 10 PANA, "Guinea-Bissau destroys 2,400 mines in 2 years", 26 March 2003.
- 11 UN Committee on the Rights of the Child, Consideration of initial report of Guinea-Bissau, 22 May 2002, reported on <http://www.reliefweb.int>.
- 12 Information from UNICEF in Guinea Bissau, March 2004.
- 13 US Department of State, *Country Reports on Human Rights Practices 2002*, March 2003, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 14 Report of the UN Secretary-General on developments in Guinea-Bissau, 5 December 2003, op. cit.
- 15 Report of the UN Secretary-General on developments in Guinea-Bissau and the activities of the UN Peace-building Support Office, UN Doc. S/2003/621, 9 June 2003.

KENYA

Republic of Kenya

Population: 31.5 million (15.8 million under 18)

Government armed forces: 24,120

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 28 January 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

No children were reported to be serving in the armed forces. Youths, including under-18s, were members of gangs involved in political and criminal violence. Many of the estimated 250,000 refugees in Kenya had fled conflicts in Ethiopia, Somalia and Sudan where child soldiers had been used.

Context

The December 2002 presidential elections were preceded by politically motivated violence in which private militias and youth gangs were implicated, although in Kenya the term "youth" also applied to adult party members and unemployed adults who were involved.

In 2002 the government released the report of an investigation by the Akiwumi commission of inquiry into ethnic clashes between 1991 and 1998 that resulted in more than 1,000 deaths, drove thousands of people from their homes and disrupted two general elections. The report held that public officials were responsible and cited political factors as the primary cause of the violence.¹ More than 2,500 internally displaced children and hundreds of families were still living in camps in Nakuru district in 2001.²

There was rapid growth in the numbers of street children, with tens of thousands living homeless in urban slum areas. Violence between ethnic groups led to 50 to 75 deaths a month in 2004.³

Kenya continued to host a population of 250,000 refugees.⁴ Many of them had fled conflicts in Ethiopia, Somalia and Sudan in which child soldiers had been used.⁵ Arms trafficking and the use of bullets and guns as currency were reported in and around the refugee camps,⁶ although most refugees were not involved.⁷ Cross-border skirmishes continued along Kenya's northern and western borders.

Government

National recruitment legislation

At the time of Kenya's ratification of the Optional Protocol in January 2002, its accompanying

declaration upheld a “straight-18” position and stated that “the minimum age for recruitment of persons into the armed forces is by law set at eighteen years. Recruitment is entirely and genuinely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Kenya”⁸.

Recruitment into the armed forces is regulated by the Armed Forces Act. The recruit must be a Kenyan citizen and have a national identity card, which may be issued only when the applicant is 18 and is able to produce a birth certificate.⁹

The Children’s Act, the first comprehensive law on children in Kenya, was passed by Parliament in 2001 and came into effect on 1 March 2002.¹⁰ It provides that “no child (under 18 years) shall take part in hostilities or be recruited in armed conflicts” and that it is government’s responsibility “to provide protection, rehabilitation care, recovery and re-integration into normal social life of any child who may become a victim of armed conflict” (Article 10). A Child Labour Division, established within the Ministry of Labour and Human Resources Development, assisted in completing a National Child Labour Policy Paper and in domestic implementation of the provisions of ILO Convention 182.¹¹

There were no reports of under-18s serving in the armed forces. The risk of underage recruitment remained, however, owing to the lack of an effective system for registering births.¹²

Armed groups

Armed criminal gangs, some with a history of involvement in political violence, often had child members. A study on youth and violence found that children most affected by violence were those living in poor communities. Groups of youths in impoverished areas carried out gang warfare and crime.¹³

Such youth gangs sometimes aligned themselves to political parties and, under the guise of offering security, terrorized local people.¹⁴ The police said that between January and March 2004 at least 50 young people had joined the *Mungiki*, a death squad in Nairobi.¹⁵ The *Mungiki* is a vigilante group that has reportedly carried out thefts and killings, including on behalf of the former ruling Kenya African National Union in the run-up to the 1992 elections.

Although the majority of young members in such gangs were thought to be 18 or over, some were under-18s and a significant number were former street children. The government sent some street children for rehabilitation within the National Youth Service.¹⁶ Other programs were initiated by non-governmental organizations (NGOs). The Nairobi Youth Network for Peace was created in 2002 to address social and political youth violence instigated by politicians during the 1992 and 1997 elections. It provided training in

peace building for young people and contributed to the formulation of a National Youth Policy.¹⁷ The Kibera Youth Programme for Peace and Development addressed the causes and effects of youth violence, including by establishing a country-wide youth movement and linking up with children affected by conflict in other countries, such as child soldiers in Uganda.¹⁸

* see glossary for information about internet sources

- 1 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 2 Initial report of Kenya to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.62, 16 February 2001, <http://www.ohchr.org>.
- 3 US Department of State, op. cit.
- 4 UNHCR, “UNHCR briefing notes: Northern Caucasus, Somalia/Kenya, Liberia/Guinea”, 14 June 2002, <http://www.reliefweb.int>. According to some sources, the number of refugees was greater than 250,000.
- 5 PANA, “Starvation stares at quarter million refugees in Kenya”, 25 February 2004.
- 6 Robert Muggah with Martin Griffiths, *Reconsidering the tools of war: small arms and humanitarian action*, Humanitarian Practice Network, Paper 39, Overseas Development Institute, July 2002.
- 7 Confidential source, 21 May 2004.
- 8 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 9 Information from Rädä Barnen (Save the Children – Sweden), March 2004.
- 10 Republic of Kenya, Kenya Gazette Supplement, Acts 2001, Nairobi, 4 January 2002.
- 11 US Department of State, op. cit.
- 12 Information from member of Child Soldiers Coalition in Kenya, March 2004.
- 13 Communication from African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), 15 April 2004.
- 14 Jim Cole and Henry Smith, *Action Against Small Arms: A resource and training handbook*, International Alert, Oxfam and Saferworld, 2003.
- 15 Evelyn Kwamboka, “How Mungiki trains killers”, *East African Standard*, 8 March 2004, <http://www.rickross.com/reference/mungiki/mungiki43.html>.
- 16 Communication from ANPPCAN, op. cit.
- 17 Nairobi Youth Network for Peace, *Shattered future*, briefing for Child Soldiers Coalition, April 2004.
- 18 Jim Cole and Henry Smith, *Action Against Small Arms*, op. cit.

LESOTHO

Kingdom of Lesotho

Population: 1.8 million (0.9 million under 18)

Government armed forces: 2,000 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 24 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in the armed forces, although there was a risk of underage recruitment owing to low levels of birth registration.

Context

Struggling with the combined effects of drought, HIV/AIDS and falling agricultural production, hundreds of thousands of people required food aid in 2004 for a third consecutive year. The prevalence of HIV infection was estimated at 31 per cent, and was recognized by UNICEF and the government to have led to increased child prostitution.¹ The country had high levels of child labour and a growing number of street children.²

A study by the Electoral Institute of Southern Africa in 2004 found that the restructuring of the armed forces, security services and police following army disturbances in 1994 and 1998 had reduced the risk of election unrest, although problems of political violence remained.³

Government

National recruitment legislation and practice

Under the Lesotho Defence Force Act of 1996, the minimum age for voluntary recruitment into the armed forces is 18 (Section 18). Recruits may join up between the ages of 18 and 24.⁴ Lesotho confirmed its support for the “straight-18” position when it ratified the Optional Protocol.⁵ The UN Committee on the Rights of the Child expressed concern in 2001 “at low levels of birth registration and, in particular, that some registration procedures are inaccessible, cumbersome and expensive”.⁶ Lack of an effective registration system heightened the risk of recruiting under-18s.

- 1 UNICEF, *At a glance: Lesotho*, <http://www.unicef.org/infobycountry/lesotho.html>; IRIN, “Lesotho: Food security situation ‘alarming’”, 31 March 2004, <http://www.irinnews.org>; US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 2 Initial report of Lesotho to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.20, 20 July 1998, <http://www.ohchr.org>.
- 3 Electoral Institute of Southern Africa, *The road to democratic consolidation in Lesotho, reforms and challenges*, 2004, cited in IRIN, “Lesotho: Focus on challenges to multi-party democracy”, 15 January 2004.
- 4 Initial report of Lesotho to UN Committee on the Rights of the Child, op. cit.
- 5 Declaration, <http://www.ohchr.org>.
- 6 UN Committee on the Rights of the Child, Concluding observations: Lesotho, UN Doc. CRC/C/15/Add.147, 21 February 2001.

LIBERIA

Republic of Liberia

Population: 3.2 million (1.7 million under 18)

Government armed forces: 11-15,000 (estimate)

Compulsory recruitment age: no conscription in law

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 182

Government armed forces and allied armed groups, as well as armed opposition groups, recruited and used child soldiers, some as young as seven years old.

Reports indicated that some 21,000 child soldiers needed demobilization, including an unknown number of girls abducted into sexual servitude. Despite a peace agreement in August 2003, disarmament, demobilization and reintegration (DDR) programs had yet to begin by March 2004.

Context

Armed conflict in Liberia resumed in July 2000 with incursions from Guinea by the armed political group, Liberians United for Reconciliation and Democracy (LURD). Fighting intensified in 2002, leading to further recruitment of child soldiers by all parties to the conflict. In early 2003 the Movement for Democracy in Liberia (MODEL) broke away from LURD and began an offensive from bases in Côte d'Ivoire, supported by Ivorian government forces and militia.¹ Despite sanctions imposed by the UN Security Council, prohibiting all sales or supply of arms and related *matériel* to any recipient in Liberia, the embargo was repeatedly violated, including by neighbouring countries.

The use and abuse of child soldiers was deliberate policy at the highest levels of government and the two armed opposition groups.² Child soldiers, often under the influence of drugs given them by their commanders, witnessed and participated in the killing and rape of civilians and other abuses.³ Poorly trained child soldiers were killed and maimed in combat. Girls undertook frontline and other military and domestic duties, and were often abducted into sexual servitude.

A ceasefire agreement in June 2003 collapsed within days. President Charles Taylor's position was compromised by an indictment for crimes against humanity, war crimes and other serious human rights violations, issued by the Special

Court for Sierra Leone. He was accused, with others, of "bearing the greatest responsibility" for crimes, including the use of child soldiers, abduction and forced labour, committed as a result of his support of the armed opposition during Sierra Leone's ten-year armed conflict.⁴ In August 2003 the UN Security Council authorized deployment of an Economic Community of West African States (ECOWAS) force that was subsequently integrated into the UN Mission in Liberia (UNMIL). President Taylor left for exile in Nigeria and a Comprehensive Peace Agreement was signed.⁵

The National Transitional Government of Liberia, which included representatives of forces responsible for gross human rights abuses, was undermined by continuing tensions between and within parties to the conflict and the slow deployment of peacekeepers.⁶ A UN disarmament, demobilization and reintegration (DDR) program began in December 2003 but was suspended days later. It had not restarted by March 2004. Insecurity continued in several parts of the country.⁷

Government

National recruitment legislation

Under Liberian law, the age of voluntary recruitment is 16 and there is no conscription. Neither measure was enforced. Furthermore, several militias and paramilitary units have no legal status.⁸

The Comprehensive Peace Agreement committed the new government to "paying special attention to the needs of former child soldiers" and provided for the release of people who had been abducted. However, the large numbers of abducted children had not been released by March 2004.⁹

Under the penal code, criminal responsibility begins at 16. Minors aged between 16 and 18 may benefit from reduced sentencing in some instances. They may, however, be sentenced to death and executed.¹⁰ No child soldiers were known to be in detention.

Child recruitment and deployment

Use of child soldiers by government forces was systematic, widespread and endorsed at the highest level. Commanders of child soldiers in government units such as the Small Boy Units (SBUs) were as young as 12.¹¹

As conflict intensified in 2002 the government stepped up conscription of former combatants in the capital, Monrovia, recruiting former child soldiers and other children into the armed forces, the paramilitary Anti-Terrorist Unit (ATU) and associated militias. Further recruitment, often forcible, occurred in response to the emergence of MODEL in 2003 and again as conflict intensified in the months before Charles Taylor's

departure as LURD advanced towards Monrovia.¹² Children as young as seven were recruited.¹³ As LURD attacked Monrovia in June and July 2003, more children joined government and opposition forces, to protect themselves and their families as well as to loot.¹⁴

An attempt to conscript school children into the armed forces in the northern town of Ganta, Nimba County, sparked protest riots in March 2003.¹⁵ In mid-2003, an estimated one in ten of children in the Montserrado camps for the internally displaced on the outskirts of Monrovia were recruited into government forces.¹⁶ Girls were abducted from church, raped, and forced to carry ammunition.¹⁷

Children who had served in the previous Liberian conflict before 1997 and had been demobilized were re-recruited. Child soldiers often had to do the recruiting, driving round in pickups, arbitrarily selecting children. Children at risk while travelling to or from school had to be kept away from barely functioning schools. By 2003 government forces were reported to be conscripting children into SBUs directly from classrooms.¹⁸ Children attempting to flee to Sierra Leone with their parents were seized at checkpoints by the ATU. Those whose parents were unable to “buy” their freedom were sent to the front, without proper training.¹⁹ The armed forces and the ATU were also reported to have forcibly recruited children from refugee camps in Sierra Leone.²⁰

Children as young as ten years old were sent to the front, after receiving training for between one and four weeks. Young children became SBU commanders, known for their daring and ruthlessness. Despite internal rules prohibiting abuses against civilians and looting, child soldiers, like their adult counterparts, often looted and killed with the knowledge of their commanders. Others were strictly punished for such offences, including by summary executions. Children were made to act as spies and infiltrate enemy lines, used as bodyguards, and subjected to forced labour, carrying heavy loads, cooking and cleaning.²¹ Forced labour was continuing in March 2004.²²

Girls were recruited as both fighters and helpers. They were routinely raped and sexually assaulted, including at the time of recruitment. Young girls were often assigned to commanders. Older girls were made to capture other girls to provide sexual services for men and boys in their units. The number of girl soldiers is not known.²³

Numerous child soldiers in Liberia admitted to participating, often under the influence of drugs given them by commanders, in grave human rights abuses including unlawful killings of civilians, summary executions of captured combatants, rape and other forms of sexual violence, as well as widespread looting. Others killed or looted under orders and the threat of death.²⁴

Despite the August 2003 peace agreement, many child soldiers continued to operate with government militias, looting and stealing from the local population. Others were abandoned by government forces and awaited official demobilization.²⁵

Armed political groups

Both LURD and later MODEL systematically recruited, used and abused child soldiers, forcing them to witness and commit human rights abuses, often while drugged.

Liberians United for Reconciliation and Democracy (LURD)

As LURD mounted an offensive in 2002, its recruitment of child soldiers increased. Children and adults were forcibly recruited, including from Liberian refugee camps in Guinea, as LURD pushed towards Monrovia in 2003. Civilians fled LURD attacks towards government held territory or back to LURD bases in the interior. Fleeing children, often under the age of 15, were targeted for recruitment. Camps for the internally displaced were systematically attacked and children abducted. After two weeks of training, new recruits were sent to the front line. Other children joined LURD after witnessing human rights violations against their families by government troops, or because of perceived material advantage in a desperate humanitarian situation.²⁶

LURD forced an unknown number of women and girls into sexual slavery, and abducted them for forced labour, fetching water, cooking and cleaning. Girls as young as 14 were coerced into becoming “wives”, sometimes under threat of death. Some girls were abducted purely to provide sexual services. Women fighters sometimes carried out the abductions.²⁷

LURD's recruitment of children spread into neighbouring Côte d'Ivoire, Sierra Leone and Guinea, where many Liberians had fled. Children as young as 13 were recruited in refugee camps and at the Guinean border, where they were conscripted with other refugees, with the complicity of members of the Guinean armed forces, and forced to carry arms and ammunition from Guinea into Liberia. LURD commanders' personal belongings or other provisions were carried by children as young as ten years old back to Liberia from Guinea. LURD child soldiers also participated in the 2002-03 conflict in Côte d'Ivoire, some recruited as mercenaries by the Ivorian government.²⁸

In June 2003 LURD pledged to end the recruitment of child soldiers and demobilize those in its ranks, but appeared to take no action to this end.²⁹

Movement for Democracy in Liberia (MODEL)

After its split from LURD in early 2003, MODEL operated initially from bases in Côte d'Ivoire, where children in refugee camps were recruited, often forcibly, with the open support of the Côte d'Ivoire government. Ivorian children were also recruited to fight in Liberia, girls as helpers, fighters and for sexual services. In July 2003, as MODEL advanced into Buchanan, Grand Bassa County, Liberia, boys and young adults who had sought protection in a church compound were forcibly recruited. Local residents reported seeing at least 200 girls and many more boys in the MODEL forces, and were particularly fearful of young boy fighters, although relations with MODEL improved after abuses were committed in the first few days.³⁰ One humanitarian worker reported seeing a MODEL child soldier so small that the barrel of her gun was dragging on the ground.³¹

Child soldiers were also used as porters, often to carry goods looted from local people.³² Despite the August 2003 peace agreement and the formation of the transitional government, parents in MODEL-controlled areas continued to keep their children at home for fear of recruitment.³³ Forced labour by MODEL was continuing in October 2003.³⁴

Disarmament, demobilization and reintegration (DDR)

Programs to disarm and demobilize child fighters before the August 2003 peace agreement were criticized as badly managed.³⁵ Many demobilized or escaped child soldiers in refugee camps in Sierra Leone and Guinea were not benefiting from child protection programs and were at extreme risk of re-recruitment by groups fighting in Liberia or Côte d'Ivoire.³⁶ Only a third of child soldiers who fought in the pre-1997 war were demobilized and reintegrated.³⁷ Many others were re-recruited as hostilities resumed.

Demobilization of child soldiers was hampered by the lack of commitment of military commanders from all factions, who continued to deny the existence of child soldiers in their ranks. Commanders reportedly ordered child soldiers to conceal their ages in some cases. In August 2003, 80 former child soldiers from government and opposition forces were under the care of the UN after spontaneously handing in their weapons. However, no official demobilization program then existed.³⁸

The UN, under pressure to begin demobilization as fighters spontaneously left their units, still armed, was criticized for poor preparation of the DDR program that began in December 2003. Special facilities for child soldiers and women and girl combatants had not

been prepared.³⁹ The program halted within days, following a riot by fighters loyal to the former government who demanded money for handing in their weapons. At least nine and possibly as many as twelve civilians were killed in two days of violence. In February 2004 UNMIL announced that the first instalment of money promised under the program would be awarded only after completion of a two- to three-week demobilization process. In March 2004 the program was yet to resume. The number of fighters to be demobilized was estimated at between 38,000 and 53,000.⁴⁰ The program included specific objectives in relation to former child soldiers including access to healthcare, skills training, family tracing and reunification, increased awareness and improved capacity of non-governmental organizations and agencies to address the immediate and longer-term needs of former child soldiers. A number of measures specific to girls and women were included in the DDR program although concern remained that their special needs would not be adequately addressed.⁴¹

Other developments

The international community recognized the gravity of child soldiering in Liberia, and the UN Secretary-General and Security Council condemned the use of child soldiers in the Liberian conflict on several occasions. In November 2003 the Secretary-General identified the government armed forces, LURD and MODEL as users of child soldiers, condemning the increased recruitment of children.⁴² In recognition of the regional nature of the conflict, the Secretary-General noted that there could be no regional stability without the successful DDR of combatants, including children, and unless the issues of child soldiering and the proliferation of arms were addressed.⁴³

The UN Panel of Experts on Liberia reported explicitly on the forcible recruitment of refugees in Côte d'Ivoire, including children, by Liberian armed political groups.⁴⁴ A joint declaration by the European Union Presidency and the USA in April 2003 deplored the forced recruitment into conflict or servitude of civilians, including children, to fuel conflicts in Liberia and Côte d'Ivoire.⁴⁵ In July 2003 UNICEF, ECOWAS and the Special Representative of the UN Secretary-General for Children and Armed Conflict jointly appealed for an end to the fighting, and emphasized that the mobilization of children and women violated all international human rights and humanitarian standards.⁴⁶

Liberia's initial report to the UN Committee on the Rights of the Child acknowledged that "a large number of persons below the legal age [16] were conscripted by the various factions into their armed forces". The report stated that the rehabilitation and reintegration of former child soldiers was of "critical concern" to the government.⁴⁷

Liberia reportedly ratified the Rome Statute of the International Criminal Court in October 2003, but the instruments of ratification had not been deposited with the UN as of March 2004.⁴⁸

* see glossary for information about internet sources

- 1 Human Rights Watch (HRW), *How to fight, how to kill: Child soldiers in Liberia*, February 2004, <http://www.hrw.org>.
- 2 AFP, "Les enfants soldats libériens ont commencé à déposer les armes (UNICEF)", 23 August 2003.
- 3 HRW, *How to fight, how to kill*, op. cit.
- 4 Amnesty International (AI), Urgent Action 283/03: Impunity/Legal concern, 12 August 2003, <http://web.amnesty.org/library/engindex>.
- 5 Comprehensive Peace Agreement between the government of Liberia, LURD, MODEL and the political parties, Accra, Ghana, 18 August 2003.
- 6 AI, *Liberia: The promises of peace for 21,000 child soldiers*, 17 May 2004.
- 7 Information from AI, May 2004.
- 8 HRW, *How to fight, how to kill*, op. cit.
- 9 AI, *Liberia: The promises of peace for 21,000 child soldiers*, op. cit.
- 10 Initial report of Liberia to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.21, 22 September 2003, <http://www.ohchr.org>.
- 11 HRW, *How to fight, how to kill*, op. cit.
- 12 HRW, *How to fight, how to kill*, op. cit.; IRIN, "Liberia: UNICEF calls for end to atrocities against children", 22 April 2003, <http://www.irinnews.org>.
- 13 AI, *Liberia: The promises of peace for 21,000 child soldiers*, op. cit.
- 14 HRW, *How to fight, how to kill*, op. cit.
- 15 IRIN, "Liberia: Child soldiers are back on the frontline", 9 June 2003.
- 16 Information from Save the Children, 30 June 2003.
- 17 AI, *Liberia: "The goal is peace, to sleep without hearing gunshots, to send our children to school; that is what we want"*, 18 December 2003.
- 18 HRW, *How to fight, how to kill*, op. cit.
- 19 HRW, *How to fight, how to kill*, op. cit.; Letter to the UN Security Council regarding the Mano River Union, 17 July 2002.
- 20 Save the Children UK interviews with child refugees in Sierra Leone, March-April 2003.
- 21 HRW, *How to fight, how to kill*, op. cit.
- 22 Information from AI, May 2004.
- 23 HRW, *How to fight, how to kill*, op. cit.
- 24 See HRW and AI reports on Liberia.
- 25 HRW, *How to fight, how to kill*, op. cit.
- 26 HRW, *How to fight, how to kill*, op. cit.
- 27 HRW, "The guns are in the bushes": Continuing abuses in Liberia, January 2004.
- 28 HRW, *Trapped between two wars: Violence against civilians in western Côte d'Ivoire*, August 2003; IRIN, "Liberia: Preparing for the transition from war to normal life", 12 December 2003; HRW, *Liberian refugees in Guinea: Refoulement, militarization of camps, and other protection concerns*, November 2002.
- 29 HRW, *How to fight, how to kill*, op. cit.
- 30 HRW, *How to fight, how to kill*, op. cit.; *Trapped between two wars*, op. cit.
- 31 HRW, *Liberia: Greater protection required for civilians still at risk*, Briefing Paper, September 2003.
- 32 HRW, *How to fight, how to kill*, op. cit.
- 33 UN OCHA, *Liberia Humanitarian Situation Update*, No. 93, 21-29 March 2004, <http://www.reliefweb.int>.
- 34 HRW, "The guns are in the bushes", op. cit.
- 35 IRIN, "Liberia: Child soldiers are back on the frontline", op. cit.
- 36 Information from Save the Children, March 2003.
- 37 IRIN, "Liberia: Preparing for the transition from war to normal life", op. cit.
- 38 AFP, op. cit.
- 39 HRW, "The guns are in the bushes", op. cit.
- 40 IRIN, "Liberia: UN discontinues immediate \$75 cash payment to disarmed fighters", 20 February 2004.
- 41 AI, *Liberia: The promises of peace for 21,000 child soldiers*, op. cit.
- 42 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>.
- 43 Report of the Secretary-General on ways to combat sub-regional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004; Statement by the President of the Security Council, UN Doc. S/PRST/2004/7, 25 March 2004.
- 44 Report of UN Panel of Experts on Liberia, UN Doc. S/2003/498, 24 April 2003, <http://www.un.org/documents>.
- 45 Joint Declaration on the humanitarian situation, especially the practice of forced recruitment, in Liberia, 14 April 2003.
- 46 Cited in IRIN, "Sierra Leone: Child soldier rehabilitation programme runs out of cash", 22 July 2003.
- 47 Initial report of Liberia to the UN Committee on the Rights of the Child, op. cit.
- 48 AI, *Liberia: The promises of peace for 21,000 child soldiers*, op. cit.

MADAGASCAR

Republic of Madagascar

Population: 16.9 million (8.6 million under 18)

Government armed forces: up to 13,500

Compulsory recruitment age: unknown

Voluntary recruitment age: unknown

Voting age: unknown

Optional Protocol: signed 7 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Recruitment ages were unknown and it was not known whether there were under-18s in the armed forces.

Context

In January 2002 mass protests were organized against incumbent President Didier Ratsiraka, who was accused of rigging the December 2001 presidential polls in an attempt to prolong his 23-year rule. Almost 60 people were killed between January and May 2002 in clashes between two of the country's largest ethnic groups, and over 65,000 people lost their jobs in the subsequent economic crisis.¹

Government

National recruitment legislation and practice

The constitution provides for conscription, stating that "National service shall be an honourable duty" (Article 18). The legal basis for conscription is believed to be Order No. 78-003 on National Service of 6 March 1978, and it is possible to perform non-military service (Article 4). However, no official information was available on the requirements for military service, which is for 18 months, or on the minimum age of recruitment.²

In its initial report to the UN Committee on the Rights of the Child, Madagascar stated that "no legal provision on national service or a state of national necessity requires children to take a direct part in hostilities. Malagasy law contains no provision for children under 18 years of age to be enlisted for service in a situation of armed conflict".³ Further information on current recruitment practice was not available.

The government informed the UN Committee on the Rights of the Child that ratification of the Optional Protocol was in progress as of August 2003.⁴

Child recruitment and deployment

There were no reports of child soldiers in the armed forces, although the lack of information on the minimum recruitment age and low birth

registration rates made child recruitment a possibility. The government announced in August 2003 the existence of a national program to reinstate registration of births.⁵

1 IRIN, "Madagascar: IRIN interview with Africa analyst Stephen Ellis", 21 May 2002, <http://www.irinnews.org>.

2 According to the US Central Intelligence Agency (CIA), 20 years is the minimum age for conscription and voluntary recruitment, <http://www.cia.gov/publications/factbook>.

3 Initial report of Madagascar to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.5. 13 September 1993, <http://www.ohchr.org>.

4 Written replies by Madagascar, received 28 August 2003, to UN Committee on the Rights of the Child relating to consideration of its second periodic report, UN Doc. CRC/C/70/Add.18.

5 Written replies by Madagascar to UN Committee on the Rights of the Child, op. cit.

MALAWI

Republic of Malawi

Population: 11.9 million (6.2 million under 18)

Government armed forces: 5,300

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18; younger with parental consent

Voting age: 18

Optional Protocol: signed 7 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s within the armed forces. However, recruitment of under-18s was possible since 16 year olds could join up with parental consent and few births were officially registered. The ruling party, the United Democratic Front (UDF), used its youth militia, which included children under 18, to harass the opposition.

Context

As political tensions heightened in the run up to the presidential and legislative elections in May 2004, reports persisted of violence by government supporters and police at opposition rallies and intimidation of opposition supporters.

Government

National recruitment legislation and practice

Recruitment to the armed forces was on a voluntary basis. In a public emergency, the National Service Act provides for every citizen between the ages of 18 and 50 to be called for national service.¹

The Army Act stipulates 18 years as the minimum age of recruitment into the armed forces, or younger than 18 with the written consent of a parent or legal guardian (Section 14). The constitution provides for “every child under 16 ... to be protected from work that is likely to be hazardous” (Section 23) and implies prohibition of “the recruitment of children under 16 years into the military service, which can be categorized as a hazardous employment”.² The low rate of birth registration, as noted by the UN Committee on the Rights of the Child, heightened the risk of child recruitment.³

Armed members of the UDF youth militia, the Young Democrats, were involved in intimidating and seriously injuring opposition members and supporters.⁴ UDF officials accompanied them in acts of violence, using government or party vehicles.⁵ In March 2003 after local human

rights groups complained to the Malawi Human Rights Commission, a statutory body under the constitution, President Bakili Muluzi condemned the violence and ordered re-training for the Young Democrats.⁶ However, they continued to act with impunity, threatening opposition members and destroying their property.⁷ The Director of Malawi’s Institute for Policy Interaction affirmed, “we have had several incidents ... where opposition politicians have been attacked by gangs of youths, allegedly members of the ... Young Democrats, and police stood by and watched.”⁸

Other developments

In 2003, UNICEF funded the country’s first birth registration program.⁹ By early 2004, Malawi had not ratified the Optional Protocol.

- 1 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 2 Report of Malawi to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.43, 26 June 2001, <http://www.ohchr.org>.
- 3 UN Committee on the Rights of the Child, Concluding observations: Malawi, UN Doc. CRC/C/15/Add.174, 2 April 2002.
- 4 Sonkhani Chawanda, “UDF Young Democrats attack NDA Campaign Director”, *Chronicle*, 8 April 2002.
- 5 Centre for Human Rights and Rehabilitation (CHRR), Malawi Brief for Child Soldiers Coalition, 30 March 2004; other sources, including BBC, “Malawi president appears in court”, 13 March 2003, <http://news.bbc.co.uk>; Sonkhani Chawanda, “UDF Young Democrats attack NDA Campaign Director”, *Chronicle*, 8 April 2002.
- 6 CHRR, Statement on President Bakili Muluzi’s condemnation of Young Democrats’ terrorism, 12 March 2003.
- 7 BBC, “Malawi churchgoers see off yobs”, 8 December 2003; Denis Mzembe, “Inquiry on MP Jangiya completed”, *Malawi Nation*, 6 January 2004, <http://www.nationmalawi.com>; Mabvuto Banda, “Police detain NDA veep”, *Malawi Nation*, 25 February 2004.
- 8 IRIN, “Malawi: Tensions heighten ahead of elections” 23 February 2004, <http://www.irinnews.org>.
- 9 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

MALI

Republic of Mali

Population: 12.6 million (7.1 million under 18)

Government armed forces: about 7,350

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 16 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in the armed forces.

Context

Mali contributed troops, military observers and police officers to peacekeeping operations under the command of the UN or the Economic Community of West African States (ECOWAS) in the Democratic Republic of the Congo, Liberia and Sierra Leone.¹ From 2002, tens of thousands of Malian citizens returned home from Côte d'Ivoire where armed conflict was giving rise to xenophobic attacks and insecurity.²

In August 2003 the *Groupe salafiste de prédication et de combat* (GSPC), Salafist Group for Preaching and Combat, an armed Algerian group, released to the Malian authorities 14 European hostages they had kidnapped in Algeria. Iyad Ag Agaly, a leader of the former Tuareg rebellion in Mali, headed a Malian government mediation team.³

Government

National recruitment legislation and practice

The 1992 constitution states that "Defence of the country is a duty of every citizen" (Article 22). There was no evidence of under-18s in the armed forces. The minimum age for voluntary recruitment and for conscription into the National Youth Service is 18.⁴ Military service has been reported as voluntary in practice.⁵

According to Article 17 of the Child Protection Code: "it is forbidden to force children to participate in an armed conflict, or to recruit them into armed forces or groups before the age of 18."⁶

Other developments

A number of steps were taken to prevent child trafficking. In June 2001 a law was passed making child trafficking an offence punishable by between five and 20 years' imprisonment. In November 2001 legislation was introduced

requiring Malian children under the age of 18 to carry travel documents.⁷

- 1 UN Peacekeeping, Contributors, <http://www.un.org/Depts/dpko/dpko/contributors>; European Commission, "Commission grant to support peace process in Liberia", 16 September 2003, http://www.europa-eu-un.org/articles/en/article_2743_en.htm.
- 2 IRIN, "Mali: Returnees, refugees face many challenges – IFRC", 7 March 2003, <http://www.irinnews.org>.
- 3 IRIN, "Mali: Released hostages on their way to Bamako", 19 August 2003.
- 4 Initial report of Mali to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.53, 8 September 1997, <http://www.ohchr.org>.
- 5 The question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/1997/99, 16 January 1997, <http://www.ohchr.org>.
- 6 Article 17, Code de protection de l'enfant (Ordonnance no. 02-062/P-RM of 5 June 2002).
- 7 Décret n° 01-534/P-RM du 1 novembre 2001 portant institution d'un titre de voyage tenant lieu d'autorisation de sortie pour les enfants âgés de zéro à dix huit ans.

MAURITANIA

Islamic Republic of Mauritania

Population: 2.8 million (1.4 million under 18)

Government armed forces: unknown

Compulsory recruitment age: unclear

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

The minimum voluntary recruitment age was 16 with parental consent. It was not known whether under-18s were serving in the armed forces.

Context

There was widespread political repression.¹

In April 2003 government authorities began a campaign directed against those it described as “extremists”. Sixty of the country’s influential, in particular religious, figures were arrested.²

In June 2003 members of the armed forces staged a coup attempt.³ In November 2003 President Maaouiya Ould Sid’Ahmed Taya was re-elected for a further six-year term. Opposition candidates claimed the vote had been rigged. His main rival Mohammed Khouna Ould Haidalla was arrested two days after the election and charged with plotting a coup. He and 13 others arrested with him were released in December. Mohammed Haidalla received a five-year suspended sentence.⁴

Government

National recruitment legislation and practice

The 1991 constitution states that “Every citizen has the duty of protecting and safeguarding the independence of the country, its sovereignty, and the integrity of its territory” (Article 18). In its initial report to the UN Committee on the Rights of the Child, the government stated that all texts governing recruitment to the armed forces and police prohibited the recruitment of under-18s.⁵

However, in its report the government did not identify the laws and regulations that prohibit recruitment under the age of 18 and it was unclear whether the 1962 Law on the Recruitment of the Army (Law no. 132/62) was still in force. This law provides for two years’ compulsory service. Every citizen aged 17 is required to register for military service, be medically examined and have their case considered by a review body. Those aged

16 may enlist voluntarily with parental consent (Article 7).⁶

Other developments

The Committee on the Rights of the Child expressed concern at difficulties in birth registration, at the high number of children involved in labour and at the persistence of discrimination against children belonging to minorities, children with disabilities and, more generally, girls.⁷ In response to an Amnesty International report on slavery, discrimination and other abuses in Mauritania, the authorities denied slavery but admitted there was social discrimination. The International Labour Organization (ILO) expressed concern at persistent reports of forced labour and child labour.⁸

1 See, for example, *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.

2 Amnesty International, *Mauritania: Where is Lieutenant Didi Ould M’Hamed?*, 21 July 2003.

3 *Amnesty International Report 2004*.

4 IRIN, “Chronology of key developments in West Africa in 2003”, 19 January 2004, <http://www.irinnews.org>.

5 Initial report of Mauritania to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.42, 18 January 2000, <http://www.ohchr.org>.

6 Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Rädda Barnen (Save the Children – Sweden), Stockholm, 1998.

7 UN Committee on the Rights of the Child, Concluding observations: Mauritania, UN Doc. CRC/C/15/Add.159, 6 November 2001.

8 *Amnesty International Report 2003*.

MAURITIUS

Republic of Mauritius

Population: 1.2 million (0.4 million under 18)
Government armed forces: none
Compulsory recruitment age: No conscription
Voluntary recruitment age: 18 (for security forces)
Voting age: 18
Optional Protocol: signed 11 November 2001
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no armed forces. There were no reports of under-18s in government paramilitary forces.

Context

Following the resignation of both President Cassam Uteem and Vice-President Angidi Chettiar after they refused assent to new anti-terrorism legislation, Karl Auguste Offman was sworn in as President in February 2002.¹ He was succeeded in October 2003 by Sir Anerood Jugnauth. Mauritius ratified the Rome Statute for the International Criminal Court on 5 March 2002. However, on 26 June 2003 the US government announced a bilateral agreement with Mauritius not to surrender their respective citizens for prosecution in the International Criminal Court on charges of war crimes or crimes against humanity, an agreement that violated obligations by Mauritius under international law.²

Government

National recruitment legislation and practice

Mauritius does not have a standing army. All military, police, and security functions are carried out by the Mauritius Police Force, which has a total strength of 10,800. It incorporates an air wing, a paramilitary Special Mobile Force, and the National Coast Guard.³ The minimum age of recruitment is 18 in all these forces.

1 *Mauritius News*, "Karl Offman, New President of Mauritius Republic", March 2002.

2 *Afrol News*, "Mauritius signs 'impunity deal' with the US", 26 June 2003.

3 Mauritius Police Force, <http://police.gov.mu>.

MOZAMBIQUE

Republic of Mozambique

Population: 18.5 million (9.4 million under 18)
Government armed forces: 8,200
Compulsory recruitment age: 18
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

There were no reports of under-18s serving in the armed forces. The minimum age for voluntary and compulsory recruitment was 18 but could be lowered in times of war. Girls and women were often excluded from the reintegration process for child soldiers recruited during the pre-1992 war.

Context

The impact of flooding in 2000 and 2001, which affected a large proportion of the population and caused major structural damage, was still felt. Severe drought in 2002 exacerbated existing food insecurity. It was estimated that 13 per cent of the adult population was HIV positive.¹

Government

National recruitment legislation and practice

Under the law on military service the duty to do military service starts at the age of 18, when citizens must register under the military census (Article 2). Eighteen is also the minimum age for special recruitment, a category that includes voluntary military service. Actual incorporation in the armed forces takes place in the year the recruit is 20.

Mozambique stated in its submission to the UN Committee on the Rights of the Child in 2001 that "the law currently in force in Mozambique ... clearly prohibits the involvement of individuals under 18 years of age in military acts." However, age limits may be altered in time of war (Article 2 of the law on military service), and the government acknowledged that this had sparked debate about the involvement of children in military activities. Among reasons for continuing low levels of birth registration, it pointed to the fear of families that registration facilitated the recruitment of children into the army. During the pre-1992 war, under-18s had been conscripted, but were prohibited from taking part in military action. Although the number of children directly

involved in fighting was unknown, government data indicated that about 28 per cent of the 25,000 soldiers demobilized after the 1992 peace agreement – most from government armed forces – had been under 18 when they were recruited.²

There was no evidence of underage recruitment and exemptions from military service were granted to young people who were heads of households or who were family breadwinners. There were no legal mechanisms to make young people register for military service and sanctions were provided only for those who registered but subsequently failed to respond to the call up.³

In 2003, with the help of the Community Development Foundation, Save the Children United Kingdom, Save the Children Norway and UNICEF, the government began a legal review of children's rights. The Ministry of Women and Social Action also worked with UNICEF and other agencies to develop a plan to increase birth registration,⁴ although implementation was very slow.⁵

Mozambique has yet to sign the Optional Protocol, although it supported a "straight-18" ban on all forms of military recruitment during the negotiations on its adoption.

Disarmament, demobilization and reintegration (DDR)

On the reintegration of former child soldiers, the government told the UN Committee on the Rights of the Child in 2001 that western type psychological treatment "did not fit the traditional African perspective on the interpretation of trauma, and thus caused the rejection of families or the stigmatization of children assisted by these programmes", while treatment by traditional healers promoted reintegration.⁶ In 2004 a study of former child soldiers in Mozambique was reported to have found that they were "as much integrated as the rest of the population and did not seem to have any problem specific to the group. They felt respected by their families and communities and many belonged to either a religious or community group. Most children had never seen a psychologist or a social worker".⁷

However, there were indications that former girl soldiers were often left out of the integration process. Girls and young women who were exploited as slave labour or abducted into sexual slavery in both government and rebel fighting forces had often been excluded from programs for reintegration of former soldiers. In some instances, such programs allowed the continuation of human rights violations, such as leaving them captive to men who had abducted them during the war.⁸ A peace organization set up by former combatants, PROPAS, reported that the veterans' association did not address issues relevant to women fighters and that independent associations for them were needed.⁹

- 1 World Bank, *Country brief: Mozambique*, <http://www.worldbank.org/af/mz/ctry.brief.htm>.
- 2 Initial report of Mozambique to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.11, 14 May 2001, www.ohchr.org.
- 3 Communication from Children in Armed Conflict Project (InterAct), Institute for Security Studies, 8 April 2004, <http://www.iss.co.za>.
- 4 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 5 Confidential communication from Child Soldiers Coalition member NGO in Mozambique, 1 June 2004.
- 6 Initial report of Mozambique to UN Committee on the Rights of the Child, op. cit.
- 7 Communication from Children in Armed Conflict Project (InterAct), op. cit.
- 8 Susan McKay and Dyan Mazurana, *Where are the Girls?*, Rights and Democracy, International Centre for Human Rights and Democratic Development, 2004, <http://serveur.ichrdd.ca/print.iphtml>.
- 9 Communication from Children in Armed Conflict Project (InterAct), op. cit.

NAMIBIA

Republic of Namibia

Population: 2.0 million (1.0 million under 18)

Government armed forces: 9,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 16 April 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

Southern Africa, including Namibia, experienced severe drought in 2002. Namibia continued to host Angolan refugees, 10,000 of whom UNHCR planned to repatriate in 2004.¹

Government

National recruitment legislation and practice

The constitution allows for conscription, but the armed forces are at present recruited on a voluntary basis, compulsory service having been abolished before the 1989 independence elections.²

Under the 1957 Defence Act, the minimum age for voluntary military service in the armed forces was 18. The new Defence Act (Act 1 of 2002), which replaced it on 15 July 2002, does not specify a minimum age.³ However, a Ministry of Defence policy document states that "Recruits are to be 18-25 years of age".⁴

When Namibia ratified the Optional Protocol in April 2002 its accompanying declaration confirmed its adherence to the "straight-18" position. Applicants to join the armed forces are required to show certified copies of identity documents and birth certificates.⁵

Armed political groups

Refugees were repatriated to Namibia from Botswana under an agreement in 2002 between Botswana, Namibia and UNHCR. However, of the 2,400 refugees who fled Caprivi in northeast Namibia following a clampdown against an armed secessionist group in 1998 and 1999, fewer than 1,000 had been repatriated by early 2003. Many feared reprisals by the Namibian security forces as long as 120 Caprivians remained on trial for treason and after five men were killed by the armed forces in November 2002 as alleged members of the Caprivi Liberation Army.⁶ It was

not known if there was recruitment of under-18s by this armed group.

- 1 IRIN, "Namibia: Some Angolan refugees reluctant to return home", 16 February 2004, www.irinnews.org.
- 2 Initial report of Namibia to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.12, 22 January 1993, <http://www.ohchr.org>.
- 3 Initial report of Namibia to UN Committee on the Rights of the Child, op. cit.; communication from Director of the Legal Assistance Centre, Windhoek, 20 April 2004.
- 4 Personnel Policy of the Ministry of Defence, 1991, 9(a) (1).
- 5 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 6 IRIN, "Namibia: Focus on repatriation fears of Caprivians", 5 March 2003.

NIGER

Republic of Niger

Population: 11.5 million (6.5 million under 18)

Government armed forces: 5,300

Compulsory recruitment age: unknown

Voluntary recruitment age: unknown

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

No information was available on the use of under-18s in the armed forces

Context

In the first military uprising since civilian rule was restored in 2000, a ten-day mutiny in support of a pay increase took place in August 2002. It was put down by government forces.¹ In January 2003 over 270 people were charged with high treason, murder, arson and other offences in connection with the mutiny. In May 2003, 52 of the detainees were reportedly released.² The trial of the remainder had not begun by March 2004.

In February 2003, after representatives of the former armed opposition complained in a radio debate that the government had failed to reintegrate former fighters in accordance with peace agreements, the government closed down the privately owned radio station concerned, Nomade FM.³

Government

National recruitment legislation and practice

The constitution states that it is the duty of every citizen to defend the nation and territorial integrity, and that military service is compulsory (Article 28).⁴

In October 2001 Niger reported to the UN Committee on the Rights of the Child that military service was governed by Ordinance No. 96-033 of 19 June 1996 and was obligatory for all citizens of Niger "with the exception of unfit or exempt persons. It may take the form of military service, national civil service or national participatory service". The minimum age for military service was not specified.⁵

Military training and military schools

Niger's initial report to the Committee on the Rights of the Child said that Decree No 97-459/PRN/MDN of 26 December 1997 on the organization and establishment of a military school had established the *Prytanée militaire*

de Niamey within the armed forces. Admission was open to boys and young men holding a primary school leaving certificate, and entrants received a general school education as well as military training. The decree did not specify the minimum age of admission, but children normally left primary school between 11 and 13.⁶ The government reportedly undertook to review the school prior to ratifying the Optional Protocol.⁷ It was not known whether such a review took place.

Other developments

The existence of slavery in certain parts of the country, as well as widespread child labour, was acknowledged in Niger's initial report to the Committee on the Rights of the Child.⁸ In its concluding observations, the Committee expressed concern at discrimination against the most vulnerable children, the large number of children, particularly in rural areas, who were not registered at birth, the continuation of slavery and the extent of child labour.⁹ In 2003 the National Assembly adopted a law making slavery a criminal offence.¹⁰

* see glossary for information about internet sources

1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.

2 *Amnesty International Report 2004*.

3 Reporters sans frontières, "Niger: Une radio privée fermée par les autorités après avoir donné la parole à d'anciens rebelles", 17 February 2003.

4 Constitution, at <http://droit.francophonie.org/doc/html/ne/con/1999dfneco1.html>.

5 Initial report of Niger to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.29/Rev.1, 17 October 2001, <http://www.ohchr.org>.

6 Initial report of Niger to UN Committee on the Rights of the Child, op. cit.

7 UN Committee on the Rights of the Child, Concluding observations: Niger, UN Doc. CRC/C/15/Add.179, 13 June 2002.

8 Initial report of Niger to UN Committee on the Rights of the Child, op. cit.

9 UN Committee on the Rights of the Child, Concluding observations: Niger, op. cit.

10 *Amnesty International Report 2004*.

NIGERIA

Federal Republic of Nigeria

Population: 120.9 million (62.2 million under 18)

Government armed forces: 78,500

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 8 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There was no evidence of under-18s in the armed forces. Children participated in armed vigilante and youth groups, and played a role in religious and intercommunal clashes. Charles Taylor, former President of Liberia, was given asylum in Nigeria, despite his indictment by the Special Court for Sierra Leone for crimes against humanity and war crimes, including child recruitment, in Sierra Leone.

Context

Rising violent crime and intercommunal conflict was met with violence by the security forces, which unlawfully killed criminal suspects and members of armed gangs. Lack of confidence in the security forces encouraged the spread of vigilante groups.¹

President Olusegun Obasanjo began a second term of office after winning presidential elections in April 2003 that were condemned as flawed by national and international observers. More than 100 people were killed and many more injured in pre-election violence, much of it attributed to the ruling People's Democratic Party. In the run-up to local elections in early 2004, up to 50 people were killed, several apparently victims of politically-motivated murders.²

Government

National recruitment legislation

The 1999 constitution states that all citizens have a duty to "help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required" (Article 24). However, there is no legislation providing for conscription. Enlistment into the armed forces is voluntary and the minimum age of recruitment is 18 years.³ There were no reports of under-18s in the armed forces.

Military training and military schools

There are several military high schools in Nigeria including the Nigerian Military School, Zaria; the Air Force Military School, Jos; and the Nigerian Navy Secondary Schools in Ojo and Abeokuta.⁴ It is not known whether children at the schools are considered to be members of the armed forces. The Nigerian Defence Academy accepts cadets aged 18 and above.⁵

Armed groups

Armed groups, some operating with the support of the authorities, killed hundreds of people in ethnically and politically motivated violence and in anti-crime operations. Many armed groups involved youths, some of them children.

Vigilante groups

Although the 1999 constitution prohibits the creation of security forces other than the armed forces and federal police service, armed vigilante groups operated in a number of states. The use of children by such groups was not extensively documented. However, under-18s were reported to be active in them, although most group members were aged 20 or older.⁶

The high levels of violence used by such groups and the abusive use of such groups for political purposes by state authorities put pressure on the federal government to clamp down on them. In April 2002 the government presented a Prohibition of Certain Associations Bill to parliament, aimed at proscribing certain armed groups. However, it did not clearly define vigilante groups and left to presidential discretion the determination of which groups should be banned.⁷ The bill had not passed into law by March 2004.

Vigilante militias referred to as the Bakassi Boys were responsible for hundreds of unlawful killings and other abuses across several southeastern states. Despite their violent methods, state authorities in Anambra, Abia and Imo States endorsed them officially as State Vigilante Services in response to public concern at ineffective policing and rising violent crime. In Anambra State they were established under state law. The groups were reported to include under-18s. The police arrested hundreds of Bakassi Boys in the three states in 2002, but it is not known whether prosecutions took place.⁸ Their status was unclear as of March 2004, although they appeared to have ceased their operations.

The O'odua People's Congress (OPC) was formed in 1994 to defend the interests of the Yoruba ethnic group at a time of repression. However, through ethnic militancy and vigilantism, its members and supporters were responsible for the killing or injuring of hundreds of unarmed civilians, as well as suspected criminals, rivals and police officers.

They reportedly included children. The most widespread killings took place in 2000 but continued in 2002 and 2003. President Obasanjo announced a ban on the OPC in 1999, soon after coming to power, but it was not formalized in law and was effectively ignored by the OPC. In practice, the OPC maintained the support of officials in southern states.⁹

Political and intercommunal violence

Armed supporters or youth wings of political parties, which sometimes included under-18s, were involved in political violence throughout the country, particularly in the run-up to elections when scores of people were killed.¹⁰

Tensions increased between Muslim and Christian communities after northern states introduced strict interpretations of Shari'a law in their criminal law. Children are believed to have taken part in the violence on both sides.¹¹ In Kaduna in November 2002 around 250 people were killed in intercommunal fighting. Witnesses described boys as young as 12 and 16, armed with knives, taking part in the looting and violence.¹² Scores more people were killed in subsequent violence in several northern and southern states.

A resurgence of intercommunal and political violence in the Niger Delta region in 2003 resulted in the deaths of hundreds of people. Politicians and others responsible for illegal oil trafficking formed armed militias to ensure their re-election, defend their operations and control stolen oil supplies. There were reports of under-18s taking part in attacks by such militias, whose violence reached a peak before state and federal elections.¹³

Other developments

In mid-2003 Nigeria ratified the African Charter on the Rights and Welfare of the Child.¹⁴

Asylum for Charles Taylor

In August 2003 Charles Taylor was forced to step down as President of Liberia and allowed to leave for Nigeria despite an indictment against him by the Special Court for Sierra Leone. He was indicted on charges of "bearing the greatest responsibility" for crimes against humanity, war crimes and other serious violations of international humanitarian law, including the conscription of children by Sierra Leonean forces supported by the Liberian authorities.¹⁵ Human rights groups protested strongly at the Nigerian government's decision effectively to grant Charles Taylor immunity from prosecution.¹⁶ As of end-March 2004 he was still in Nigeria.

- 2 Human Rights Watch (HRW), *Nigeria: Halt violence in local elections*, 25 March 2004, <http://www.hrw.org>.
- 3 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 4 Nigerian Military Secondary Schools, <http://members.tripod.com/cdssikeja/links.html>.
- 5 Nigerian Army Corps and Schools website, Nigerian Defence Academy, www.nigerianarmy.net/schools/nda.htm.
- 6 Information from HRW, March 2004.
- 7 AI, *Nigeria: Vigilante violence*, op. cit.
- 8 AI, *Nigeria: Vigilante violence*, op. cit.
- 9 HRW, *Nigeria: The O'odua People's Congress: Fighting violence with violence*, February 2003.
- 10 HRW, *Testing democracy: Political violence in Nigeria*, April 2003.
- 11 HRW, *Testing democracy*, op. cit.
- 12 HRW, *Nigeria: The "Miss World riots" – Continued impunity for killings in Kaduna*, July 2003.
- 13 The government Special Security Committee on Oil Producing areas in a report submitted to government in February 2002, cited in HRW, *Nigeria: The Warri crisis: Fueling violence*, December 2003.
- 14 African Union, <http://www.africa-union.org>.
- 15 AI, *The Special Court for Sierra Leone: An open letter from Amnesty International to President Olusegun Obasanjo*, 16 January 2004.
- 16 AI, *Nigeria: No impunity for Charles Taylor*, 12 August 2003; HRW, *West Africa: Taylor must face justice*, 11 August 2003.

* see glossary for information about internet sources

- 1 Amnesty International (AI), *Nigeria: Vigilante violence in the south and southeast*, 19 November 2002, <http://web.amnesty.org/library/engindex>.

RWANDA

Republic of Rwanda

Population: 8.3 million (4.3 million under 18)

Government armed forces: 51,000 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 23 April 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

The Rwandese government denied reports that it used child soldiers inside Rwanda. However, children as young as 14 were recruited into the paramilitary government militia, the Local Defence Forces (LDF), as late as 2003. The use of LDF in military operations in the Democratic Republic of the Congo (DRC) reportedly led to increased recruitment in Rwanda of child soldiers, including street children. Child soldiers were used by the Rwandese Defence Forces and the Rwandese-backed Congolese armed political group, the Rassemblement congolais pour la démocratie-Goma (RCD-Goma), Congolese Rally for Democracy-Goma, in the DRC. Rwandese armed political groups operating in the DRC recruited, abducted and used child soldiers. Some child soldiers returned to Rwanda from DRC.

Context

In August 2003 incumbent President Paul Kagame won, with 95 per cent of the vote, Rwanda's first presidential elections since the 1994 genocide. The elections were marred by the violent intimidation, arrest, and "disappearance" of opposition politicians and supporters.¹ In parliamentary elections in October 2003 the ruling Rwandan Patriotic Front won a large majority.

Reports of Rwandese involvement in the DRC conflict continued despite denials by the Rwandese authorities. Rwanda officially pulled its forces out in October 2002, but as of April 2004 its troops were still present in eastern DRC.² The Rwandese government directly supported and largely controlled armed political groups in the DRC, including the RCD-Goma.³ RCD-Goma joined the DRC government of national unity in July 2003.

Government

National recruitment legislation

A new constitution of June 2003 reaffirms commitment to international treaties, including the UN Convention on the Rights of the Child. Every child is entitled to special measures of protection by their family, society and the state that are required under national and international law (Article 28). All citizens have the duty to participate in the defence of the country (Article 47).

In its 2003 report to the UN Committee on the Rights of the Child, Rwanda stated that "The minimum age for conscription is not specified in Rwandan legislation, especially since service in the armed forces has always been voluntary". The minimum age for voluntary recruitment had been raised in law to 18: "Although voluntary enlistment in the armed forces is subject by law to a minimum age of 16, the law that was recently passed on the rights of the child and protection of children against violence states in article 19 that military service is prohibited for children under 18".⁴

Child recruitment and deployment

Rwanda also told the Committee on the Rights of the Child that "Some children under the age of 18 were enrolled in the armed forces during the war and genocide of 1994. Immediately after the war, all these children were demobilized and a programme of rehabilitation and school reintegration was implemented ... Other children serving with the armed bands of infiltrators from the DRC are often captured by the Rwandan army and sent to solidarity camps for re-education and reintegration into society".⁵

However, according to unofficial sources, recruitment of child soldiers in Rwanda might have stopped but child soldiers were still serving in the armed forces. The authorities said such children worked only as servants, but they were reported to have military numbers.⁶ Since the armed forces' partial withdrawal from the DRC, forced conscription has reportedly ended. Citizens who served in the military could nevertheless be recalled to compulsory duty at any time.⁷

Government militia

Children as young as 14 were recruited into the LDF. Most recruits were volunteers, although conscription by local authorities was also reported. LDF members were given limited training and were frequently unpaid. They were, however, armed and drafted into military operations in the DRC. LDF deployment in the DRC reportedly led to an increase in recruitment of child soldiers, including street children, in Rwanda.⁸ The LDF were responsible for killing

civilians and other human rights abuses in Rwanda and the DRC. In early 2004, no LDF recruitment of children was reported, and the government took steps to regularize the status of the LDF.⁹

Child recruitment in the DRC

There were numerous reports of the use of child soldiers in the DRC by the Rwandese armed forces and the RCD-Goma. RCD-Goma deployed them on the front line and, following Rwanda's partial withdrawal in 2002, launched extensive recruitment drives, forcing children as young as eight into their forces. RCD-Goma also maintained its own paramilitary militia, also called the Local Defence Forces, whose members included children as young as 12.¹⁰

The Rwandese armed forces reportedly recruited both children in the DRC and street children in Rwanda, trained them in Rwanda and sent them to fight in the DRC. Rwandese troops sometimes detained and ill-treated Congolese child soldiers, apparently in an attempt to prevent them from joining rival armed political groups.¹¹

Armed political groups

Rwandese armed political groups operating in the DRC recruited, abducted and used child soldiers. These groups included former members of the pre-genocide armed forces in Rwanda and *Interahamwe* militia that had carried out the genocide in Rwanda and fled to the DRC in 1994. The number of child soldiers in their ranks was not known. However, some sources in South Kivu in 2003 estimated that up to 20 per cent of *Interahamwe* forces in the area were children, including girls, who were often used as porters in the frequent looting raids.¹²

In October 2003 the UN estimated that some 14,000 Rwandese combatants remained in the DRC.¹³ The DRC government announced in the same month that the presence of these armed groups would no longer be tolerated. In January 2004 the UN Mission in the DRC (MONUC) accused a Rwandese armed group in eastern DRC, the *Forces démocratiques pour la libération du Rwanda* (Democratic Forces for the Liberation of Rwanda), of preventing 3,000 combatants and civilians from returning to Rwanda, an allegation the group denied.¹⁴

Disarmament, demobilization and reintegration (DDR)

Several hundred children captured in skirmishes with the armed forces were demobilized and reintegrated through the regional Multi-Country Demobilization and Reintegration Program. In June 2003 the withdrawal of Rwandese troops from the DRC reportedly allowed more than 2,000 child soldiers to return to Rwanda, although

many remained in DRC.¹⁵ In March 2004 the UN reported that over 3,000 Rwandese combatants had been repatriated to Rwanda. Up to 8,000 were estimated to remain in DRC.¹⁶

The government detained former combatants who returned to Rwanda. They had to take part in a reintegration program that lasted from 8 to 12 weeks. Children who had been used as combatants or porters were held separately from adult combatants. Detainees at the demobilization camp at Mutobo frequently received visitors and sometimes were allowed to go home for visits.¹⁷ In January 2004, 68 child soldiers were in a temporary camp for returning fighters in Ruhengeri. They included children who had been recruited at 12 years old to fight with the *Mai-Mai*, indigenous militia groups in eastern DRC. Of the 450 child soldiers handled by the Rwanda Demobilization and Reintegration Commission between 2001 and 2003, only two were girls.¹⁸ Little information was available on the demobilization and reintegration of girl soldiers, but their true number was believed to be much higher.

Some children said they would not claim the benefits for returnees, fearing that their identification as former child soldiers would provoke retribution in their communities. The precarious socio-economic situation in Rwanda increased the risks of children being re-recruited by armed political groups in other countries as a means of supporting their families, particularly where they headed the household.¹⁹

Detention and trial of child soldiers

Children were among those charged with involvement in the 1994 genocide and tried before the courts. By the end of 2003 more than 6,500 people had been convicted and up to 700 people sentenced to death.²⁰ The *gacaca* tribunals (based on traditional courts) were established in June 2002 to try more than 100,000 genocide suspects overfilling the country's prisons, but in March 2004 less than ten per cent of the approximately 10,000 tribunals had been inaugurated. Their ability to guarantee fair trial standards was questioned. Conditions of detention were appalling because of extreme overcrowding, an inadequate diet and lack of medical care.²¹ Trials were suspended before the presidential elections in August 2003, and in March 2004 were yet to resume.²² In March 2004 some 70,000 prisoners were still held on suspicion of participating in the genocide.²³

According to the Rwandese government, under the criminal code, children below the age of 14 at the time of the crime may not be held legally responsible for their actions or detained; and children aged over 14 and under 18 receive reduced penalties.²⁴

At the end of 2002, 3,082 people who had been detained as children, including 87 girls, were reportedly held in prisons and a further 55 in local detention centres (*cachots*), the majority on suspicion of participating in the genocide.²⁵ Over 1,100 such detainees, aged between 14 and 18 at the time of the alleged crime, were said to have been provisionally released in January 2003, and a further 200 later in the year.²⁶

In December 2003 a court in Byumba suspended legal proceedings against Jean Paul Musengamana, a minor at the time of the alleged crime, on health grounds. He was provisionally released. Barely able to move, he had been tortured after his arrest in 1997 and suffered severe damage to his back. Emmanuel Habimana, detained since his arrest in 1996 aged 17, was acquitted and released by a court in Butare in December 2003.²⁷

In the *gacaca* process, minors aged between 14 and 18 at the time of the offence were to receive half the sentence imposed on adults. Many had already spent more than eight years in detention awaiting trial, a period longer than the maximum prison term that may be imposed by a *gacaca* court on a child. The long awaited start of *gacaca* trials had not yet begun as of March 2004.²⁸

Other developments

In May 2001 Rwanda ratified the African Charter on the Rights and Welfare of the Child.²⁹ In November 2003 the UN Secretary-General condemned use of child soldiers in the DRC war, including by former members of the Rwandese armed forces and the *Interahamwe*, and by the RCD-Goma and its Local Defence Forces.³⁰

* see glossary for information about internet sources

- 1 Amnesty International (AI), *Rwanda: Run-up to presidential elections marred by threats and harassment*, 22 August 2003, <http://web.amnesty.org/library/engindex>.
- 2 Witnessed by Child Soldiers Coalition, Bukavu, Eastern DRC, April 2004.
- 3 Information from AI.
- 4 Second periodic report of Rwanda to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.22, 8 October 2003, <http://www.ohchr.org>.
- 5 Second periodic report of Rwanda to UN Committee on the Rights of the Child, op. cit.
- 6 Information from AI, July 2003.
- 7 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 8 Information from AI, July 2003.
- 9 Information from AI, March 2004.
- 10 AI, *DRC: Children at war*, September 2003.
- 11 AI, *DRC: Children at war*, op. cit.
- 12 AI, *DRC: Children at war*, op. cit.
- 13 IRIN, "Kabila orders ex-FAR and Interahamwe out of country", 17 October 2003, <http://www.irinnews.org>.
- 14 IRIN, "DRC-Rwanda: Rebel group denies preventing returnees from leaving Congo", 2 February 2004.
- 15 Information from a Coalition member in Rwanda, June 2003.
- 16 IRIN, "RCD: 9.775 rwandais, ougandais et burundais rapatriés dans le cadre du DDRR", 25 March 2004; AFP, "8,000 Rwandan militia still in DR Congo: UN", 31 March 2004.
- 17 US Department of State, op. cit.
- 18 Information from a Coalition member in Rwanda, March 2004.
- 19 Information from a Coalition member in Rwanda, June 2003.
- 20 AFP, "Le génocide au Rwanda et les condamnations dans le monde", 7 March 2004.
- 21 Information from AI, March 2004; AI, *Rwanda: Gacaca – A question of justice*, 17 December 2002.
- 22 Information from AI, March 2004.
- 23 Information from a Coalition member in Rwanda, March 2004.
- 24 Second periodic report of Rwanda to UN Committee on the Rights of the Child, op. cit.
- 25 Ligue des Droits de la Personne dans la région des Grands Lacs (LDGL), *Dynamiques de paix et logiques de guerre: Rapport annuel sur la situation des droits de l'homme dans la région des grands lacs: Burundi, RD Congo, Rwanda, Année 2002*, May 2003, <http://www.ldgl.org>.
- 26 Information from AI, March 2004.
- 27 Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme, "Umutara/Murambi: Disjonction suite à une infirmité" and "Butare: Un mineur acquitté après 7 ans de détention", *Le Verdict*, No. 55-56, 9 February 2004, <http://www.liprodhor.org>.
- 28 Information from a Coalition member in Rwanda, March 2004.
- 29 African Union, <http://www.africa-union.org>.
- 30 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>.

SAO TOME AND PRINCIPE

Democratic Republic of Sao Tome and Principe

Population: 157,000 (75,000 under 18)

Government armed forces: unknown

Compulsory recruitment age: 18

Voluntary recruitment age: 17, with parental consent

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):
CRC, GC AP I and II

National law provided for 17 year olds to enlist voluntarily in the armed forces, but it was not known how many were serving.

Context

A military coup briefly overthrew the government of President Fradique de Menezes in July 2003. The elected government was restored within days, after the military junta signed an agreement with international mediators.¹ In August a forthcoming military pact was announced between Nigeria and Sao Tome and Principe, which are in partnership to develop expected offshore oil reserves.²

Government

National recruitment legislation and practice

The 1990 constitution states that it is the “honour and supreme duty of citizens to participate in the defence of the sovereignty, independence and integrity of the state” (Article 63). The constitution defines the age of majority as 18.³ The law on obligatory military service states that the minimum age for recruitment is 18. Seventeen year olds may volunteer with the consent of a parent or legal representative. Military service is for two years.⁴ It was not known whether the age limit is strictly enforced, or how many under-18s are serving in the armed forces.

Armed political groups

Some of those involved in the July 2003 coup were reportedly former mercenaries in South Africa’s Buffalo Battalion, created in the 1970s to fight in Angola and Namibia and disbanded in 1993.⁵ During the coup some were reported to have carried and used weapons. There were no reports of involvement by under-18s in the group.

- 1 IRIN, “Sao Tome and Principe, Coup leaders hand power back to civilian president”, 5 August 2003, <http://www.irinnews.org>.
- 2 IRIN, “Nigeria-Sao Tome and Principe: Obasanjo reveals military pact with Sao Tome”, 6 August 2003.
- 3 Constitution, at Law Library of Congress, <http://www.loc.gov/law/guide/saotome.html>.
- 4 Initial report of Sao Tome and Principe to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.49, 1 December 2003, <http://www.ohchr.org>.
- 5 IRIN, “Sao Tome and Principe: Hopes rise for return of elected government”, 21 July 2003; “Sao Tome and Principe, Coup leaders hand power back to civilian president”, op. cit.

SENEGAL

Republic of Senegal

Population: 9.9 million (5.0 million under 18)

Government armed forces: 13,620

Compulsory recruitment age: 20

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 3 March 2004

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in government armed forces. No information was available on the use of under-18s by the armed political group, the Mouvement des forces démocratiques de Casamance (MFDC), Democratic Forces of Casamance Movement.

Context

Peace agreements in 2001 ended two decades of conflict between the government and the MFDC, which claimed independence for the Casamance region. The agreements provided for the release of prisoners, the return of refugees from neighbouring countries, clearance of mines, disarmament of MFDC armed groups, and the return of the military to barracks.¹ However, sporadic clashes continued in 2003. A Radio France Internationale correspondent was detained and expelled from Senegal in October 2003 following her coverage of an MFDC conference in which she interviewed an MFDC member who opposed dialogue with the government.² The MFDC leadership at the conference declared that the war was over. However, some MFDC factions boycotted the conference, and attacks, allegedly by MFDC dissidents, continued.³

Government

National recruitment legislation and practice

The 2001 constitution states that the rights and duties of citizens during war, or in the event of an invasion or external aggression, will be the subject of an organic law (Article 70).⁴

Recruits to the armed forces must be between 18 and 21 years of age. The period of military service is 24 months, after which the recruit may choose to remain in the armed forces or to be placed on the reserve list.⁵ In its declaration on ratifying the Optional Protocol, the government stated it had raised the minimum age for regular

conscription to 20.⁶ There were no reports of under-18s in the armed forces.

Senegal contributed troops, military observers and police officers to peacekeeping operations under the command of the UN or the Economic Community of West African States (ECOWAS) in Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Sierra Leone and Kosovo.⁷

Armed political groups

No information was available on the use of child soldiers by the MFDC. Repeated internal divisions weakened the group. Sporadic fighting and banditry continued in the Casamance region, causing internal displacement of people and periodic flows of refugees. Observers questioned the extent of control exercised by the political leadership over fighters.⁸ The leader of one MFDC faction that opposed compromise died in August 2003.⁹

1 *Amnesty International Report 2002*, <http://web.amnesty.org/library/engindex>.

2 IRIN, "Senegal: RFI journalist faces expulsion as Casamance meeting ends", 8 October 2003, <http://www.irinnews.org>.

3 *Amnesty International Report 2004*.

4 Constitution de la République du Sénégal, adopted by referendum on 7 January 2001.

5 Initial Report of Senegal to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.31, 17 October 1994, <http://www.ohchr.org>.

6 <http://untreaty.un.org> (subscription required).

7 UN Peacekeeping, Contributors, <http://www.un.org/Depts/dpko/dpko/contributors>.

8 IRIN, "Senegal: RFI journalist faces expulsion", op. cit.

9 IRIN, "Hardline leader of Casamance rebellion dies", 26 May 2003.

SEYCHELLES

Republic of Seychelles

Population: 80,000 (42,000 under 18)

Government armed forces: 450

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18; younger with parental consent

Voting age: 18

Optional Protocol: signed 23 January 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

No information was available on the presence of under-18s in the armed forces. Volunteers could be recruited under the age of 18 with parental consent so it was possible that under-18s were present in the armed forces.

Context

In February 2004 President Albert René, who came to power in a bloodless coup in 1977, announced that he would be stepping down in favour of his Vice-President.¹ The President retained direct control of the Departments of Defence, Police and Internal Affairs, and therefore of all the security forces.²

Government

National recruitment legislation and practice

In its report of May 2002 to the UN Committee on the Rights of the Child, Seychelles stated that there was no conscription. It also reported that the age for voluntary military service in the Defence Forces was 18 years and that exceptions required the written consent of a parent or guardian.³ No clarification of these exceptions appeared to have been provided when the Committee discussed the report.⁴

The National Youth Service, a one-year program for school students that included paramilitary training, was replaced with a non-compulsory fifth year of secondary school in 1999.⁵

- 4 UN Committee on the Rights of the Child, Consideration of initial report of Seychelles, UN Doc. CRC/C/SR.816, September 2002; Concluding observations, UN Doc. CRC/C/15/Add.189, 9 October 2002.
- 5 US Department of State, *Country Reports on Human Rights Practices 2000*, February 2001; *Country Reports on Human Rights Practices 1997*, January 1998, <http://www.state.gov/g/drl/hr/c1470.htm>.

¹ BBC, "Seychelles leader to step down", 2 February 2004, <http://news.bbc.co.uk>.

² Ministry of Administration and Manpower Development, Circular No. 4 of 2004, 5 May 2004.

³ Initial report of Seychelles to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.64, 3 May 2002, <http://www.ohchr.org>.

SIERRA LEONE

Republic of Sierra Leone

Population: 4.8 million (2.4 million under 18)
Government armed forces: 13–14,000 (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 17¹/₂ (younger with parental consent)
Voting age: 18
Optional Protocol: ratified 15 May 2002
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ACRWC

There were no indications of under-18s in government armed forces. Some former child soldiers from armed political groups were actively involved in conflicts in Liberia and Côte d'Ivoire in 2002 and 2003. The ending of reintegration programs for former fighters, including nearly 7,000 former child soldiers, raised concerns of re-recruitment by armed groups across the region. The programs failed to address the needs of thousands of abducted girls and women. The Special Court for Sierra Leone indicted several former leaders of parties to the conflict and former Liberian President Charles Taylor for crimes against humanity, war crimes and other serious violations of international law, including the recruitment of child soldiers and sexual slavery.

Context

The armed conflict that had begun in 1991 was declared officially over in January 2002. The armed forces and the police – restructured, trained and equipped by the international community – gradually resumed responsibility for security and law enforcement in areas previously affected by conflict, supported by the UN Mission in Sierra Leone (UNAMSIL).¹ In March 2004 a proposal by the UN Secretary-General that UNAMSIL's mandate be extended to December 2005 on the grounds that the peace progress remained fragile, and that the government was not in a position to assume full responsibility for security, was accepted by the UN Security Council. The Secretary-General also noted that more needed to be done to consolidate government administration and control of diamond mining areas.²

In elections in May 2002, incumbent President Ahmad Tejan Kabbah was re-elected and his ruling party gained a large majority in parliament.

Members of the armed forces largely voted for Johnny Paul Koroma, former leader of the Armed Forces Revolutionary Council (AFRC), which seized and held power from 1997 to 1998, but accepted the result. The armed political group, the Revolutionary United Front (RUF), whose invasion of Sierra Leone from Liberia in 1991 had triggered the civil war and which had now transformed into a political party, received little electoral support.³

Some 250,000 Sierra Leonean refugees returned from Guinea, Liberia and other countries in the region as security was re-established in Sierra Leone or because of increased insecurity in their country of refuge. Over 80,000 other refugees were expected to return in 2004.⁴ Regional instability continued to cause population displacement. An unknown number of child soldiers from former armed political groups in Sierra Leone were recruited to fight in wars in Liberia and Côte d'Ivoire.⁵

Continuing armed conflict in Liberia in 2003 threatened to undermine the peace process in Sierra Leone as former Sierra Leonean combatants were re-recruited by Liberian government and opposition forces. Armed groups from Liberia attacked villages in Sierra Leone near the border.⁶ Following the departure of Liberian President Charles Taylor in August 2003, the threat receded.

Government

National recruitment legislation and practice

The Sierra Leone Forces Act of 1961 states that volunteers under “the apparent age of seventeen and a half years” may not be enlisted without the consent of parents or guardians.⁷ The government has made repeated commitments to raise the age of recruitment. Its declaration accompanying ratification of the Optional Protocol in May 2002 affirmed that there was no conscription and that the minimum age for voluntary recruitment into the armed forces was 18.⁸ However, no changes in legislation appeared to have been made. There were no reports of child soldiers in the new armed forces.

The 1991 constitution prohibits forced labour, as well as the holding of people in slavery or servitude (Article 19).

Although the pro-government Civil Defence Forces (CDF) participated in the disarmament process and despite a government commitment to disband the CDF by January 2003, their *Kamajor* (traditional hunters, in Mende language) component reportedly retained its command structure in some areas in December 2003.⁹ The *Kamajors* were believed to have access to arms despite the end of the disarmament process.¹⁰ During the conflict, they had recruited large numbers of children.

Former armed political groups

An unknown number of child soldiers from former armed political groups, the RUF and AFRC, were recruited to fight in wars in neighbouring Liberia and Côte d'Ivoire.

Special court for Sierra Leone

In November 2002 the Prosecutor of the Special Court for Sierra Leone, which was mandated to try those "bearing the greatest responsibility" for crimes against humanity, war crimes and other serious violations of international law, confirmed that children would not be indicted by the Special Court.¹¹ The Statute of the Special Court specifically included as a serious violation of international humanitarian law "conscripting or enlisting children under the age of 15". In March 2004 the Special Court ruled that the general amnesty granted under the 1999 Lomé peace agreement did not prevent international courts, including the Special Court, from prosecuting crimes against humanity and war crimes.¹²

By the end of March 2004, 11 people associated with the RUF, AFRC or CDF had been indicted on charges including murder, rape, enslavement, sexual slavery and other serious abuses. All were accused of recruiting children, including children under the age of 15, into armed forces to participate actively in hostilities. One of those indicted was Charles Taylor, former Liberian President, who was accused of "bearing the greatest responsibility for war crimes" and of supporting the RUF to destabilize Sierra Leone. Charles Taylor left for exile in Nigeria in August 2003 on the implicit understanding that he would neither be surrendered to the Special Court nor face prosecution in Nigeria. Human rights groups protested at this apparent immunity from prosecution.¹³

Other indictments, against former RUF leader Foday Sankoh, who died from natural causes in custody in July 2003, and former RUF commander Sam Bockarie, who was killed in Liberia in May 2003, were withdrawn in December 2003.

Truth and reconciliation commission

Between December 2002 and August 2003 the Truth and Reconciliation Commission held public hearings and collected approximately 8,000 statements from victims and perpetrators of human rights abuses, including child soldiers. Some former combatants were reluctant to testify for fear of retribution, exclusion from their communities or indictment by the Special Court.¹⁴ A survey by a Sierra Leone non-governmental organization (NGO) found that others welcomed the opportunity to testify before the Commission, including about the circumstances of their recruitment and the atrocities they had committed.¹⁵

Disarmament, demobilization and reintegration (DDR)

The initial program of reintegration of former combatants was closed on 31 December 2003. UNAMSIL estimated that the majority of the 6,845 child combatants, including 529 girls, who had been demobilized by 2002 had been reunited with their families, and some 3,000 had been absorbed into a community education program run by UNICEF.¹⁶

The DDR program was criticized for failing to address the needs of thousands of abducted women and girls, and their children. The lack of clear policy and procedural guidelines resulted in responsibility falling between government institutions and implementing agencies. Little funding was allocated for their protection needs, and despite the sexual abuse most had suffered, only a few programs provided counselling, education or training.¹⁷ In some villages, returning child soldiers underwent traditional cleansing or religious rites. However, some communities insisted that former girl fighters undergo female genital mutilation as part of their reintegration.¹⁸

Some 1,000 women and girls who were not included in the DDR program were estimated to be living with former rebel combatants.¹⁹ Only about eight per cent of girls associated with rebel forces had come forward, according to humanitarian workers. UNICEF began a new program in May 2003 aimed at assisting these women and girls, by then often abandoned.²⁰ Child Welfare Committees were trained in providing support for them and for child diamond miners, but were hampered by limited funding.²¹

Child demobilization programs did not include former fighters who, although recruited or abducted as children, after ten years of war were demobilized as adults, despite their unique needs and undoubted trauma as former child soldiers.²² At the beginning of the conflict, 70 per cent of fighters were under the age of 18, according to a survey by a Sierra Leone NGO.²³

Arrangements were not agreed for the repatriation and reintegration of up to 500 former combatants in Côte d'Ivoire and up to 3,000 in Liberia. The government indicated that they were not entitled to special treatment as they had not returned for the DDR program, raising concerns that their return could lead to security problems. Approximately 450 former combatants repatriated from Liberia, Guinea and Côte d'Ivoire remained in internment camps.²⁴ In September 2003, 168 Liberian child soldiers were identified in refugee camps in Sierra Leone. Many were stigmatized, violent and unable to accept civilian authority after years of witnessing and participating in combat and atrocities.²⁵

Some 2,000 to 3,000 former child soldiers, some as young as ten years old, were reported in May 2003 to be working as illicit diamond miners,

in extremely harsh conditions, in northern and eastern Sierra Leone.²⁶ The government said that children were not employed in actual mining, as this was too dangerous, but were mainly used to carry miners' food and tools. However, children were reported to be used in virtually every aspect of mining.²⁷ In March 2004, the UN Secretary-General expressed concern at child labour in the mines as well as unlicensed mining.²⁸ A number of programs by NGOs, community based organizations and government agencies targeted the use of children in mining. By March 2004 these had resulted in the removal of 218 children from the mines, including 78 former child soldiers, as well as the placing of over 160 child miners, including 64 former child soldiers, in education or vocational training. Many of the former child soldiers had found it impossible to return home or to their former lives, and had seen mining as the only viable way to support their families.²⁹

Other developments

In mid-2002 Sierra Leone ratified the African Charter on the Rights and Welfare of the Child.³⁰

* see glossary for information about internet sources

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 Twenty-first report of the UN Secretary-General on the UN Mission in Sierra Leone, UN Doc. S/2004/228, 19 March 2004, <http://www.un.org/documents>.
- 3 *Amnesty International Report 2003*.
- 4 Twenty-first report of the UN Secretary-General on the UN Mission in Sierra Leone, op.cit.
- 5 Human Rights Watch (HRW), *The regional crisis and human rights abuses in West Africa*, Briefing Paper to the UN Security Council, 20 June 2003, <http://www.hrw.org>.
- 6 *Amnesty International Report 2003*.
- 7 Initial report of Sierra Leone to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.43, 3 June 1996; UN Committee on the Rights of the Child, Concluding observations: Sierra Leone, UN Doc. CRC/C/15/Add.116, 24 February 2000, <http://www.ohchr.org>.
- 8 Declaration, <http://www.ohchr.org>.
- 9 Twenty-first report of the UN Secretary-General on the UN Mission in Sierra Leone, op. cit.
- 10 International Crisis Group (ICG), *Sierra Leone: The state of security and governance*, Africa Report No. 67, 2 September 2003, <http://www.crisisweb.org>.
- 11 AFP, "UN-backed court in Sierra Leone will not try child soldiers", 27 November 2003.
- 12 AI, *Sierra Leone: Special Court rejects amnesty for the worst crimes known to humanity*, 18 March 2004.

- 13 AI, *Liberia: The promises of peace for 21,000 child soldiers*, 17 May 2004.
- 14 ICG, op. cit.
- 15 Post-conflict Reintegration Initiative for Development and Empowerment (PRIDE), *Ex-combatants views of the Truth and Reconciliation Commission and the Special Court in Sierra Leone*, 12 September 2002.
- 16 Twenty-first report of the UN Secretary-General on the UN Mission in Sierra Leone, op. cit.
- 17 HRW, "We'll kill you if you cry": *Sexual violence in the Sierra Leone conflict*, January 2003.
- 18 IRIN, "Sierra Leone: Liberian child soldiers still make trouble without guns", 12 December 2003, at <http://www.reliefweb.int>.
- 19 Twenty-first report of the UN Secretary-General on the UN Mission in Sierra Leone, op. cit.
- 20 IRIN, op. cit.
- 21 UNICEF, *Sierra Leone Donor Update*, No. 2, March 2004, at www.reliefweb.int.
- 22 A. McIntyre and T. Thusi, "Children and youth in Sierra Leone's peace-building process", Institute for Security Studies, published in *African Security Review*, Vol. 12, No. 2, 2003.
- 23 PRIDE, op. cit.
- 24 Twenty-first report of the Secretary-General on the UN Mission in Sierra Leone, op. cit.
- 25 IRIN, op. cit.
- 26 AFP, "Blood diamonds: relative success of Kimberly Process in Sierra Leone", 20 May 2003.
- 27 Lansana Gberie, *War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection*, Diamonds and Human Security Project, Partnership Africa Canada, November 2002.
- 28 Twenty-first report of the UN Secretary-General on the UN Mission in Sierra Leone, op. cit.
- 29 Confidential source, April 2004.
- 30 African Union, <http://www.africa-union.org>.

SOMALIA

Somalia

Population: 9.5 million (5.2 million under 18)

Government armed forces: Transitional National Government (TNG) of Somalia: no data; Somaliland Republic: estimated total 12,900²; Regional State of Puntland: estimated total 19,000²

Compulsory recruitment age: information not available

Voluntary recruitment age: information not available

Voting age: 16 years in Somaliland³; information not available for Somalia

Optional Protocol: not applicable

Other treaties ratified (see glossary): none specifically relevant to child soldiers

There was widespread use of children as soldiers by all parties involved in continuing armed conflict. Some 200,000 children were estimated to have carried a gun or been involved with militias over a 14-year period.

Context

Without a central government since 1991, Somalia continued to suffer from inter-clan conflict, particularly in southern areas. A Transitional National Government (TNG) was established in 2000 and nominally recognized internationally until its mandate expired in August 2003. It controlled only a section of the capital, Mogadishu. It agreed a ceasefire with some faction leaders in October 2002 and a Transitional Charter in 2003 that set out the procedures for future elections for an interim parliament. Conflictive peace talks, begun in 2002, continued in 2004. An African Union military contingent was to monitor the ceasefire.⁴

The self-proclaimed Regional State of Puntland controlled the northeast. In the northwest, the Somaliland Republic, under a locally recognized government, held multi-party presidential elections in April 2003. It boycotted the peace talks. The two administrations continued to contest the regions of Sool and Sanaag, and Puntland accused neighbouring Djibouti of arming the Somaliland Republic.⁵

Government

Recruitment legislation and practice

Three different legal systems coexist throughout Somalia: customary law (*xeer soomaali*), Islamic

law (Shari'a) and codified law. Interpretations of the different legal texts were used interchangeably, often in contradiction with each other and with international child rights standards.⁶

In the TNG-controlled area, the constitution specifies no minimum age for the recruitment of soldiers. In 2003 the TNG was identified by the UN as a party to armed conflict recruiting or using children.⁷

The Somaliland Republic constitution contains no minimum age of recruitment into the armed forces. There were no reports of under-18s in its forces and the authorities generally accepted that recruits should not be under 20 years old, but an inadequate system of birth registration made it difficult to establish the age of recruits.⁸

The UN Independent Expert on Somalia reported in 2002 that in the Regional State of Puntland, despite assurances that child soldiers were not recruited, children under 16 were members of the *Daraawishta*, a paramilitary police force.⁹

Armed political groups

All parties to the conflict continued to recruit children into their ranks.¹⁰ In addition to the TNG, faction and clan-based armed militias allegedly using children as soldiers included the Juba Valley Alliance, the Somalia Reconciliation and Restoration Council, Somalia Reconciliation and Restoration Council—Mogadishu, and the Rahanwein Resistance Army.¹¹

In 2002 the UN Independent Expert on Somalia noted large numbers of child soldiers with factional militias in Mogadishu and Baidoa, and reported that "often young boys carrying weapons [were] riding with larger groups of armed men on anti-aircraft or similar vehicles".¹² The Independent Expert estimated that over 200,000, or five per cent, of Somali children had carried a gun or been involved in militia activities at some point in their lives.¹³ Boys as young as 14 or 15 allegedly participated in militia attacks, and many youths were members of marauding gangs known as *moryaan* (maggots).¹⁴

Disarmament, demobilization and reintegration (DDR)

The Rule of Law and Protection Working Group of the Somalia Aid Coordination Body (SACB) coordinated international support for disarmament, demobilization and reintegration of clan and faction-based militia. UNESCO helped demobilize and provided vocational training for 450 militia members between the ages of 15 and 35 in Mogadishu throughout 2002.¹⁵

A pilot demobilization and reintegration program for 118 former combatants, girls and boys, was undertaken in 2001 and 2002 by

UNICEF and the Elman Peace Centre, a non-governmental organization (NGO) that has offered vocational training to former militia members since 1992. A second phase continued in 2004 with funding from the Canadian International Development Agency (CIDA) for 420 more child soldiers, 20 per cent of them girls, in Mogadishu, Merca and Kismayo.¹⁶

Other developments

The TNG signed the Convention on the Rights of the Child (CRC) on 9 May 2002. While not internationally recognized and thus unable to formally sign or ratify a UN treaty, the Somaliland Republic endorsed the CRC in November 2001, but took no legal or administrative measures to incorporate its provisions, including its definition of a child, into domestic law.¹⁷

At the UN General Assembly Special Session on Children in 2002, the Permanent Representative of Somalia to the UN, representing the TNG, expressed his country's intention to sign the Optional Protocols to the CRC in due course. He added: "In 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."¹⁸

- 9 Report on advisory services and technical cooperation in the field of human rights, 31 December 2002, UN Doc. E/CN.4/2003/115, <http://www.ohchr.org>.
- 10 Report of the UN Secretary-General on children and armed conflict, op. cit.
- 11 Report of the UN Secretary-General on the situation in Somalia, UN Doc. S/2003/636, 10 June 2003, <http://www.un.org/documents>.
- 12 Report of the UN Independent Expert on Somalia, UN Doc. EC/CN.4/2002/119, 14 January 2002, <http://www.ohchr.org>.
- 13 Report of the UN Independent Expert on Somalia, UN Doc. E/CN.4/2004/103, 30 November 2003, drawing on UNICEF Somalia, "From perception to reality: A study on child protection in Somalia", op. cit.
- 14 US Department of State, *Country Reports on Human Rights Practices 2002*, March 2003, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 15 Report of the UN Secretary-General on the situation in Somalia, UN Doc. S/2002/709, 27 June 2002.
- 16 UNICEF, Rehabilitation and reintegration of former child soldiers in Somalia, Funding proposal, November 2002.
- 17 Save the Children UK, op. cit.
- 18 Statement before the UN General Assembly Special Session on Children, 10 May 2002, www.un.org/ga/children/somaliaE.htm.

* see glossary for information about internet sources

- 1 IISS, *The Military Balance 2001-2002*, Oxford University Press, 2001.
- 2 Institute for Security Studies, Somalia: Security Information, <http://www.iss.co.za/AF/profiles/Somalia/SecInfo.html>.
- 3 Catholic Institute for International Relations (CIIR), *Very much a Somaliland-run election*, CIIR Election Observers Report, March 2004.
- 4 Amnesty International (AI), *2004 UN Commission on Human Rights: Mission: to promote and protect human rights*, 1 January 2004, <http://web.amnesty.org/library/engindex>.
- 5 Communication from UN Office for the Coordination of Humanitarian Affairs (OCHA), 22 January 2004.
- 6 Save the Children UK, *Children's rights situation analysis in Somaliland*, July 2003.
- 7 Report of the UN Secretary-General on children and armed conflict, 10 November 2003, UN Doc A/58/546-S/2003/1053, Annex 1, <http://www.un.org/documents>.
- 8 UNICEF Somalia, "From perception to reality: A study on child protection in Somalia", *The child rights situation analysis in Somaliland: A benchmark to measure progress*, 2003.

SOUTH AFRICA

Republic of South Africa

Population: 44.8 million (17.8 million under 18)

Government armed forces: 55,750

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 8 February 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in the armed forces. Large numbers of young people joined criminal gangs that were sometimes deployed by political groups to intimidate their rivals.

Context

Violent crime increased, much of it perpetrated by alienated young people operating in street gangs. There were estimated to be more than 60,000 gang members in Cape Town alone. Children were able to apply for a firearms licence from the age of 16.¹

A number of children from Zimbabwe sought refuge in South Africa to defect from Zimbabwe's national youth service training program or to avoid conscription into the armed forces at 18. Even in South Africa, they continued to fear the Zimbabwean intelligence services.²

Government

National recruitment legislation

South Africa informed the UN Committee on the Rights of the Child in 1999 that under the constitution "no child below the age of 18 may be used directly in armed conflict. Although this right may be limited during a state of emergency, no limitation can be applied to a child under 15 years old".³ A large number of births were unregistered or registered late, increasing the risk of underage recruitment. From 1994 the conscripted armed force of white males recruited from the age of 16 was replaced with a volunteer force with a minimum recruitment age of 17, which was inconsistent with the 1996 post-apartheid constitution.⁴ The Defence Act, No. 42 of 2002, brought the law in line with the constitution by establishing 18 as the minimum age for voluntary recruitment, military training and mobilization, including in times of emergency (Articles 52, 82 and 91).⁵

Armed groups

Political violence was largely "replaced by an upsurge in crime in which many young people have become involved".⁶ However, armed gangs, whose members often included children, were used on occasion by political groups to intimidate their opponents. In KwaZulu Natal there were a number of political killings in 2002.⁷ Difficulties arose in programs aimed at reintegrating militarized children and young people affected by armed conflict in the apartheid era. One study found that former members of self-defence groups linked to the African National Congress (ANC) and Inkatha Freedom Party (IFP) had not acquired employable skills or undergone attitudinal change after a technical training course in the East Rand in 1996, possibly because the project was too short-term.⁸ "Wilderness programs" were developed by another organization; these programs focused on rites of passage and aimed at providing an alternative sense of ritual and belonging, in a non-conflict environment, to that provided by gangs.⁹

- 1 Initial report of South Africa to UN Committee on the Rights of the Child, UN Doc. CRC/C/51/Add.2, 22 May 1999, <http://www.ohchr.org>; Angela McIntyre and Taya Weiss, *Exploring Small Arms Demand, A Youth Perspective*, Institute for Security Studies, Occasional Paper 67, March 2003, <http://www.iss.co.za/Pubs/Papers/67/Paper67.html>; Don Pinnock, "Rites of Passage: Creating alternative rituals for gang members", *Track Two*, Vol. 7 No. 3, 3 July 2002, Centre for Conflict Resolution, <http://ccrweb.ccr.uct.ac.za>.
- 2 Solidarity Peace Trust, *National youth service training – "shaping youth in a truly Zimbabwean manner": An overview of youth militia training and activities in Zimbabwe, October 2000 - August 2003*, 5 September 2003, http://www.zim-movement.org/docs/SPT_hm_0903.htm; IRIN, "Zimbabwe: 'Green Bombers' deserting poor conditions in camps", 23 January 2004, <http://www.irinnews.org>.
- 3 Constitution, Articles 28 and 37, <http://www.info.gov.za/constitution/1996/96cons.htm>.
- 4 Initial report of South Africa to UN Committee on the Rights of the Child, op.cit.
- 5 Government Gazette, Vol. 452, No. 24576, 20 February 2003, <http://www.gov.za/gazette/acts/2002/a42-02.pdf>.
- 6 Initial report of South Africa to UN Committee on the Rights of the Child, op. cit.
- 7 Amnesty International Report 2003, <http://web.amnesty.org/library/engindex>.
- 8 "Top Priority – The urgency of youth development", *Track Two*, Vol. 7 No. 3, 3 July 2002, Centre for Conflict Resolution.
- 9 Don Pinnock, op. cit.

SWAZILAND

Kingdom of Swaziland

Population: 925,000¹

Government armed forces: unknown

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

Food insecurity became severe following drought in the Southern Africa region in 2002. The government's human rights record remained poor. Child abuse and child rape remained serious problems, and the number of street children grew.² Prevalence of HIV/AIDS was estimated at over 34 per cent of the population.³

Government

National recruitment legislation

Recruitment is regulated by the Umbutfo Swaziland Defence Order of 1977. There is no conscription and the minimum age for voluntary recruitment into the armed forces is 18. Birth certificates are required to be produced and verified on enlistment.⁴

1 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.

2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

3 UNICEF, *At a glance: Swaziland*, 2004, <http://www.unicef.org/infobycountry/swaziland.html>.

4 Communication to Child Soldiers Coalition from the Commander, Umbutfo Swaziland Defence Force, 25 March 2004.

TANZANIA

United Republic of Tanzania

Population: 36.3 million (19.0 million under 18)

Government armed forces: 27,000 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

The Defence Forces Regulations prohibit under-18s from recruitment into the armed forces. However, few births were registered and recruits' ages were difficult to verify. Some Burundian refugee children were recruited into Burundian armed political groups.

Context

Tanzania hosted a refugee population of close to one million. Almost 480,000 refugees were receiving UNHCR assistance in December 2003, including 330,000 Burundians and 150,000 Congolese. A further 470,000 refugees who arrived from Burundi before 1994 did not receive UNHCR assistance. Anti-refugee sentiment ran high as demands on local resources grew. Violent crime and arms trafficking were blamed on refugees, who were perceived as benefiting from services not enjoyed by local communities.

Government

National recruitment legislation and practice

The Defence Forces Regulations prohibit under-18s from recruitment into the armed forces.¹ The voluntary recruitment age for the armed forces, as specified by Defence Forces Regulations, is 18 years for entrants direct from secondary schools, and 20 to 23 years for higher education graduates. The government reported that there were no child soldiers within the armed forces.² However, few births were registered – estimated at one in 30 in rural Tanzania – despite a requirement that parents register their children when enrolling them in primary school.³ A compulsory National Service Scheme was reactivated in 1999 for all secondary school graduates, most of them aged over 18, with increased emphasis on vocational training.⁴

Recruitment by armed political groups

Security incidents in refugee communities and recruitment of refugee youths followed political and military trends in Burundi, and the lack of “meaningful activities” in refugee camps in Tanzania influenced some children to join armed groups.⁵ In November 2001 UNICEF reported the abduction of 107 Burundian children from camps in Tanzania by Hutu rebels conducting an armed campaign in Burundi. It was feared that the children were being used in the conflict area as child soldiers, messengers or domestic labour.⁶

In 2003 the UN Secretary-General noted that, despite bans on the use of child soldiers in the Arusha Accords of 2000 and the ceasefire agreement of 2002, Burundi’s armed opposition groups were recruiting children from refugee camps in western Tanzania.⁷ Burundian rebels were reported to have conducted training and recruitment in the camps.⁸ In 2004 recruitment of refugee children was said to continue.⁹

The Tanzanian government recognized the need to educate refugee children, to prevent them “becoming the cause of unrest in their countries of origin”.¹⁰ UNHCR and UNICEF ran a program to prevent child recruitments by armed groups.¹¹

Other developments

In 2003 Tanzania ratified the African Charter on the Rights and Welfare of the Child, which requires safeguards to ensure under-18s are not recruited, including by verification of birth certificates.

- 7 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>.
- 8 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 9 NGO communication to Child Soldiers Coalition, 25 March 2004.
- 10 AFP, “Tanzania appeals for support for education of child refugees”, 20 June 2003, <http://www.unhcr.ch>.
- 11 Report of UNHCR, Assistance to refugees, returnees and displaced persons in Africa, UN Doc. A/57/324, 20 August 2002, <http://www.un.org/documents>.

* see glossary for information about internet sources

- 1 Initial report of Tanzania to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.14/Rev.1, 25 September 2000, <http://www.ohchr.org>. However, the same report notes elsewhere that “Voluntary enlistment in armed forces is set at 15 years. Defence Force Regulations restrict children under 15 years to be employed in the army”.
- 2 Letter to Child Soldiers Coalition from the Minister for Defence and National Service, 25 March 2004.
- 3 BBC, reporting UNICEF report, “African children ‘missing out’”, 16 June 2003, <http://news.bbc.co.uk>; initial report of Tanzania to UN Committee on the Rights of the Child, op. cit.
- 4 *The East African*, “Revive the Youth Army”, 17 August 1999.
- 5 Jean-Francois Durieux, “Preserving the civilian character of refugee camps: Lessons from the Kigoma refugee programme in Tanzania”, *Track Two*, Vol. 9 No. 3, November 2000, Centre for Conflict Resolution, <http://ccrweb.ccr.uct.ac.za>.
- 6 AP, “UNICEF – Hutu rebels abduct 107 Burundi children from refugee camps in Tanzania”, 13 November 2001, <http://www.unhcr.ch>.

TOGO

Togolese Republic

Population: 4.8 million (2.4 million under 18)

Government armed forces: up to 8,550

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 15 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

There were no reports of under-18s in the armed forces.

Context

The main opposition parties boycotted legislative elections in October 2002 that were won by the ruling party of President Gnassingbé Eyadéma, who came to power in a coup in 1967. In late 2002 parliament amended the constitution to allow President Eyadéma to stand for re-election.¹ In June 2003 he won presidential elections that were boycotted by the opposition and marred by violence. In July 2003 the European Union (EU) questioned the fairness of the elections. Opposition activists and others were detained in the aftermath. They included members of the armed forces arrested because of alleged links to former Army Chief of Staff Colonel Kouma Biteniwé, who fled the country in May 2003.² The EU had refused to send observers to the elections on the grounds that they were unlikely to be free and fair.³

Togo contributed troops and a military observer to the UN Mission in the Democratic Republic of the Congo (MONUC) peacekeeping operation.⁴

Government

National recruitment legislation and practice

The 2002 constitution states that the defence of the nation and its territorial integrity is the duty of every Togolese citizen; that every citizen has the duty to undertake national service under conditions provided for in law; and that every citizen has the duty to fight any person or group of people who attempt to change the democratic order established by the constitution (Articles 43 to 45).⁵

The minimum age for both conscription and voluntary enlistment is 18.⁶ Some sources reported conscription to be for two years.⁷

Other developments

Child trafficking was widely acknowledged to be a problem. Children as young as three years old were trafficked from Togo, as well as from other places to Togo, and through Togo to other countries. Poverty, family breakdown and HIV/AIDS were identified as contributory factors, as well as porous borders and lax regulatory environments.⁸

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 *Amnesty International Report 2004*.
- 3 IRIN, "Togo: Eyadéma wins 57% majority in presidential elections", 5 June 2003, <http://www.irinnews.org>.
- 4 UN Peacekeeping, Contributors, <http://www.un.org/Depts/dpko/dpko/contributors>.
- 5 Constitution, at <http://droit.francophonie.org>.
- 6 Declaration by Togolese delegation and World Association of Orphans Afrique at the African Conference on the use of children as soldiers, Maputo, 19-22 April 1999.
- 7 Hutchinson's encyclopaedia, <http://www.tiscali.co.uk/reference/encyclopaedia/countryfacts/togo.html>.
- 8 Human Rights Watch, *Borderline slavery: Child trafficking in Togo*, April 2003, <http://www.hrw.org>.

UGANDA

Republic of Uganda

Population: 25.0 million (14.2 million under 18)

Government armed forces: 60,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 6 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182; ACRWC

The government was reported to recruit children into the regular armed forces and into local defence units deployed inside Uganda and also in the Democratic Republic of the Congo (DRC) and Sudan. Until May 2003 government forces supported armed political groups in eastern DRC which extensively recruited child soldiers. In 2003 the armed political group, the Lord's Resistance Army (LRA), which has killed and tortured people in northern Uganda since 1986, dramatically increased its abduction of children. Out of an estimated 20,000 children who have been abducted by the LRA, nearly 10,000 were taken since mid-2002. Children coming out of LRA captivity were sometimes recruited into government armed forces or forced to take part in operations against the LRA.

Context

Internal armed conflict in the north intensified. Both government and LRA forces committed violations of international humanitarian law. After relations improved between Sudan and Uganda, 10,000 troops crossed into Sudan and forced LRA combatants back into Uganda in a military operation, "Operation Iron Fist", launched in March 2002. LRA attacks in northern Uganda subsequently escalated and the humanitarian situation deteriorated dramatically.¹ Efforts to negotiate a peace agreement with the LRA appeared to end in March 2003.²

Under international pressure, Uganda reportedly withdrew the last of its troops from the DRC in May 2003. The Ugandan authorities provided arms and other support to some of the ethnic militias responsible for the numerous massacres that took place in Ituri district both before and during the withdrawal.³

Government

National recruitment legislation

The 1995 constitution requires every citizen "to defend Uganda and to render national service when necessary", and every able-bodied citizen "to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so" (Article 17). Under Article 17, it is also the duty of every Ugandan citizen "to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment". The constitution also states that children under the age of 16 years "are entitled to be protected from social or economic exploitation and shall 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" (Article 34).⁴

Under the National Resistance Army Statute 3/92 and Conditions of Service Regulations of 1993, recruits must be aged between 18 and 30. However, a Uganda Defence Forces Bill brought before the Parliamentary Defence Committee in early 2004 did not specify a minimum age for recruitment. UNICEF submitted to the Committee recommendations on explicitly excluding the recruitment of child soldiers, which the Committee promised to take into consideration.⁵

Child recruitment and deployment

The desertion of over 20 recruits under the age of 18 in May 2003 provided evidence of the recruitment of children to the ranks of the regular armed forces. The youngest boy was 15, the youngest girl 14.⁶ In November 2003 UNICEF accused the authorities of failing to prevent the recruitment of children. It found that 120 recruits out of a sample 1,200 in Lugore training centre were probably under the age of 18. In response, the authorities said that any recruits found to be under 18 were withdrawn from the forces.⁷

Children who escaped or were captured or rescued from LRA captivity, some as young as 13, were sometimes recruited into the armed forces or forced to take part in military operations.⁸ In some cases they were used as guides to indicate LRA positions or weapons caches.⁹

In March 2004 President Yoweri Museveni denied that child soldiers were recruited, blaming parents for lying about their children's ages so they could earn army salaries.¹⁰

Local Defence Units (LDUs)

Ugandan government forces also recruited and used large numbers of children by recruiting them into the LDUs.¹¹ The authorities said that recruits to these units had to be at least 18 and that local leaders were responsible for verifying their age.¹²

The government also claimed that if any recruits are found to be under 18 years they are pulled out.¹³

Vigilante pro-government militias

Pro-government vigilante militias, armed by government forces, were established in several areas under a variety of names: Arrow Boys in Teso in mid-2003, the Amuka militia in Lango later in 2003, and in early 2004 Frontier Guards in Kigum and Pader and the Elephant Brigade in Gulu region. Most camps in Teso for people internally displaced by the conflict were guarded by Arrow Boys.¹⁴ The Arrow Boys also took part in military operations and received some pay and training from the armed forces.¹⁵ Some vigilante groups were reported to include child soldiers and no measures appeared to be taken to prevent this. In February 2004 the government announced that it was considering recruiting educated Amuka and Arrow Boys into the police and army.¹⁶

Ugandan involvement in the DRC

The government consistently said its forces were in eastern DRC to counter the activities of the Ugandan armed opposition group, the Allied Democratic Forces. However, its presence there was widely attributed to the area's rich mineral resources.¹⁷ Child soldiers in the Ugandan armed forces fought in the DRC, and in April 2003 Save the Children UK secured the release of 29 child soldiers who had been deployed to the town of Bunia.¹⁸

Until its withdrawal, Uganda was closely involved with a number of Congolese armed opposition groups and militia in eastern DRC. Some subsequently became partners in the government of national unity, but a number continued to operate, particularly in Ituri district, killing, raping and forcing people into cannibalistic acts. Child soldiers were used widely, many of them under the age of 15.¹⁹ The Ugandan armed forces, the Ugandan People's Defence Forces (UPDF), on occasion detained them. In mid-2003, the UPDF refused to release to a non-governmental organization (NGO) 60 child soldiers, members of the *Union des Patriotes Congolais* (UPC), Union of Congolese Patriots, armed group. Some of the children later arrived at transit camps.²⁰

Amnesty Act and Suppression of Terrorism Act

The Amnesty Act of January 2000, offering immunity and resettlement packages to all armed opponents who surrendered their weapons, was renewed every six months. In January 2004, the government reduced the amnesty period for members of the LRA from six months to three months, and indicated that the amnesty would no longer apply to LRA commanders.²¹ The Amnesty

Act currently includes no specific provisions on child soldiers.

The age of criminal responsibility in Uganda is 12.²² In late 2002, two boys aged 14 and 16 who had been abducted by the LRA were charged with treason. The crime carries the death penalty although, under the constitution, no death sentence may be passed on anyone under the age of 18. Soldiers had tortured the 16 year old after his arrest. The two boys were released on bail in early 2003 into the custody of a women's organization in Gulu. In April 2003 they applied to the Amnesty Commission for an amnesty.²³

The Suppression of Terrorism Act of March 2002 classified several armed political groups as "terrorist" and stipulated severe punishments, including the death penalty, for "terrorists", their supporters and sponsors. Throughout 2003, a number of former rebels who had been pardoned under the Amnesty Act were rearrested under the Suppression of Terrorism Act.²⁴

Armed political groups

Lord's Resistance Army (LRA)

The LRA continued widespread attacks on civilians, killing, raping and looting. Camps for the displaced were attacked, and humanitarian workers killed. It was still abducting children on a massive scale as of March 2004.

One aim of the military's "Operation Iron Fist" was to rescue abducted children, and between March 2002 and March 2003 at least 2,000 children were recovered, captured or managed to return on their own. However, in the same period, 5,000 other children were abducted.²⁵ The ratio of children to adults within the ranks of LRA continued to rise. The government increasingly resorted to military action to end the conflict. A growing number of LRA child soldiers and other children born in and accompanying LRA groups, some as young as five, were killed in encounters with the UPDF.²⁶

From mid-2003 LRA abductions spread from the north into eastern Uganda. UNICEF estimated that 8,400 children were abducted between June 2002 and May 2003.²⁷ In July 2003 more than 20,000 child "night commuters" were estimated to seek safety each night in Gulu, Pader and Kitgum towns, to reduce the risk of abduction. On 14 July 2003 an estimated 20,000 children marched in Kitgum to protest against continued abductions.²⁸ A similar march took place in Gulu in August 2003.²⁹

Many children were abducted at night from their homes. As their initiation, they were usually beaten to harden them to life as soldiers, and were smeared with shea nut oil. They were told that the oil would allow the LRA to find them if they ran away, and that they would be killed if they cried out while being beaten or tried to escape. As well as combat duties on the front line,

they were made to carry out raids, loot and burn houses, and kill other child soldiers and civilians. Those who escaped said they had witnessed or participated in the killing of recaptured children, who were beaten or trampled to death whatever their age, and of children who were physically unable to keep up with the unit.³⁰ The LRA is reported to have forced a number of children to engage in cannibalistic practices, mainly as a punishment.³¹

Girls were abducted in large numbers. Some were given military training and made to fight, carry out raids and abduct other children. Most were forced into virtual slavery. Assigned to commanders as servants (*ting ting*), when they reached puberty they had to become “wives” to commanders. Children were used as forced labour, the “wives” of commanders making them work long hours as domestic servants and reportedly beating them.³²

Other armed political groups

Around 1,000 combatants of the Uganda National Rescue Front II and their families returned to Uganda in April 2002, having been based in Sudan since 1997. After negotiations with the government, 135 child soldiers were handed over to UNICEF. In June 2002 the group signed a ceasefire agreement with the government. No recent information was available about the recruitment or use of child soldiers by the Allied Democratic Front, whose activities were significantly reduced in 2002 by an armed forces campaign and a restricted offer of amnesty.³³ It was also not known whether the People's Redemption Army, which reportedly maintained bases in the DRC, used child soldiers.

Disarmament, demobilization and reintegration (DDR)

Demobilization of child soldiers was provided for in a regional Multi-Country Demobilization and Reintegration Program for the wider Great Lakes region.³⁴ The 2000 Amnesty Act was also intended to encourage demobilization. In December 2003 the UN Mission in the DRC (MONUC) began to repatriate 250 combatants of Ugandan armed opposition groups based in the DRC.³⁵ It is not known whether they included child soldiers.

There was no formal demobilization process for captured, escaped or rescued LRA child soldiers. Typically they were taken to the nearest army detachment and then to an army Child Protection Unit, for debriefing and medical care before transfer to rehabilitation centres run by NGOs. The centres worked with them to trace their families and to reintegrate them with their families and communities, and provided medical care and counselling.³⁶ In February 2004 the armed forces reportedly rescued 40 children born in LRA captivity and 22 child mothers in

Pader district. A military commander reported that most were the sons and daughters of rebel commanders and were under six years old.³⁷

Other developments

Uganda ratified the Rome Statute of the International Criminal Court in June 2002. In July 2003 the Prosecutor of the Court announced that human rights abuses in the DRC, including those by armed groups supported by Uganda, would be the subject of investigation. However, in January 2004 the Prosecutor announced an investigation into war crimes committed in Uganda. Reportedly, the change took place after President Museveni sought to limit the scope of the investigation to just one of the parties involved in the conflict, the LRA.³⁸

In November 2003 the UN Secretary-General identified the LRA and the government's armed forces and LDUs as users of child soldiers, and in particular noted that “Abducted children are subjected to brutal treatment and other egregious personal violations. In northern Uganda, LRA has abducted thousands of children and forced them to become child soldiers and to commit atrocities”. The Secretary-General also noted that, in countries including the DRC, “The illicit exploitation of natural resources, in particular diamonds, gold ... coltan and timber, in zones of conflict, has ... become a principal means of fuelling and prolonging conflicts in which children suffer the most”.³⁹

* see glossary for information about internet sources

- 1 Norwegian Refugee Council (NRC), *Uganda mass displacement to unprotected camps*, 18 December 2003.
- 2 IRIN, “Uganda: Army operations resume in the north”, 22 April 2003, <http://www.irinnews.org>.
- 3 Human Rights Watch (HRW), *Ituri: “Covered in blood” – Ethnically targeted violence in northeastern DR Congo*, July 2003, <http://www.hrw.org>.
- 4 Constitution, at http://www.federo.com/Pages/Uganda_Constitution_1995.htm.
- 5 Radio Simba, 18 March 2004, www.radiosimba.com/pages119981.asp.
- 6 Justice and Peace News, “Not attractive to be a soldier”, Vol. 3, April-May 2003.
- 7 IRIN, “Uganda should do more to stop child soldier recruitment”, 13 November 2003.
- 8 HRW, *Stolen children: Abduction and recruitment in northern Uganda*, March 2003.
- 9 Confidential source, February 2004.
- 10 *The Monitor* (Kampala), “Museveni Rejects World Court UPDF Probe”, 5 March 2004.
- 11 HRW, *Stolen children*, op. cit.
- 12 HRW, *Stolen children*, op. cit.
- 13 IRIN, 13 November 2003.

- 14 UN Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Update Uganda February 2004, Volume VI, Issue II, 29 February 2004, <http://www.reliefweb.int>.
- 15 Information from Amnesty International (AI), March 2004.
- 16 *New Vision* (Kampala), "Camps to merge", 27 February 2004.
- 17 IRIN, "DRC-Uganda: Ugandan army deploys near border", 29 September 2003.
- 18 IRIN, "Child soldiers in eastern DRC", 12 December 2003.
- 19 HRW, *Ituri: "Covered in blood"*, op. cit.
- 20 IRIN, "Child soldiers in eastern DRC", 12 December 2003.
- 21 US Agency for International Development, *Uganda Complex Emergency Situation Report*, No. 2 (FY 2004), 9 March 2004.
- 22 Information received from Uganda Child Soldiers Coalition, March 2004.
- 23 John Eremu, "Treason suspects apply for amnesty", *New Vision*, 5 April 2003.
- 24 Amnesty International Report 2003, <http://web.amnesty.org/library/engindex>.
- 25 HRW, *Stolen children*, op. cit.
- 26 Callum Macrae, "A day of War. Uganda's Fallen Child Rebels", BBC, 8 April 2004.
- 27 Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>.
- 28 *The Monitor*, "20,000 Children march against Kony", 15 July 2003.
- 29 Dow Jones International News, "Thousands of Uganda school children March, Call for Peace", 23 August 2003.
- 30 HRW, *Stolen children*, op. cit.
- 31 IRIN, "Crisis in Northern Uganda", Web Special, March 2003, www.irinnews.org/webspecials/uga_crisis/Richard-Obina.asp.
- 32 HRW, *Stolen children*, op. cit.
- 33 *Amnesty International Report 2003*.
- 34 World Bank, *Greater Great Lakes Regional Strategy for Demobilization and Reintegration*, Report No. 23869-AFR, 25 March 2002.
- 35 IRIN, "RDC-Uganda: MONUC hails return of Ugandan rebels as a 'breakthrough'", 22 December 2003.
- 36 HRW, *Stolen children*, op. cit.
- 37 OCHA, op. cit.
- 38 Confidential source, March 2004.
- 39 Report of the UN Secretary-General on children and armed conflict, op. cit.

ZAMBIA

Republic of Zambia

Population: 10.7 million (5.7 million under 18)

Government armed forces: 18,100

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18; 16 with parental consent

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

It seemed probable that under-18s were serving in the armed forces, given the low rate of birth registration and the possibility for 16 year olds to enlist with parental consent. Armed groups involved in conflicts in neighbouring states may have continued to recruit child soldiers from refugee populations in Zambia.

Context

Presidential elections in 2001 were marred by allegations of ballot rigging. The security forces continued to carry out unlawful killings, torture and other serious abuses.¹ In early 2004, 370,000 people required food assistance.² Up to 20 per cent of the population was thought to be HIV positive.³

Zambia hosted significant refugee populations which had fled conflicts in Angola, the Democratic Republic of the Congo (DRC), Rwanda and Burundi. In January 2004, 112,000 refugees were registered for humanitarian aid.⁴

Government

National recruitment legislation and practice

The Defence Act prohibits a child "under the apparent age of 18" from being recruited into the armed forces without the consent of a parent, guardian or local District Secretary (Chapter 106). Recruits must be Zambian nationals and have a national registration card, obtainable at the age of 16. The Act does not provide for conscription.⁵ There were no reports of underage recruitment, but the UN Committee on the Rights of the Child expressed concern that the minimum age for voluntary recruitment was an "apparent age" and noted that "less than 10 per cent of children were registered at birth in 1999, and even less in rural areas".⁶

Recruitment by armed political groups

Many refugees in Zambia had fled conflicts in which child soldiers were used.⁷ The government tried to minimize recruitment of child refugees by posting police officers within refugee settlements and by locating the camps more than 60 km from the border.⁸ The *Mai Mai* armed group in neighbouring DRC continued to recruit children as young as ten years old, and it seemed probable that children were being recruited by such groups within refugee communities.

- 1 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 2 UN World Food Programme, *World Hunger: Zambia*, January 2004, <http://www.wfp.org>.
- 3 Oxfam, *Emergency work in Zambia*, <http://www.oxfam.org.uk>.
- 4 UN World Food Programme op. cit.
- 5 Report of Zambia to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.25, 19 November 2002, <http://www.ohchr.org>.
- 6 UN Committee on the Rights of the Child, Concluding observations: Zambia, UN Doc. CRC/C/15/Add.206, 2 July 2003.
- 7 Human Rights Watch, *Forgotten fighters: Child soldiers in Angola*, April 2003, <http://www.hrw.org>.
- 8 Report of Zambia to UN Committee on the Rights of the Child, op. cit.

ZIMBABWE

Republic of Zimbabwe

Population: 12.8 million (6.6 million under 18)
Government armed forces: 29,000 (estimate)
Compulsory recruitment age: 18
Voluntary recruitment age: 18 for the armed forces; 16 for national youth service training
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary): CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

From January 2003 school leavers were sent to camps for compulsory youth service training. Several thousand children and young persons had received training by March 2004, some of them as young as 11. Training focused on paramilitary skills and political education, and allegedly included torture and killing techniques. Girls were said to have been repeatedly raped by other trainees and staff. Operating as militia, trainees were allegedly used to intimidate opposition supporters and were accused of murder and torture.

Context

Presidential elections in 2002 were widely regarded as fraudulent, and Zimbabwe's membership of the Commonwealth was suspended amid allegations of human rights violations, vote rigging and abuses against the opposition by the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF). The country was plunged into an acute political and economic crisis, suffering mass unemployment and inflation at 600 per cent.¹ In 2003 Zimbabwe left the Commonwealth after its suspension was renewed.² Food shortages resulting from drought in the Southern Africa region were exacerbated by a land redistribution program that confiscated farms from the white minority. By the beginning of 2004 an estimated 7.2 million "food vulnerable" Zimbabweans were at risk of starvation.³

Government

National recruitment legislation and practice

The 1979 National Service Act regulates recruitment for national service and the armed force: "18 years [is] the lower age limit for recruitment into regular national service and ... for emergency national service" for recruits

and volunteers.⁴ Every resident was liable for emergency national service inside or outside Zimbabwe in the interest of defence, public safety or public order, whether or not they had already performed national service.

National youth service training program

In July 2002 the government announced that a national youth training service program, also known as youth militia training, would be compulsory for all school leavers from January 2003.⁵ The minimum age for national youth service training was believed to be 16, with parental consent, but this could not be confirmed. Access to the civil service – in particular entrance to teacher training and nursing colleges – is now dependent on having graduated from the youth training service program.⁶ According to initial government policy documents, training camps responded to a need to provide the nation's youth, referred to as those aged between 10 and 30 years of age, with “a sense of national pride and history, as well as skills suitable for employment”.⁷ In July 2003 the Minister of Defence was reported as saying that weaponry training would be included in the program, that the youth militia would “create a reserve security force” and be a “lucrative recruitment ground for the Zimbabwe National Army”, and that 1,000 youth militia members had already been recruited by the army.⁸

The first national youth training camp, Border Gezi training camp in Mount Darwin, was set up in 2001, with four more subsequently created. Each centre provided militia training in a 120-day program for 1,000 youths at a time.⁹ Government budget statements in 2002 and 2003 indicated plans to train 20,000 young people every year. By the end of 2002, it appeared that as many as 9,000 children and young people had received formal militia training, and at least as many again had been trained in less formal programs at district level.¹⁰ Circumstantial evidence collected by a researcher suggested that a sizeable proportion of the trainees were under 18: in one camp, the register of participants indicated that approximately one third were under 18, many in the 15 to 16-year-old age range, with the youngest a girl of 11.¹¹

Serious human rights violations against women and girls were reported by former trainees.¹² Girls were allegedly raped at the training centres, including by officials.¹³ Girls as young as 11 or 12 were said to have been repeatedly raped.¹⁴ By early 2002 an estimated one thousand women were held in militia camps for sexual purposes.¹⁵

Allegations of murder, torture, rape and the destruction of property by youth militias emerged from January 2002 onwards.¹⁶ Youth militias were reportedly used to occupy farms,

set up illegal roadblocks, force people from their homes, steal identity cards, control food distribution, and restrict access to health centres and polling stations.¹⁷ One national youth service camp commander reported that youths in his camp had been sent to kill two government opponents on the orders of his superiors. A former trainee reported being plied with alcohol and drugs, and taught how to electrocute people to extract information from them.¹⁸ Routine use of alcohol and marijuana was reported during the training and deployment of youth militia.¹⁹ The government was alleged to have used the youth militias to intimidate political opposition groups in the run-up to the presidential elections in 2002²⁰ and to by-elections in 2004, in particular in Zengeza in March 2004.²¹

In March 2004, the Minister for Youth Development, Brigadier Ambrose Mutinhiri, denied that military training was compulsory or was included in the national youth service program. He said that the government “believes firmly in the protection of children, especially the girl child”.²²

* see glossary for information about internet sources

- 1 Wilson Johwa, “The Relentless March of the Military Men”, IPS News, 4 March 2004, <http://ipsnews.net>.
- 2 BBC, “Zimbabwe quits Commonwealth”, 8 December 2003, <http://news.bbc.co.uk>.
- 3 UN Relief and Recovery Unit, *Zimbabwe Humanitarian Situation Report*, 13 January 2004, <http://www.reliefweb.int>.
- 4 Report of Zimbabwe to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.35, 12 October 1995, <http://www.ohchr.org>. However, the same report says elsewhere that “Direct recruitment of children under 16 years of age into the army is prohibited by the National Service Act of 1979. The Act provides for 16 years as the lower age limit for recruitment into regular national service and 18 years for emergency national service.”
- 5 “National service to be compulsory”, *The Herald*, Harare, 2 July 2002, <http://www.herald.co.zw>.
- 6 Solidarity Peace Trust, *National youth service training – “Shaping youth in a truly Zimbabwean manner”: An overview of youth militia training and activities in Zimbabwe, October 2000 – August 2003*, 5 September 2003, http://www.zim-movement.org/docs/SPT_hm_0903.htm.
- 7 Solidarity Peace Trust, op. cit.
- 8 “Youths to be trained in weaponry”, *Chronicle*, Bulawayo, 17 July 2003, cited in Solidarity Peace Trust, op. cit.; SW Radio Africa also reported that in Masvingo “serving members from the Zimbabwe National Army’s four brigade headquarters are being used to train youth militia in the province”, March 2004, <http://swradioafrica.com>.

- 9 Information given by the Minister of Finance in his budget speech, Parliamentary Debates, 29 November 2001, cited in Solidarity Peace Trust, op. cit.
- 10 Solidarity Peace Trust, op. cit.
- 11 Confidential communication from human rights NGO in Zimbabwe, 28 March 2004.
- 12 Solidarity Peace Trust, op. cit.
- 13 IRIN, "Zimbabwe: 'Green Bombers' deserting poor conditions in camps", 23 January 2004, <http://www.irinnews.org>.
- 14 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>; Hilary Andersson, "Zimbabwe's torture training camps", BBC News, 27 February 2004.
- 15 Zimbabwe Women Lawyers' Association, quoted in Amnesty International (AI), *Zimbabwe: Assault and sexual violence by militia*, 5 April 2002, <http://web.amnesty.org/library/engindex>.
- 16 Physicians for Human Rights Denmark, *Post Presidential Election March to May 2002: "We'll make them run"*, 21 May 2002, http://www.phrusa.org/healthrights/word_docs/zimbabwe1.doc.
- 17 Norwegian Election Observation Mission, *Presidential Elections in Zimbabwe 2002*, Preliminary report issued on 12 March 2002; US Department of State, Bureau of African Affairs, Fact Sheet, *Zimbabwe: Initial Findings of US Election Observer Team*, 14 March 2002, cited in AI, *Zimbabwe: The toll of impunity*, 25 June 2002.
- 18 Hilary Andersson, "Zimbabwe's torture training camps", op. cit.
- 19 Solidarity Peace Trust, op. cit.
- 20 Dumisani Muleya, "ZANU PF refutes BBC torture camps reports", *Zimbabwe Independent*, 5 March 2004, <http://www.theindependent.co.zw>.
- 21 Augustine Mukaro, "Zanu PF militia lay siege on Zengeza ahead of poll", *Zimbabwe Independent*, 12 March 2004.
- 22 "National service programme voluntary, says Mutinhiri", *The Herald*, Harare, 6 April 2004; BBC, "Zimbabwe defends 'secret camps'", 5 March 2004.



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Americas and the Caribbean

Regional overview

Children continued to be involved in civil conflicts. In countries devastated by long years of conflict and the displacement of rural communities, the failure to rehabilitate former child soldiers and the proliferation of small arms furthered the development of armed youth gangs. There was a high level of support for international standards on the recruitment and use of child soldiers in Latin America. However, most states did not support the “straight 18” position banning all child recruitment and continued to recruit children from the age of 16.

Child soldiers in Colombia

Reports on the recruitment of children in **Colombia** continued to paint a grim picture. As many as 14,000 boys and girls, some as young as 12, were used as child soldiers by armed opposition groups and army-backed paramilitaries. The children recruited into these forces had to endure harsh conditions. Some were forced to commit serious abuses, killing civilians and destroying villages.

As the armed conflict spread into border areas, it threatened to have an impact across the region. The number of refugees from Colombia seeking asylum in **Ecuador, Panama** and **Venezuela** increased significantly. In Panama, hundreds of Colombian refugees were returned to Colombia without a fair hearing, while in Ecuador, the refugee situation was becoming critical as the number of refugees from Colombia seeking asylum in Ecuador grew considerably. Colombian armed opposition groups and paramilitaries frequently crossed into neighbouring

countries, where they fought other armed groups, forcibly recruited Colombian asylum seekers, and trafficked drugs and people. They were reported to have carried out incursions into **Brazil** and forcibly recruited members of indigenous communities. With no sign of a reduction in the level of conflict, children were at heightened risk of recruitment by these groups.

The forces responsible for human rights abuses continued to enjoy impunity. Negotiations between the government and the paramilitaries, as well as legislative initiatives related to the peace talks, raised fears that those responsible for serious breaches of international human rights law and humanitarian law would not be brought to justice. In mid-2004, negotiations continued with the largest paramilitary group, but peace discussions with the main opposition forces, which collapsed in 2002, had not restarted. Demobilization of children involved in the conflict continued at a slow pace. Only about 10 per cent have been demobilized since November 1999.

The legacy of conflict

With the ending of conflicts in several countries in the region, the phenomenon of youth gangs (*maras*) and youth crime has become a significant threat, particularly in **Central America**. The long-term effects of conflicts continued to be felt by children in marginalized communities. Children orphaned as a direct result of conflict joined growing populations of street children in the cities. It was reported that some older gang members (*mareros*) had been former child combatants, as governments in Central

America had failed to set up comprehensive programs to demobilize and reintegrate former child soldiers into society at the end of civil conflicts.

The wider impact of conflict was felt in communities displaced from the countryside by conflict, whose members struggled to make a living in shanty towns around the larger cities and among the urban poor. Years of armed conflict have left Central America awash with small arms and munitions. In 2003 it was estimated that two million light weapons were in circulation in the region.

In 2003, **El Salvador, Guatemala, Honduras** and **Nicaragua** agreed to work regionally against armed gangs, and anti-*maras* laws were adopted in El Salvador and Honduras. In June 2004 the UN Committee on the Rights of the Child declared that the El Salvador laws breached the UN Convention on the Rights of the Child. The Salvadorian authorities subsequently announced that modifications would be made to the legislation, the Penal Code and the Juvenile Offender's Code, in a process involving non-governmental organizations and the judiciary. Also in June 2004, **Panama** announced a "get tough" plan and legal reforms to deal with the growing problem of youth crime. These would allow under-18s to be tried in adult courts, and 20-year prison terms to be imposed for certain crimes. In July, members of the government said that Panama would withdraw as a party to the Convention on the Rights of the Child so that the new legislation could be applied but the Panamanian Parliament rejected the proposals in August.

In **Brazil**, the recruitment and use of children by urban-based drug factions bore similarities to that of armed opposition groups. They targeted particular age groups for recruitment, allocating specific functions and standing within the command structure, and rewarding them financially. In Rio de

Janeiro, an estimated 5,000 armed children were involved in organized violence.

In the Caribbean, young children were frequently reported to be involved in violent gangs. In **Haiti**, there were some incidents of young teenagers joining groups of armed political gangs, although the extent of their involvement was difficult to determine.

In **Mexico**, it was difficult to monitor the recruitment of under-18s by irregular armed groups in the southern states of Chiapas, Guerrero and Oaxaca. Obtaining information was difficult in areas where indigenous communities suffered constant intimidation and attacks by these groups. The federal and state governments continued to afford impunity to their own or allied forces accused of serious human rights violations.

The legal framework

Many states in the Americas region have ratified the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict. In Latin America, most states have ratified or acceded, except for **Bolivia, Colombia, Cuba, Dominican Republic** and **Nicaragua**. In August 2004, **Bolivia** announced that Congress had begun to discuss measures to be taken with a view to ratification of the Optional Protocol. In addition, **Guatemala** modified its national legislation to protect under-18s from involvement in armed conflict or recruitment into military service.

Caribbean countries have been slower in signing up, with only **Belize, Dominica** and **Jamaica** having ratified or acceded to the Optional Protocol at the time of writing.

Children are still recruited

Few of the states that had ratified the Optional Protocol also adopted a "straight-18" position to ban all child recruitment. Many continued to allow

Optional Protocol: ratifications and signatures

Acceded/ratified: Argentina, Belize, Brazil, Canada, Chile, Costa Rica, Dominica, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, USA, Uruguay, Venezuela. **Signed:** Colombia, Cuba, Dominican Republic, Haiti, Suriname. **Not signed:** Antigua and Barbuda, Bahamas, Barbados, Bolivia, Grenada, Guyana, Nicaragua, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago.

the recruitment from the age of 16 to compulsory and voluntary military service. In **Paraguay**, an inquiry by a national Inter-Institutional Commission of officials and non-governmental organizations found nearly 200 under-18s serving in the armed forces and numerous examples of false documentation by the conscription authorities. In **Peru**, a Congressional mission found underage recruits in military barracks, and the Ombudsman's Office reported over 170 human rights violations against conscripts since 1998. There were about 1,000 recruits aged 16 to 19 in the armed forces in **Canada** at any one time. No recruits were reported to have been deployed in combat although Canada had troops in several countries where there were hostilities.

Other states that had ratified the Optional Protocol but still recruited under-18s included **Chile**, where legislators were debating putting military service on a voluntary basis at the time of writing. In **El Salvador**, the Procurator's Human Rights Office proposed reinstating compulsory military service to resolve the problem of violence by youth gangs. **Brazil**, on ratifying the Optional Protocol in January 2004, declared its intention to continue allowing the voluntary recruitment of under-18s into its armed forces. In **Bolivia**, as in other

countries, military service was seen as a rewarding alternative to other forms of employment, and youngsters volunteered before the age of 18 to help support their families and gain the means to go on to further education.

The **USA** ratified the Optional Protocol in December 2002, but at least 62 soldiers under the age of 18 participated in US military operations in Afghanistan and Iraq in 2003 and 2004. Every year approximately 10,000 recruits aged 17 enlisted voluntarily for active duty in the armed forces, many of them before they had completed secondary education. US forces detained children accused of being "enemy combatants" without charge or trial at Guantanamo Bay in Cuba. In January 2004, three of the children, aged 13 to 15, were released, but those aged 16 and 17 remained held with adult prisoners.

ANTIGUA AND BARBUDA

Antigua and Barbuda

Population: 73,000 (25,000 under 18)

Government armed forces: 170

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the security forces.

Government

National recruitment legislation and practice

There is no conscription in Antigua and Barbuda.¹ The minimum age of enlistment to the armed forces and the police is 18.²

1 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.

2 Initial report of Antigua and Barbuda to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.22, 9 December 2003, <http://www.ohchr.org>.

ARGENTINA

Argentine Republic

Population: 38.0 million (12.3 million under 18)

Government armed forces: 71,400

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified on 10 September 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

In June 2003 newly elected President Néstor Kirchner dismissed a number of senior armed forces officers who had served during the military dictatorship (1976-1983).¹ They included the Chief of Army Staff, General Ricardo Brinzoni, who in 2002 had asked for the restoration of compulsory military service because "it is a very useful institution for society".²

In January 2004 President Kirchner ordered investigations into the alleged torture of young soldiers in military premises under the government of President Raúl Alfonsín (1983-1989). Evidence included photographs from 1986 of naked and blindfolded soldiers being tortured.³

Government

National recruitment legislation and practice

Compulsory military service was ended in 1994 after a conscript was beaten to death by soldiers on the orders of an officer.⁴ The government may reintroduce conscription in exceptional circumstances with the approval of Congress. The Law on Military Service, Law No. 17.531, would govern recruitment in these circumstances.⁵ In such cases citizens could be recruited for a maximum of 12 months from the beginning of the year in which they turn 18. Recruits could thus be 17 years old.⁶

Under the Law on Voluntary Military Service, Law No. 24.429, men and women must be aged between 18 and 24 to volunteer for military service. Recruits under the age of 21 must have parental permission to join.⁷

Military training and military schools

Several military schools provide training for officers and specialist armed forces training.⁸ The minimum age of enrolment in such schools is 17

for boys attending the navy's non-commissioned officers (NCOs) school, and 16 for boys and girls at the National Military College and the Military Air Force School.⁹ The minimum age of admission is 18 for commissioned officers and 16 for NCOs; there is no provision for them to participate in armed conflicts.¹⁰

Students in the last two years of military high school (*liceo militar*) receive military instruction as part of a general education, but no provision is made for their participation in armed conflicts.¹¹ Military high schools are run by the armed forces and recognized by the Ministry of Education. In some schools cadets wear military uniforms or receive weapons training.¹² Children may enrol from 11 or 12 years of age and must be no older than 15. Cadets may graduate as reserve second lieutenants (*subtenientes de reserva*) and go on to train as officers.

Since education reforms in 1994, military schools have been able to enrol girls and to offer nursery and primary schooling to children from as young as four or five.¹³

BAHAMAS

Commonwealth of the Bahamas

Population: 310,000 (108,000 under 18)

Government armed forces: 860

Compulsory recruitment age: no conscription

Voluntary recruitment age: not known

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

No information was available on the minimum age for voluntary recruitment or on whether there were under-18s in the security forces. There was no conscription.

Government

National recruitment legislation and practice

Defence and the maintenance of law and order are the responsibility of the armed forces and police respectively, both reporting to the Ministry of National Security.

There is no conscription in the Bahamas.¹

The 1973 constitution prohibits forced labour, but excludes from the definition of forced labour, "in the case of a person who has conscientious objections to service in a naval, military or air force, any labour which that person is required by law to perform in place of such service" (Article 18).² No information was available on the minimum age for voluntary recruitment.

1 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, 2003.

2 José Baig, "Argentina debate servicio militar", BBC Mundo, 16 October 2002, <http://news.bbc.co.uk>.

3 Rosario Gabino, "Argentina denuncian torturas", BBC Mundo, 16 January 2004.

4 Rosario Gabino, op. cit.

5 *Ley de Servicio Militar*, No.17.531, at Red de Seguridad y Defensa de América Latina (RESDAL), <http://www.resdal.org.ar> (Base de datos).

6 *Ley del Servicio Militar Voluntario*, No. 24.429, at RESDAL, op. cit.

7 *Ley del Servicio Militar Voluntario*, op. cit.

8 Ejército Argentino (Army), http://www.ejercito.mil.ar/index_ppal.htm (Educación); Armada Argentina (Navy), <http://www.armada.mil.ar> (Incorporación); Fuerza Aérea Argentina (Air force), <http://www.faa.mil.ar> (Incorporación y educación).

9 Escuela de Suboficiales de la Armada, at Armada Argentina, op. cit.; Colegio Militar de la Nación, <http://www.colegiomilitar.mil.ar>; Escuela de Aviación Militar, at Fuerza Aérea Argentina, op. cit.

10 Comments by Argentina on the Report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child, UN Commission on Human Rights, UN Doc. E/CN.4/1999/WG.13/2/Add.1, 8 December 1998, <http://www.ohchr.org>.

11 Comments by Argentina, op. cit.

12 Liceo Naval Militar Almirante Brown, at Armada Argentina, op. cit.; Liceo Militar General San Martín, Liceo General Belgrano and others, at Ejército Argentino, op. cit.; Liceo Aeronáutico Militar, at Fuerza Aérea Argentina, op. cit.

13 Liceo Militar General San Martín, op. cit.

BARBADOS

Barbados

Population: 269,000 (66,000 under 18)

Government armed forces: 610

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18; younger with parental consent

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, AP I and II, ICC, ILO 138, ILO 182

Under-18s may enlist with parental consent. No information was available on the number of under-18s, if any, in the armed forces. There was no conscription.

Government

National recruitment legislation and practice

The armed forces are responsible for maintaining national security and may be called upon to maintain public order in times of crisis, emergency or specific need. The police are responsible for law enforcement.¹

There is no conscription. A volunteer may enlist at the minimum age of 18. However, the Defence Act provides for under-18s to enlist, providing they have the consent of a parent or guardian (Chapter 159, section 19).² No information appeared to be available on the presence of under-18s in the security forces.

1 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

2 Initial report of Barbados to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.45, 11 February 1997, <http://www.ohchr.org>.

BELIZE

Belize

Population: 251,000 (113,000 under 18)

Government armed forces: 1,050 (estimate)

Compulsory recruitment age: not specified

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 1 December 2003

Other treaties ratified (see glossary):

CRC, AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces. The minimum age for voluntary recruitment is 18.

Government

National recruitment legislation and practice

The armed forces, established under the Defence Ordinance of 1977, are responsible for external security and other duties as defined by the Governor General. The police force has primary responsibility for law enforcement and maintenance of order.¹

The Defence Act provides that volunteers for enlistment must be at least 18 years old (Section 16). Conscription is not prescribed in the Defence Act, but is at the Governor General's determination. When the initial report of Belize to the UN Committee on the Rights of the Child was discussed, the Committee recommended that a minimum age of conscription be established at 18.² In its second report to the Committee, the Belize government stated that "it is considered inconceivable that [the minimum age for conscription] would ever be set at an age below the age of voluntary enlistment". It also stated that there was merit in "reviewing whether this should be established within the provision of the Act".³

1 Amnesty International, *Government commitments and human rights in Belize*, 5 July 2000, <http://web.amnesty.org/library/engindex>.

2 UN Committee on the Rights of the Child, Concluding observations: Belize, UN Doc. CRC/C/15/Add.99, 10 May 1999, <http://www.ohchr.org>.

3 Second periodic report of Belize to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.29, 13 July 2004 (to be considered by the Committee in January 2005).

BOLIVIA

Republic of Bolivia

Population: 8.6 million (3.9 million under 18)

Government armed forces: 31,500

Compulsory recruitment age: 18

Voluntary recruitment age: 15 (for premilitary service)¹

Voting age: 18 (married) 21 (single)

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The government acknowledged that 14 year olds may have been forcibly conscripted during organized sweeps. Sixteen-year-old students doing voluntary premilitary service were considered members of the armed forces.

Context

Within the armed forces there was increased discussion on the reform of compulsory military service and respect for human rights.² However, the poor and marginalized remained least able to escape conscription and reports of human rights violations by members of the armed forces continued.³

Government

National recruitment legislation and practice

Under the 1967 constitution, all citizens have a duty to undertake military service as required by law (Articles 8 and 213).⁴ The Law on National Defence Service (No. 21479 of 17 December 1986) requires all Bolivian men who have reached the age of 18 to serve in the armed forces for one year.⁵ On completing compulsory military service, recruits receive a certificate of military service (*libreta militar*) which allows them, among other things, to apply for a job, enrol at university, travel abroad, apply for an electoral card and replace their identity card if it is lost or stolen.⁶

Bolivia had acknowledged to the UN Committee on the Rights of the Child in 1997 that “when the annual intake into the armed forces cannot be made up on a voluntary basis, compulsory recruitment is indiscriminate, an occasion for forcibly recruiting poor adolescents, including some as young as 14, by means of organized sweeps”.⁷ No action to address these issues was known to have been taken.

Under the Law on National Defence Service, a voluntary premilitary service (*servicio premilitar*) coexists alongside compulsory military service.⁸

Boys and girls aged between 15 and 19 years of age, who have completed three years of secondary schooling, may volunteer for training in combat, national defence, and disaster and emergency relief operations. Premilitary service was reinstated in 1997 for boys⁹ and in 2003 girls were allowed for the first time to volunteer.¹⁰ Under Supreme Regulation No. 27057 of 30 May 2003, the option of volunteering for premilitary service was extended to all students from the third year of secondary education (16 years of age);¹¹ previously only those in their final year could do it. Those doing premilitary service are considered soldiers in active service.¹²

Premilitary training is provided on Saturdays and during holidays over a period of 12 months. Students pay 800 Bolivianos (around US\$100) for registration, a uniform and insurance.¹³ The number of under-18s volunteering for premilitary service was increasing, partly because on completion they can obtain their certificate of military service and its associated privileges, and are exempted from further military service.¹⁴ By October 2003, 24,445 individuals had registered for premilitary service that year.¹⁵

Although premilitary service trainees are soldiers on active service, it was not clear how they would participate in the defence of the country at times of war or emergency.

- 1 Article 3, *Ley del Servicio Nacional de Defensa*, <http://www.mindef.gov.bo/servimil/spm/disposiciones.php>.
- 2 *El Deber Online*, “Defensora del Pueblo propone que servicio militar sea voluntario”, 8 July 2003.
- 3 Juan Ramón Quintana, *Soldados y ciudadanos: Un estudio crítico sobre el servicio militar obligatorio en Bolivia - Su contribución a la formulación de políticas institucionales en el área de la Defensa Nacional*, Research and Education in Defense and Security Studies Conference, Center for Hemispheric Defense Studies, Washington DC, 22-25 May 2001 (REDES 2001), <http://www.ndu.edu/chds/REDES2001> (Programa, Bloque IV, Panel 2).
- 4 Constitution, <http://www.minedu.gov.bo/pre/ley/ley1615.html>.
- 5 *Ley del Servicio Nacional de Defensa*, No. 21479, cited at Ministry of Defence, <http://www.mindef.gov.bo> (Servicio militar, Servicio militar obligatorio, Requisitos; Duración de Servicio).
- 6 Ministry of Defence, op. cit. (Servicio militar, Libreta de servicio militar; Servicio militar obligatorio, Antecedentes).
- 7 Second periodic report of Bolivia to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.1, 1 December 1997, <http://www.ohchr.org>.
- 8 Ministry of Defence, op. cit. (Servicio militar, Servicio premilitar, Disposiciones legales).

- 9 *Reestablecimiento del Servicio Premilitar*, Decreto Supremo 24527, 17 March 1997, http://www.embolivia.co.uk/~oma/bolivia/LTJ-V10/leg_bol_archivos/LTJ-121.doc.
- 10 Ministry of Defence, op. cit. (Servicio militar, Servicio premilitar, Disposiciones legales).
- 11 Ministry of Defence, op. cit. (Servicio militar, Servicio premilitar, Disposiciones legales).
- 12 Ministry of Defence, op. cit. (Servicio militar, Servicio premilitar).
- 13 *Los Tiempos*, “Ya no hay cupo para admitir premilitares”, 1 October 2003.
- 14 *La Opinión*, “Reclutamiento en Cochabamba logra llenar los cupos asignados”, 17 January 2004; *El Deber online*, “El servicio premilitar es ahora a los 16 años”, 30 September 2003.
- 15 *La Opinión*, “Masiva respuesta al reclutamiento premilitar obligó a ampliar los cupos”, 4 October 2003.

BRAZIL

Federative Republic of Brazil

Population: 176.3 million (60.6 million under 18)

Government armed forces: 287,600

Compulsory recruitment age: 17

Voluntary recruitment age: 16

Voting age: 16

Optional Protocol: ratified 27 January 2004

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Children were involved in urban-based drug factions engaging in armed confrontations with other armed groups and the security forces. Military service regulations set the voluntary recruitment age at 18, but the possibility of voluntary enlistment at 17 years appeared to exist in law.

Context

Security measures adopted by state governments to combat high levels of urban crime resulted in increasing human rights violations, including unlawful killings by the police. “Death squads” involved in organized crime and so-called “social cleansing” were active all over the country.¹

Armed confrontations between urban-based drug factions killed hundreds of people every year.² Their recruitment and use of child combatants has been compared to that of forces involved in armed conflict. They have targeted particular age groups for recruitment, allocated them specific functions and standing within the command structure, and rewarded them financially. In the poor communities of Rio de Janeiro, an estimated 5,000 armed under-18s were involved in organized armed violence.³

Government

National recruitment legislation and practice

The 1988 constitution makes military service compulsory “as provided by law”.⁴ According to the Military Service Law, Law No. 4375 of 17 August 1964, all Brazilians are liable for military service from the beginning of the year they turn 18 until the end of the year they are 46 (Articles 2 and 3).⁵ Therefore 17 year olds may be liable for military service. However, according to Regulations of the Military Service Law (Decree No. 57654), compulsory military service begins from 1 January of the year in which citizens reach the age of 19 (Article 7).⁶ In wartime the minimum

age limit may be amended “according to the interests of national defence” (Military Service Law, Article 5).

Women and members of the clergy are exempt from compulsory military service in times of peace, but are subject to other duties assigned by law.⁷

Military service is normally for 12 months, but may be extended or reduced to accommodate specific situations (Article 6). The President has the power to order conscription, including of those who have already performed military service, to prevent public disorder or at times of emergency, for example (Article 19). Only a small proportion of those registered actually perform military service.⁸ Conscientious objection is allowed, but the armed forces determine the nature of the alternative service that objectors must carry out.

Volunteers may apply for military service at the age of 16 but may not be enlisted until the start of the year they are 17, under the Military Service Law (Article 5).⁹ Special authorization by the armed forces is required for volunteers (Article 27), and parental consent for those below the age of 17.¹⁰ The Regulations of the Military Service Law state that armed forces ministers may authorize the recruitment of 17-year-old volunteers at any time in order to fulfil “specific, normal or extraordinary needs” of the armed forces (Article 127).¹¹

In its report to the UN Committee on the Rights of the Child in October 2003, Brazil conceded that its Statute of the Child and Adolescent, Law No. 8069 of 13 July 1990, “makes no explicit reference to the involvement of children and adolescents in armed conflict”. However, the government drew attention to the statute’s provisions to restrict children’s access to weapons or to publications containing references to arms or ammunition (Articles 79, 81 and 243). It also noted that “Brazilian law is in accordance with article 38 of the Convention on the Rights of the Child, as it does not allow adolescents under the age of 18 to actually participate in armed conflicts, nor may those younger than 15 enlist, even as volunteers”.¹² Brazil does not support a “straight-18” position.¹³

Military training and military schools

All military schools have a minimum age of entry, and some of them admit 14 year olds. It was not known if under-18s receive weapons training.¹⁴

- 4 Constitution, http://legis.senado.gov.br/con1988/CON1988_05.10.1988/index.htm.
- 5 Military Service Law, Law No. 4375 of 1964, at Ministry of Defence, <http://www.defesa.gov.br/internet/sitios/internet/disemi/index.html> (Legislação).
- 6 Brazilian Army, <http://www.exercito.gov.br/02Ingres/Servmili.htm>; Decree No. 57654, <http://www.dgp.eb.mil.br/normas/R199.htm>.
- 7 Declaration made by Brazil on ratifying the Optional Protocol, <http://untreaty.un.org> (subscription required).
- 8 According to statistics provided by the military, in 2000, 92,525 conscripts out of a total 1,586,984 registered 18 year olds were recruited. Ministry of Defence, op. cit. (Diversos).
- 9 Military Service Law, op. cit.
- 10 Declaration made by Brazil, op. cit.
- 11 “*necessidades normais, eventuais ou específicas das Forças Armadas*” – Article 127, Decree No. 57654, op. cit.
- 12 Consolidated report incorporating initial report and first two periodic reports of Brazil to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.65, 17 December 2003 (due to be considered by the Committee in September-October 2004), <http://www.ohchr.org>.
- 13 Declaration made by Brazil, op. cit.
- 14 Centro de Orientação e Preparação as Escolas Militares, <http://www.copem-rj.com.br>.

1 Amnesty International Report 2004, <http://web.amnesty.org/library/engindex>.

2 BBC Mundo, “Río y sus ‘niños combatientes’”, 9 September 2002, <http://news.bbc.co.uk>.

3 L.T. Dowdney, *Crianças do Tráfico: Um estudo de caso de crianças em violência armada organizada no Rio de Janeiro*, Viva Rio/ISER, 7Letras, Rio de Janeiro, 2003.

CANADA

Canada

Population: 31.3 million (7.0 million under 18)

Government armed forces: 52,300

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: ratified 7 July 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 182

About 1,000 young people aged between 16 and 19 were serving in the regular armed forces, with a further 5,000 in the reserves.

Context

There were concerns about the continued detention pending deportation of five men alleged to pose a risk to national security. Three of them had been detained for more than two years.¹ Military and police personnel had participated in UN peacekeeping missions to East Timor (UNMISET), Golan Heights (UNDOF), Middle East (UNTSO), Cyprus (UNFICYP), Democratic Republic of Congo (MONUC) and Sierra Leone (UNAMSIL).²

Government

National recruitment legislation and practice

Voluntary recruitment is permitted from the age of 16 in the reserve forces and 17 in the regular forces. Safeguards to ensure that such recruitment is genuinely voluntary include a requirement for informed, written parental consent and for reliable proof of age in the form of an original or certified copy of a birth or baptismal certificate.³ Under-18s may not be deployed in armed conflict under the 1985 National Defence Act (Section 34), which was amended in June 2000 to bring the law in line with the Optional Protocol.⁴

Most under-18s apply through the Regular Forces Non-Commissioned Members Program. Under-18s can also apply to the Regular Officer Training Plan (ROTP), which allows recruits to obtain a commission as an officer and a university education at the Royal Military College of Canada, or through other colleges and universities associated with the Canadian Defence Academy. Requests for release from service by officers and non-commissioned members are usually allowed during the first year of military training, and recruits do not incur financial costs provided they leave before one-and-a-half years into the

preparatory program or the second year of the advanced program.⁵

Child recruitment and deployment

At the end of May 2004 over 1,000 recruits aged between 16 and 19 were serving in the regular forces and a further 5,000 in the reserve forces. The majority of 16 and 17 year olds serve in the Primary Reserve Force, enabling them to attend civilian higher education establishments with the help of government subsidies and to obtain vocational training and employment opportunities.⁶ Most recruits to the regular forces enter the Royal Military College of Canada, where they generally spend four years as officer cadets. There were no reports of under-18s being deployed in combat.

Military training and military schools

The Canadian Defence Academy, established in April 2002, provides opportunities for approximately 600 members of the armed forces to obtain a higher education.⁷ A one-year preparatory program for students going on to study at the Royal Military College is offered by the Richelieu Squadron at Campus St. Jean-sur-Richelieu in Quebec.

The Canadian Forces Leadership and Recruit School, located in St. Jean-sur-Richelieu, is responsible for basic training for recruits to the regular forces.⁸ A three-week Canadian Forces Aboriginal Entry Program (CFAEP) offers a program that prepares applicants of 17 years and older from native communities for recruitment to the regular forces and pays a bonus for completion of the course. According to the program brochure, applicants return to their communities to conduct "home recruiting".⁹

The Canadian Cadet Movement, comprising the Navy League, Air Cadet League and Army Cadet League, is the largest federal government youth program, with over 60,000 members.¹⁰ A child may join the Cadets at the age of 12. Marksmanship is among the activities offered on weekend training programs. The armed forces currently run 27 Cadet Summer Training Centres across the country.¹¹ One such centre, Camp Argonaut at the Canadian Forces Base in Gagetown, New Brunswick, holds training camps annually for approximately 1,200 cadets aged 13 to 18.

The Junior Canadian Ranger Programme, for children aged 12 to 18, is organized by the Canadian Rangers, part-time reservists based in isolated and coastal communities. There are currently 2,100 Junior Canadian Rangers in 95 communities across the country.¹²

Developments

In May 2004 Canada launched a National Plan of Action for Children, entitled *A Canada Fit for*

Children, which aimed at ensuring compliance with international humanitarian and human rights treaties such as the Optional Protocol. The plan pledged continued support for efforts to address the needs of children affected by armed conflict and to prevent the military recruitment of children.¹³

At the international level, the government produced a five-year Action Plan on Child Protection¹⁴ in June 2001 and created a Child Protection Unit within the Canadian International Development Agency (CIDA). The Agency has supported projects ranging from education for children affected by armed conflict, to demobilization and reintegration of former child soldiers, conflict resolution, and health. The Human Security Program of the department of Foreign Affairs has supported projects related to peace support operations and the protection of civilians, including children in armed conflict.

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 UN Peacekeeping, Contributors, <http://www.un.org/Depts/dpko/dpko/contributors>.
- 3 Declaration made by Canada on ratification of the Optional Protocol, <http://www.ohchr.org>.
- 4 National Defence Act, Chapter 13, (Bill S-18), <http://laws.justice.gc.ca/en/2000/13/4396.html>.
- 5 Royal Military College of Canada, http://www.rmc.ca/academic/registrar/programme/cal-admplan_e.htm.
- 6 Communication from Department of National Defence to the Children and Armed Conflict Working Group, 22 May 2003.
- 7 Canadian Defence Academy, <http://www.cda-acd.forces.gc.ca>.
- 8 Canadian Forces Leadership and Recruit School, <http://www.cflrs.forces.gc.ca>.
- 9 Canadian Forces Aboriginal Entry Program brochure, obtained at a Canadian Forces Recruitment Centre, Ottawa, 22 June 2004.
- 10 Department of National Defence, Support for Canada's Youth, http://www.forces.gc.ca/site/about/support_e.asp.
- 11 Canadian Cadet Organizations, http://www.forces.gc.ca/site/newsroom/view_news_e.asp?id=844.
- 12 Junior Canadian Ranger Programme, <http://www.rangers.forces.gc.ca>.
- 13 Senator Landon Pearson, Advisor on Children's Rights to the Minister of Foreign Affairs, *Canada's National Plan of Action*, 10 May 2004, <http://www.sen.parl.gc.ca/lpearson/specialsession>.
- 14 Canadian International Development Agency (CIDA), *Action Plan on Child Protection*, 18 June 2001, <http://www.acdi-cida.gc.ca>.

CARIBBEAN

Commonwealth of Dominica; Grenada; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines (for Antigua and Barbuda, Barbados, Jamaica, and Trinidad and Tobago, as well as Cuba, Dominican Republic and Haiti, see separate entries)

Population: 418,700 (aggregate)¹

Government armed forces: see text

Compulsory recruitment age: not applicable

Voluntary recruitment age: 18-19

Voting age: 18

Optional Protocol: Dominica acceded 20 September 2002

Other treaties ratified (see glossary):

Dominica: CRC, GC AP I and II, ICC, ILO 138, ILO 182

Grenada: CRC, GC AP I and II, ILO 138, ILO 182

Saint Kitts and Nevis: CRC, GC AP I and II, ILO 182

Saint Lucia: CRC, GC AP I and II, ILO 182

Saint Vincent and the Grenadines: CRC, GC AP I and II, ICC, ILO 182

Dominica, Grenada, Saint Lucia and Saint Vincent and the Grenadines had no military forces; security is the responsibility of the police forces which contain small paramilitary units. Saint Kitts and Nevis had a small military force patrolling jointly with the police. There were no reports of under-18s in these security forces.

Government

National recruitment legislation and practice

The police force in Dominica, Grenada, Saint Lucia and St Vincent and the Grenadines is each country's sole security force. None maintains military armed forces, although the police forces carry out a range of security duties and include coast guards and special units with paramilitary training. Grenada and Saint Lucia each have around 800 officers; Saint Vincent around 700, and Dominica has less than 500. Saint Kitts and Nevis has a 370-strong police force which includes a coast guard and a 30-strong unit with light infantry training, and a small defence force; the military forces patrol jointly with the police.² The main area of operations beyond law enforcement was in anti-narcotic activities.

Recruitment is voluntary. In Dominica, Grenada, Saint Lucia and Saint Vincent and the Grenadines the minimum age for recruitment is 18 or 19.³ A police bill initially put before the

- 1 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.
- 2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>; *Background Notes 2003-2004*. On Saint Kitts and Nevis, see also Dion E. Phillips, *In the matter of the St Kitts and Nevis Defence Force*, December 2000, <http://www.uwichill.edu.bb/bnccde/sk&n/conference/papers/DEPhillips.html>.
- 3 Initial reports to the UN Committee on the Rights of the Child: Dominica (UN Doc. CRC/C/8/Add.48, 15 October 2003), Grenada (UN Doc. CRC/C/3/Add.55, 28 November 1997), Saint Kitts and Nevis (UN Doc. CRC/C/3/Add.51, 5 May 1997) and Saint Vincent and the Grenadines (UN Doc. CRC/C/28/Add.18, 10 October 2001), <http://www.ohchr.org>.
- 4 Police Act of 2002, <http://www.stkittsnevis.net/legal.html>.

CHILE

Republic of Chile

Population: 15.6 million (5.2 million under 18)

Government armed forces: 77,300

Compulsory recruitment age: 18

Voluntary recruitment age: 17; 16 in exceptional circumstances

Voting age: 18

Optional Protocol: ratified 31 July 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Under-18s could be recruited into the armed forces with parental consent. There was no information on the number of under-18s serving in the armed forces.

Context

The issue of past human rights violations continued to have a high political and legal profile throughout the reporting period and legal proceedings against former members of the armed forces continued.¹ There were reports of ill-treatment of detainees, including minors.²

Government

National recruitment legislation and practice

The constitution provides for conscription, stating that "Chileans have the fundamental duty to honour their fatherland, defend its sovereignty and contribute to the preservation of national security ... Military service ... [is] compulsory ... Chileans able to bear arms must be inscribed in the Military Registers, unless they should be legally exempt from this requirement" (Article 22).³

Military service is regulated by the Law on Recruitment and Mobilization of the Chilean Armed Forces, Decree Law No. 2306 of 12 September 1978. The law requires all Chilean men and women between 18 and 45 years of age to perform military service (Article 13).⁴ They must register for service between 2 January and 30 September of the calendar year in which they are 18.⁵ Penalties for failing to register or for not responding to the call-up include imprisonment, a doubled length of ordinary service, and denial of state employment or a university education.⁶ Ordinary military service in the army is for 12 months (for two thirds of conscripts) and 14 months (for the remaining third), 24 months in the navy and 12 months in the air force.⁷

In practice not all those who register for military service are called up. The armed forces are made up of both professional and conscripted

personnel.⁸ Under a modernization program begun in 2001, the proportion of volunteers is increasing. All 18-year-old males must register for military service, but they are not called up for compulsory service unless there are insufficient volunteers on the register to meet the quotas.⁹

Articles 71 to 73 of Law No. 2306 regulate voluntary recruitment.¹⁰ Students in their third or fourth year of secondary education may volunteer to do their military service before reaching the age of 18. Women have been allowed to volunteer for military service since 1999.¹¹ Chile does not support a "straight-18" position. On ratifying the Optional Protocol on 31 July 2003, Chile declared that "the minimum age for the voluntary recruitment of persons into its national armed forces is 17 or 18 years, and on an exceptional basis persons who have attained 16 years of age and meet certain criteria may participate in such programmes for shorter periods with the prior approval of the Director-General of the General Directorate for National Mobilization of the Ministry of National Defence and with the due consent of the parents or legal guardians".¹² Law 2306 does not specify the circumstances in which 16 year olds may be allowed to volunteer.

There was no information available on the number of under-18s in the armed forces.

Military training and military schools

Students choosing to do their military service before they are 18 attend a military instruction course on two Saturdays a month and later take part in a 20-day military training course.¹³

To enrol in the Bernardo O'Higgins Military School, students must be in or have completed the last year of secondary school, when they are generally aged 17.¹⁴ In 2002 there were reports that students at the school had been ill-treated by older students as part of initiation rituals.¹⁵ The military authorities and the Minister of Defence promised to investigate the allegations and to ensure that conscripts were not ill-treated.¹⁶ The outcome of the investigations was not known.

Candidates must be 18 to enrol in the non-commissioned officers' school (*Escuela de Suboficiales*).¹⁷

- 6 Dirección General de Movilización Nacional, op. cit. (Consecuencias por no inscribirse, Consecuencias por no presentarse).
- 7 Ministry of Defence, op. cit. (Preguntas frecuentes).
- 8 Ministry of Defence, op. cit. (Política vigente).
- 9 Dirección General de Movilización Nacional, op. cit. (Nuevo sistema de servicio militar).
- 10 Ministry of Defence, op.cit. (Modalidades).
- 11 Ministry of Defence, op. cit. (Preguntas frecuentes).
- 12 Declaration made by Chile on ratification of the Optional Protocol, <http://www.ohchr.org>.
- 13 Ministry of Defence, op. cit. (Preguntas frecuentes).
- 14 Escuela Militar Bernardo O'Higgins, <http://www.escuelamilitar.cl> (Admisión).
- 15 *El Diario Austral*, "Denuncia malos tratos en Escuela Militar", 7 May 2002, <http://www.australtemuco.cl>.
- 16 Observatorio Cono Sur Defensa y Fuerzas Armadas, *Informe Chile No. 41*, 3-10 May 2002, Programa de Investigación Fuerzas Armadas y Sociedad, Centro de Investigaciones Sociales, Universidad ARCIS, Chile, http://www.fhdss.unesp.br/observatorio/observat%C3%B3rio_chileo41.htm.
- 17 Escuela de Suboficiales, <http://www.escueladesuboficiales.cl> (Preguntas frecuentes).

* see glossary for information about internet sources

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 *Amnesty International Reports 2003 and 2004*.
- 3 Constitution, <http://confinder.richmond.edu/Chile.htm>.
- 4 Ministry of Defence, Compulsory military service, <http://www.defensa.cl> (Servicio militar obligatorio, Obligación de los ciudadanos).
- 5 Dirección General de Movilización Nacional (General Directorate for National Mobilization), <http://www.dgmn.cl/reser.htm> (Requisitos para inscribirse).

COLOMBIA

Republic of Colombia

Population: 43.5 million (16.5 million under 18)

Government armed forces: 200,000 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 6 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138

As many as 14,000 child soldiers had been recruited by paramilitaries and armed opposition groups. Women and girls constituted up to half of all recruits to the armed opposition groups Fuerzas Armadas Revolucionarias de Colombia (FARC), Revolutionary Armed Forces of Colombia, and Ejército de Liberación Nacional (ELN), National Liberation Army. Girls and boys were subjected to harsh conditions, including being forced to commit serious human rights violations. The governmental disarmament, demobilization and reintegration (DDR) program had only demobilized ten per cent of children involved in the armed conflict. There were fears that continuing disarmament talks between paramilitaries and the government could lead to impunity.

Context

Fighting continued in the 40-year-old conflict between government forces and allied paramilitaries and the armed groups that opposed them. All sides were responsible for serious human rights violations and breaches of international humanitarian law. Army-backed paramilitaries and armed opposition groups were responsible for thousands of civilian killings and “disappearances”. Hundreds of thousands of people were forced from their homes. The government’s peace talks with the FARC collapsed in February 2002, and its attempts to negotiate with the ELN stalled by the end of 2002. In December 2002, Colombia’s largest paramilitary group, the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Forces of Colombia, declared a unilateral ceasefire and the government announced plans to negotiate with army-backed paramilitaries, raising fears of impunity being allowed for the most serious crimes under international law.¹

On 5 August 2002, the day Colombia ratified the Rome Statute of the International Criminal Court (ICC), then-President Andrés Pastrana invoked Article 124 of the Statute, which allows a country not to submit those accused of war crimes to the ICC for seven years. Once this period is over, only war crimes committed after the seven-year moratorium may be submitted to the ICC.²

Álvaro Uribe Vélez took office as President in August 2002.

Government

National recruitment legislation and practice

The minimum age for recruitment to the armed forces is 18, as established by Law 418 of 1997 for compulsory recruitment and Law 548 of 1999 for voluntary recruitment. However, a Minor’s Code, under debate in Congress in early 2004 as Proposed Law 137, contained provisions for lowering the voluntary recruitment age to 16. Under Law 418 the recruitment of children by the armed forces or armed groups is punishable by up to five years’ imprisonment. However, in practice, the armed forces have not been prosecuted under this law and it has not been systematically used to prosecute members of armed political groups.³ In 2003 the Attorney General’s Office (*fiscalía general*) investigated only four cases of child recruitment by FARC and ELN members.⁴

Laws and regulations on the involvement of children in armed conflict are sometimes contradictory. Regulation 128 of 2003 states that children may not be used for intelligence activities (Article 22) while also saying they may be financially rewarded for supplying information (Article 9).⁵ Law 782 of 2002 states that a child may only be recognized as belonging to an armed opposition group by the spokesperson for that group or by proof supplied by the child (Article 53), although providing proof of membership may require children to be used for intelligence purposes. Members of armed groups were reluctant to provide such evidence, which could lead to prosecutions for war crimes if the children were under 15.⁶ Law 782 also defines children involved with armed political groups as victims of armed conflict, not as combatants (Article 15), although Regulation 128 only extends the benefits of DDR to those who have voluntarily left an armed opposition or paramilitary group⁷ and not to those who may have been captured by the armed forces.

Use of children for gathering intelligence

Although there were no reports of children engaged in active military service in the armed

forces, the military continued to use children as informants. In 2003, children in Boyacá, Chocó and other areas were reportedly paid about US\$5 for information or threatened if they refused.⁸ On 19 May 2003 army personnel were said to have offered 15,000 Colombian pesos (about US\$6) to an 11-year-old boy for information about the *Esperanza en Dios* settlement in Chocó.⁹ In other attempts to obtain information, the armed forces reportedly detained boys and girls in Risaralda, Tolima, Sucre and Arauca.¹⁰

In Arauca, the Defence Ministry's "soldier for a day" program was used to "get guerilla children to question their fathers", according to military sources.¹¹ In places including Santander, Norte de Santander, Antioquia, Nariño and Arauca, children as young as five years old reportedly took part in this program, aimed at providing children with information about the armed forces through recreational activities and visits to military facilities.¹² Military personnel, including from the psychological operations unit, were alleged to have given children fake banknotes, with messages on the back encouraging people to leave armed groups.¹³ On 19 May 2003 the Procurator General (*Procuraduría General de la Nación*) requested the withdrawal of the program in Arauca on the grounds that it put children's lives at risk.¹⁴

One former child member of an armed opposition group told human rights monitors that the army had "promised that if I worked with them I would get a million pesos for every guerrilla I killed. I'm an expert in explosives, so I can work laying mines and other explosives". He said he had been approached after completing a demobilization program for former combatants run by the governmental *Instituto Colombiano de Bienestar Familiar* (ICBF), Colombian Institute of Family Welfare.¹⁵

Under Regulation 128 of 2003, demobilized children must be handed over to the ICBF within 36 hours of leaving an armed group (Article 22). Reports from state and non-governmental sources in 2003 indicated that children were sometimes detained in military custody for interrogation beyond the 36-hour period.

Military training and military schools

The armed forces accept 17 year olds for training as non-commissioned officers in the infantry, and 16 year olds for navy and air force training programs.¹⁶

Students at military secondary schools are considered cadets, and on graduation receive a "military orientation" secondary school diploma.¹⁷ During their fourth to sixth years at these military secondary schools, students have to perform "special" military service, receiving 1,300 hours of military training and participating in three military exercises. On completing the training, they receive a First Class Military Card which certifies

that they are soldiers, "since they also have ... been trained in all the areas which would allow them to serve as combatants".¹⁸

More than 30 private military schools, which operate by special permission of the Defence Ministry, admit boys and girls of primary school age.¹⁹

Armed political groups

Army-backed paramilitary groups and armed opposition groups continued to recruit and use as many as 14,000 children. The Office of the UN High Commissioner for Human Rights estimated in 2002 that some 7,000 children were associated with the FARC, ELN and paramilitaries and a further 7,000 were in urban militias associated with the various parties to the conflict.²⁰ In September 2003 Human Rights Watch estimated that more than 11,000 children were fighting in irregular armies, including those in paramilitaries and urban militias. Overall, about a quarter of the groups' armies were reported to comprise under-18s, with the FARC having the largest number.²¹

Children took part in combat, ferried supplies, acted as messengers and guards and laid explosives and mines. Most were trained in the use of automatic weapons, grenades, mortars and explosives. The majority were volunteers, some escaping poverty, unemployment or domestic abuse, others seeking to avenge the death of a relative or friend. A primary motive for joining the paramilitaries was the regular pay on offer. Most were denied contact with their families.²²

Paramilitary forces tended to have much lower proportion of women and girls than the FARC and ELN, where they were estimated to make up between a quarter and a half of all units. In the FARC they faced pressure to enter relationships with male commanders. Sometimes this gave them protection from punishment or from involvement in combat. Girls as young as 12 were reportedly required to use contraceptives and forced to have abortions if they became pregnant. Similar practices were reported in the ELN, although the commanders were apparently more flexible in allowing some pregnancies to continue.²³ The UN Special Rapporteur on violence against women visited Colombia in November 2001 and condemned the use of more than 2,500 girl soldiers, mainly in the FARC, and their rape and sexual abuse by commanders.²⁴

Revolutionary Armed Forces of Colombia (FARC)

Although FARC regulations dating from 1999 set 15 as the minimum age for recruitment, in practice many children under 15 were among the large numbers of under-18s recruited. In August 2002 the FARC announced that all children over 12

years old in the municipality of Cunday (Tolima) would have to join up.²⁵

Indigenous people were put under pressure and in May and June 2003 the FARC was reported to have recruited children from Amazonian communities in Brazil.²⁶ In mid-2003 FARC members were said to have targeted indigenous children in Cauca.²⁷ In Vaupés, families were reportedly ordered to hand over a child for recruitment, and their children at boarding school came under direct pressure.²⁸ According to the Colombian authorities, the FARC used a ten-year-old boy to deliver a bomb by bicycle to a military checkpoint on 17 April 2003, which killed him when it exploded.²⁹

Former child soldiers reported that conditions in the FARC were harsh. Children accused of attempting to escape or other serious “offences” could be brought before a “war council”. Some were said to have been summarily executed. Children reported being forced to kill friends or captured combatants.³⁰

National Liberation Army (ELN)

The ELN continued to recruit children in violation of their own regulations, which established 15 as the minimum recruitment age. Indigenous families reportedly fled their homes to avoid recruitment by the ELN. In early 2003 indigenous communities from César reported having to flee their villages after two students had been executed by the ELN for refusing to join.³¹

Children reported that the ELN often captured and executed suspected paramilitaries and informers. Urban militias linked to the ELN imposed “street justice” in the neighbourhoods they controlled, driving out petty criminals and collecting “taxes” from businesses.³²

Paramilitaries

The government-linked paramilitary force, the United Self-Defence Forces of Colombia (AUC), said its minimum age for recruitment was 18, but it continued to recruit children, including under-15s. Of 12 former AUC combatants interviewed by Human Rights Watch in 2002, only three were aged 15 or above when recruited and some were as young as seven or eight.³³ Children were sometimes given money or clothes to induce them to join. In Córdoba and Cauca, child recruits were reportedly paid around US\$100 a month.³⁴ In Medellín and Barrancabermeja, youth gangs were offered payment to join up or to do intelligence work, and were threatened if they refused.³⁵

Former child paramilitaries said in 2002 that during training they were beaten with sticks and clubs, and that some children were forced to kill captured members of opposition groups as part of their training. They said that army personnel were present at times during training sessions and that they sometimes fought alongside the armed forces. Those who tried to escape were

pursued and often killed, they reported, and punishment for minor “offences” could involve being tied to a pole or a tree for several days.³⁶

Disarmament, demobilization and reintegration (DDR)

More than 1,200 former child soldiers, or about ten per cent of estimated child soldiers, have taken part in programs run by the ICBF since November 1999, in which they receive medical attention and counselling at an “entry home” and are then transferred to care centres run by local non-governmental organizations (NGOs) contracted by the ICBF. Efforts are made to contact the children’s families. However, in some cases the families or children fear reprisals by the armed group if the children return home. The children usually leave the centres to live with other former child soldiers in a “youth house” supervised by a mentor until they reach the age of 18. A reintegration program, under the Interior Ministry, also exists to help deserters, including children, from recognized armed opposition groups, but not children who were captured and did not leave voluntarily.

Hundreds of children have been demobilized since 1999, 784 by April 2003 according to the army.³⁷ The Ministry of Defence registered 438 in 2003.³⁸ The ICBF said it had assisted 1,227 children.³⁹ According to the International Organization for Migration, only 35 per cent of children who took part in the ICBF program had returned home.⁴⁰ Young people leaving the ICBF program said that many were thinking of rejoining an armed group.⁴¹

In November 2002 the AUC issued a “Declaration for Peace in Colombia”, initiating a process which includes handing over “under-age combatants who have been separated from the AUC but still remain within its ranks”.⁴² According to the few available official reports, the AUC had released just over 100 children by December 2003. More than 2,000 children were estimated to remain within its ranks.⁴³ The paramilitary Central Bolívar Block (BCB) handed over 13 children in December 2002 and 40 in June 2003.⁴⁴ In June 2003 it reported that a group of children had been captured by the army as they were about to be handed over, and had been kept in a jail in Antioquia for five days.⁴⁵ In November 2003, 48 boys and girls were handed over after the demobilization of another paramilitary group, the Cacique Nutibara Block (BCN).⁴⁶ Local sources reported that several child members of armed groups had been offered money or houses to give themselves up. Days before the demobilization of children by the BCN in November 2003, youths from impoverished urban areas of Medellín were reportedly offered the chance to receive the benefits of demobilization by posing as BCN members.⁴⁷

Other developments

The Office of the UN High Commissioner for Human Rights in Colombia has repeatedly expressed concern about grave and persistent breaches of international humanitarian law, mainly by paramilitaries and armed opposition groups, as well as about continuing links between paramilitaries and the armed forces and the recruitment of minors.⁴⁸

In July 2003 Congress passed Law 833, approving the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict. On 2 March 2004 the Constitutional Court approved the law, which was pending deposit. In 2001 Congress passed Law 704 approving International Labour Organization (ILO) Convention 182, but it had not been deposited by March 2004.

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 *Amnesty International Report 2003*.
- 3 Coalición contra la vinculación de niños, niñas y jóvenes al conflicto armado en Colombia (Child Soldiers Coalition Colombia), *Niños, niñas, jóvenes y conflicto armado: Análisis jurídico de legislación internacional y colombiana*, 2002, <http://www.coalico.org> (Marco jurídico).
- 4 Attorney General's Office, Bulletins Nos. 47, 135 and 307, January-September 2003, <http://www.fiscalia.gov.co> (Prensa, Boletines).
- 5 Regulation (Decreto) 128, 22 January 2003, <http://www.laleycolombiana.com>.
- 6 Information from Child Soldiers Coalition Colombia, March 2004.
- 7 Regulation 128, op. cit.
- 8 Cinep & Justicia y Paz, Human Rights and Political Violence Database, Bulletins Nos. 6 (19 December 2003) and 10 (21 May-10 August 2003); Comisión Intereclesial de Justicia y Paz, Executive Reports Nos. 23 (21 May 2003), 24 (27 May 2003) and 28 (25 August 2003).
- 9 Internally displaced persons settled in two new communities, *Esperanza en Dios and Nueva Vida* (commonly known as "humanitarian zones") following an agreement with the government in 1999. See Comisión Intereclesial de Justicia y Paz, Executive Report No. 23, op. cit.
- 10 Colectivo de Abogados José Alvear Restrepo, *Informe sobre Detenciones Masivas: Ilegalidad y Arbitrariedad en la Privación de la Libertad*, Colombia, November 2003; Cinep & Justicia y Paz, Bulletin No. 10, op. cit.; Fundación Comité Regional de Derechos Humanos "Joel Sierra", Red Europea de Hermandad y Solidaridad con Colombia and Humanidad Vigente Corporación Jurídica, Urgent Action, 24 September 2003.
- 11 *Revista Semana*, "La Reconquista de Arauca", 2-8 February 2003.
- 12 National Army, <http://www.ejercito.mil.co>.
- 13 *Revista Semana*, "La Reconquista de Arauca", op. cit.
- 14 Procuraduría General de la Nación, *La zona de rehabilitación y consolidación de Arauca, Informe Especial*, Colombia, 19 May 2003, <http://www.procuraduria.gov.co> (Noticias).
- 15 Child Soldiers Coalition Colombia interview, April-June 2003, cited in Coalition Colombia report to the Office of the UN High Commissioner for Human Rights, November 2003.
- 16 Dirección de Reclutamiento Naval (Navy recruiting directorate), <http://www.haztemarino.mil.co>; Fuerza Aérea Colombiana (Air force), <http://www.fac.mil.co>.
- 17 Constitutional Court, decision T-1032/00 against Simon Bolivar Military School.
- 18 Senator Luis Elmer Arenas, *Exposición de motivos del Proyecto de Ley No. 184 de 2001 - Por medio de la cual se reglamenta el servicio militar en los Colegios y Academias Militares y se dictan otras disposiciones*, Gaceta Oficial 610/2001, 29 November 2001 (draft still in the Senate at March 2004).
- 19 Including Santander Military School (Colegio Militar General Santander), Decroly Military School (Colegio Militar Decroly), General Jose Maria Cabal Military School (Colegio Academia Militar José María Cabal), <http://www.voluntad.com.co/voluntad/colegios/indice.htm>.
- 20 UN High Commissioner for Human Rights, Report on the human rights situation in Colombia, UN Doc. E/CN.4/2003/13, 24 February 2003, <http://www.ohchr.org>.
- 21 Human Rights Watch (HRW), *You'll learn not to cry: Child combatants in Colombia*, September 2003, <http://www.hrw.org>.
- 22 HRW, *You'll learn not to cry*, op. cit.
- 23 Defensoría del Pueblo (Ombudsman) and UNICEF, "La Niñez en el Conflicto Armado Colombiano", *Bulletin la niñez y sus derechos*, No. 8, December 2002; HRW, *You'll learn not to cry*, op. cit.
- 24 UN Special Rapporteur on violence against women, its causes and consequences, Report on mission to Colombia, UN Doc. E/CN.4/2002/83/Add.3, 11 March 2002, <http://www.ohchr.org>.
- 25 UN High Commissioner for Human Rights, op. cit.
- 26 Child Soldiers Coalition Colombia, *Niñez y Conflicto Armado en Colombia*, June 2003, <http://www.coalico.org> (Documentos); Martha Colorado, "En Colombia las mujeres tejen lazos amorosos en medio de la Guerra", *Ruta Pacifica*, April 2003; *Jornal do Senado*, "Guerrilha colombiana atua na Amazônia, diz arcebispo", 27 June 2003; CNN, "Brazil fears FARC recruiting", 21 May 2003; *Washington Post*, "Rio Police Seize Cocaine Linked to Colombia's FARC", 21 May 2003.
- 27 Child Soldiers Coalition Colombia interviews with indigenous leaders, Colombia, April to June 2003.
- 28 Child Soldiers Coalition Colombia interviews with social workers, Colombia, April to June 2003.
- 29 BBC News, 18 April 2003, <http://news.bbc.co.uk>; UNICEF, *Colombia: Situation Report*, 22 April 2003.

- 30 Watchlist on Children and Armed Conflict, *Colombia's War on Children*, February 2004.
- 31 *El Tiempo*, "Indígenas kankuamos del Cesar huyen de reclutamiento del Eln", 28 February 2003, cited in Child Soldiers Coalition Colombia, *Niñez y Conflicto Armado en Colombia*, op. cit.
- 32 HRW, *You'll learn not to cry*, op. cit.
- 33 HRW, Submission to the UN Special Representative of the Secretary-General for children and armed conflict, 7 July 2003.
- 34 *El Tiempo*, "Paramilitares de Córdoba envían cadáveres de sus combatientes al barrio donde vivían", 1 April 2003.
- 35 Child Soldiers Coalition Colombia interviews with demobilized youths, Colombia, April to June 2003.
- 36 Watchlist on Children and Armed Conflict, op. cit.
- 37 *El Tiempo*, "Hechos judiciales", 27 April 2003.
- 38 Ministry of Defence, <http://www.mindefensa.gov.co> (Desmovilización).
- 39 Colombian Institute of Family Welfare (ICBF), *Foro 'Niñez, conflicto armado y Estado, el papel de los funcionarios estatales'*, Colombia, 28 October 2003.
- 40 *El Tiempo*, "Un total de 830 niños se han desmovilizado en el Gobierno de Álvaro Uribe", 19 May 2003.
- 41 Child Soldiers Coalition Colombia interviews with demobilized youths, op. cit.
- 42 United Self-Defence Forces of Colombia (AUC), *Declaración por la Paz de Colombia*, 29 November 2002.
- 43 HRW, *You'll learn not to cry*, op. cit.
- 44 *Vanguardia Liberal*, 7 December 2002; *El Tiempo*, 6 December 2002.
- 45 Central Bolivar Block (BCB), "No más especulaciones con el Proceso de Paz", Editorial, 6 June 2003, <http://www.bloquecentralbolivar.org>.
- 46 *El Tiempo*, "Así tratarán a 48 jóvenes reinsertados", 26 November 2003.
- 47 *Revista Semana*, "10 preguntas para pensar (interrogantes sobre desmovilización)", 30 November - 7 December 2003.
- 48 Including UN High Commissioner for Human Rights, op. cit.

COSTA RICA

Republic of Costa Rica

Population: 4.1 million (1.5 million under 18)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 18

Optional Protocol: ratified 24 January 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The armed forces were abolished by the 1949 constitution. Reforms in 2001 reduced the previously military character of the police. The minimum age for recruitment to the police is 18.

Context

Despite continued political stability, there were human rights concerns including the sexual exploitation of children. Restrictive laws establishing criminal penalties for defamation, libel, slander and calumny continued to affect the work of independent journalists. There was a sharp rise in the number of asylum seekers, especially from Colombia, which soared to roughly 4,000 in 2002.¹

On 22 April 2002, the Legislative Assembly passed Law 8272, modifying Article 7 of the Penal Code to make war crimes and crimes against humanity a criminal offence.²

Government

National recruitment legislation and practice

The armed forces were abolished by the 1949 constitution, which states that the army as a permanent institution is proscribed, that vigilance and the preservation of public order will be carried out by the necessary police forces, and that military forces may be organized only through continental agreement or for national defence purposes and in either case they shall always be subordinate to civilian power (Article 12). The Government Council, made up of the President of the Republic and Ministers, may request from the National Assembly a declaration of a state of national defence and authorization to order military recruitment, organize the army and negotiate peace (Article 147).³

In March 2001 the police introduced civilian rankings, to represent a move away from the previously military character of the force, under the Law on the Strengthening of the Civilian Police, No. 8096 of 15 March 2001. This law

amended the General Law on Police Forces, No. 7410 of 20 May 1994.⁴ Costa Rican citizens must be 18 to join the police, according to the General Law on Police Forces (Article 59).⁵

- 1 Center for Justice and International Law (CEJIL), Activities Report 2002, <http://www.cejil.org>.
- 2 Amnesty International, *Costa Rica Law 8272*, http://web.amnesty.org/pages/int_jus_legislation_costarica-eng.
- 3 Constitution, <http://www.georgetown.edu/pdba/Constitutions/Costa/costa2.html>.
- 4 *Ley de Fortalecimiento de la Policía Civilista*, No. 8096, Alcance no. 24, Gaceta no. 59, 23 March 2001, <http://asamblea.racsa.co.cr/proyecto/leyes.htm>; *Reseña histórica del Ministerio de Gobernación, Policía y Seguridad Pública* (History of the Ministry of Government, Police and Public Security), <http://www.msp.go.cr/origen.htm>.
- 5 *Ley General de Policía*, No. 7410, <http://asamblea.racsa.co.cr/proyecto/leyes.htm>.

CUBA

Republic of Cuba

Population: 11.3 million (2.8 million under 18)

Government armed forces: 46,000 (estimate)

Compulsory recruitment age: 17

Voluntary recruitment age: unknown

Voting age: 16

Optional Protocol: signed 13 October 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138

Compulsory military service exists from the age of 17 and can be performed in the armed forces or in the police force. Military education is compulsory for secondary students. Some 15 educational institutes are run by the armed forces, which take students from the age of 15.

Context

There was a severe deterioration of human rights in 2003, with the detention, trial and imprisonment of 75 activists for up to 28 years and the execution by firing squad of three men convicted of involvement in a hijacking. The European Union (EU), which had opened an office in Havana days before the detentions in March 2003, severely criticized the crackdown. It reiterated its commitment to supplying aid to the Cuban population and called for the US embargo to be lifted.¹

Government

National recruitment legislation and practice

The constitution states that defence of the socialist homeland is the greatest honour and the supreme duty of every Cuban citizen (Article 65).² All men, women and children are expected to take a role – usually determined by the state – in defending the nation. According to the governmental doctrine of “war of the people” (*Guerra de todo el pueblo*), in the event of major military aggression, “each citizen will have a place and a way to confront the enemy till victory is attained”.³ The elderly, children and mothers are not expected to engage in armed combat and may be given only supporting roles like cooking and organizing supplies.⁴

The 1973 Law on General Military Service (*Servicio Militar Activo y el de Reserva*) regulates military conscription. Under the Law on National Defence (*Defensa Nacional*), Law No. 75 of 21 January 1994, all citizens between 17 and 28 years of age must do two years’ military service

(Article 67). Cuba confirmed that the minimum age for conscription was 17 in its initial report to the UN Committee on the Rights of the Child in 1996.⁵ During negotiations on the Optional Protocol, Cuba supported 17 as a minimum age for compulsory recruitment, and does not support a “straight-18” position.⁶

The Ministry of the Revolutionary Armed Forces may decree alternative forms of military service, as long as military preparedness is maintained.⁷ Military service may be performed in the armed forces or in the police force, which is under the control of the Interior Ministry. In practice, military service is compulsory for men only. Special measures guarantee the right of women to take part in defence activities, both as professional soldiers and as members of the Women’s Voluntary Military Service for a two-year service period. Students may complete their service in a shorter period in order to continue their education.⁸

The Youth Labour Army (*Ejército Juvenil del Trabajo*) is part of the army. Among its aims are “to participate in the military preparation of its members and in armed combat; to contribute to the education and the patriotic, military, labouring, sporting and cultural instruction of young people”. It is organized in divisions, regiments and battalions and its members are paid a salary in accordance with the regulations.⁹

Military training and military schools

According to the constitution, the aims of education in Cuba include the promotion of “patriotic education” and the combination of “general education and specialized scientific, technical and artistic instruction with ... participation in political, social and military activities” (Article 38).¹⁰ Military instruction is compulsory for secondary students.¹¹

There are about 15 specialized educational establishments run by the armed forces, *Institutos Preuniversitarios Vocacionales “Camilo Cienfuegos”* (Camilo Cienfuegos Vocational Pre-University Institutes), which prepare students for entrance into higher military schools. There are also 13 *Institutos Preuniversitarios Militares* (Military Pre-University Institutes) for conscripts who wish to continue their studies at the military schools (tertiary level).¹² Students entering preparatory vocational institutes are usually between 15 and 18 years old.¹³

Several military academies and schools provide training for officers and specialist members of the armed forces.¹⁴

Militias

Nearly all adult workers not already part of the regular military reserves are members of the territorial militia (*milicias de tropas territoriales*), which functions on the principles of “voluntary [recruitment], selectivity and territoriality”.

Women form the largest group.¹⁵ The militia is part of the armed forces, and its members may participate in armed combat and other defence activities. Organized in divisions, regiments, battalions, independent companies and “special units”, its members are considered soldiers when participating in military activities. They are equipped with infantry weapons and anti-air artillery, which they keep near their homes “to guarantee the quick deployment of weapons in case of need”, although these are not freely available to members.¹⁶ The militia is financed by “voluntary contributions” in kind and in cash from the population. In 2002, workers, peasants, students and others contributed 34 million pesos (about US\$1.26 million) to the militia.¹⁷ Under-18s cannot be members of the militias.¹⁸

* see glossary for information about internet sources

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, <http://www.georgetown.edu/pdba/Constitutions/Cuba/cuba1992.html>.
- 3 Revolutionary Armed Forces of Cuba, http://www.cubagob.cu/otras_info/minfar.
- 4 Confidential source, July 2004.
- 5 Initial report of Cuba to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.30, 15 February 1996, <http://www.ohchr.org>.
- 6 UN Commission on Human Rights, Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts on its sixth session, UN Doc. E/CN.4/2000/74, 27 March 2000, <http://www.ohchr.org>.
- 7 Revolutionary Armed Forces of Cuba, op. cit. (Fundamentos, Fuerzas Armadas Revolucionarias, Servicio militar).
- 8 M.P. Castillo, “Réquiem por el servicio militar obligatorio”, *Cubamet*, 7 December 1998.
- 9 Revolutionary Armed Forces of Cuba, op. cit. (Fundamentos, Fuerzas Armadas Revolucionarias, Ejército Juvenil del Trabajo).
- 10 UNESCO, *Principios y objetivos generales de la educación en Cuba*, Country profiles: Cuba, August 2003, at <http://www.ibe.unesco.org/International/Databanks/Dossiers/mainfram.htm> (Cuba, Profiles).
- 11 Confidential source, op.cit.
- 12 Ministry of Education, <http://www.rimed.cu/Enseñanzas/preuniversitario.asp>.
- 13 See graph, UNESCO, op. cit.
- 14 Revolutionary Armed Forces of Cuba, op. cit. (Fundamentos, Fuerzas Armadas Revolucionarias, Academias y Escuelas Militares).
- 15 Confidential source, op. cit.
- 16 Confidential source, op. cit.
- 17 Revolutionary Armed Forces of Cuba, op. cit. (Fundamentos, Fuerzas Armadas Revolucionarias, Milicias).
- 18 Confidential source, op. cit.

DOMINICAN REPUBLIC

Dominican Republic

Population: 8.6 million (3.4 million under 18)
Government armed forces: 24,500
Compulsory recruitment age: no conscription
Voluntary recruitment age: 16
Voting age: 18
Optional Protocol: signed 9 May 2002
Other treaties ratified (see glossary):
 CRC, GC AP I and II, ILO 138, ILO 182

There was no compulsory recruitment into the armed forces and voluntary recruitment was usually sufficient to meet personnel requirements. The minimum age for voluntary recruitment was 16.

Context

In 2003 there were violent demonstrations across the country against the governmental agreement with the IMF and the deteriorating economic situation, including power blackouts and price hikes. Several people were shot dead or wounded during the disturbances. There were continuing reports of unlawful killings by the security forces, despite the appointment of a new police chief in 2002.¹

Government

National recruitment legislation and practice

The Law of the Armed Forces, Law 873, establishes that recruitment to the armed forces is voluntary in times of peace, and compulsory or enforced in times of war or other serious threat to peace (Article 30). Voluntary recruits must be between 16 and 21 years of age on entry, and are required to serve for four years (Articles 31 and 32). The organization and operation of militias or paramilitary groups not established in law are expressly prohibited (Article 13).²

The number of under-18s serving in the armed forces was unknown.

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 *Ley Orgánica de las Fuerzas Armadas*, Law 873, at <http://www.secfaa.mil.do>.

ECUADOR

Republic of Ecuador

Population: 12.8 million (5.1 million under 18)
Government armed forces: 59,500
Compulsory recruitment age: 18
Voluntary recruitment age: not known
Voting age: 18
Optional Protocol: ratified 7 June 2004
Other treaties ratified (see glossary):
 CRC, GC AP I and II, ICC, ILO 138, ILO 182

Senior secondary school students aged about 16 may take part in a voluntary military instruction program run by the Defence and Education ministries, which includes training in handling weapons. There were reports of Colombian armed political groups recruiting under-18s in border areas of neighbouring countries, including Ecuador.

Context

There were increasing fears that the armed conflict in neighbouring Colombia was spreading through the region.¹ The number of refugees from Colombia seeking asylum in Ecuador grew and Colombian armed political groups were reported to often cross the border into Ecuador, where they forcibly recruited asylum seekers, trafficked drugs and people and fought with other armed groups.²

President Lucio Gutiérrez signed a “Reserved Areas” Executive Decree in April 2003, incorporating a 20 km-wide area near the Colombian border into the Armed Forces War Plan and limiting free access and movement of non-residents.³ He stated in March 2004 that the presence of the Ecuadorian armed forces in these areas would “ensure security, maintain peace and protect the border” and that any armed individuals entering the country would be detained.⁴

Government

National recruitment legislation and practice

The 1998 constitution states that military service is compulsory, but that citizens will be assigned to civilian service in the community, if a conscientious objection is invoked because of moral, religious or philosophical grounds, in the manner determined by law (Article 188).⁵ However, there is no alternative civilian service provision in law.⁶

The 1994 Law on Compulsory Military Service requires all 18 year olds to be included in the ballot to determine who performs military service. The length of service is 12 months (Article 45). In the event of war or national emergency the head of state may extend military service as necessary at the request of the Ministry of Defence. During such time the National Security Law, No. 275 of 1979, allows the armed forces to mobilize the reserves. Under this law, all nationals and residents of Ecuador between the ages of 18 and 60 years must serve during national mobilization (Article 55).⁷

As the number of potential recruits usually exceeds the military service quota, recruits are chosen by ballot. Those not selected must pay a "compensation fee" to obtain their military certificate. The Law on Compulsory Military Service exempts military cadets and police school students from military service, and allows others to postpone it (Article 14).⁸ When there are insufficient recruits, recruitment round-ups are organized, illegally and usually in rural areas, resulting in a disproportionate representation of peasant farmers and indigenous people in the armed forces. Those who can afford to pay may opt out of military service with a "compensation" payment. In practice, the poorest in the community perform military service.

The Resistance Forces (*Fuerzas de resistencia*) are made up of civilians organized, trained and equipped by the army as a reserve force, to support internal security operations and participate in aid programs in the event of international conflict. Members receive periodic military instruction in armed forces units, and there is one major training and retraining program every year that takes place over about ten Saturdays.⁹

Military training and military schools

Students in their second year at senior secondary school (*ciclo diversificado* or *bachillerato*), who are usually aged about 16, may volunteer to attend military instruction every Saturday for six months, as part of the Voluntary Military Instruction for Students program (*Instrucción militar estudiantil voluntaria*). This program, run by the Ministry of Defence and the Ministry of Education and Culture since 1993, was created with the aim of bringing civil and military institutions closer together. At military bases, students are instructed in physical education, military skills and the handling of weapons.¹⁰

Armed political groups

UNHCR reported that armed political groups from Colombia were recruiting under-18s in border areas of Ecuador, Panama and Venezuela.¹¹ In 2002 UNHCR in Venezuela warned of an increase in the recruitment of children by Colombian

armed political groups as the conflict in Colombia worsened and of the serious consequences for the protection of refugees and asylum seekers, in particular children.¹²

* see glossary for information about internet sources

- 1 BBC Mundo, "Colombia y Ecuador blindan frontera", 18 March 2004, <http://news.bbc.co.uk>.
- 2 UNHCR, "Colombia: Aumenta temor por inseguridad en fronteras" in *Actualidad en las Américas*, No. 2, 1 October 2002, <http://www.acnur.org>.
- 3 Marcelo Larrea, "¿Lucio se hunde en el Plan Colombia?", Agência de Informação Frei Tito para a América Latina (ADITAL), 5 May 2003, <http://www.adital.com.br>.
- 4 Government of Ecuador, "Presidente Gutiérrez ratifica que Ecuador no se involucrará en el conflicto colombiano", 1 April 2004, <http://www.presidencia.gov.ec>.
- 5 Army (*Fuerza Terrestre Ecuatoriana*), Formación militar, <http://www.ejercito.mil.ec/formacionmilitar/index.htm> (Servicio militar).
- 6 SERPAJ Ecuador, *Dossier: Grupo de Objeción de Conciencia del Ecuador*, http://www.serpaj.org.ec/informes/grupo/grupo_dossier.php.
- 7 *Ley del Servicio Militar Obligatorio*, Registro Oficial No. 527, 15 September 1994; *Ley de Seguridad Nacional*, Registro Oficial No. 887, 2 August 1979, at Red de Seguridad y Defensa de América Latina (RESDAL), <http://www.resdal.org.ar> (Base de datos).
- 8 Interview with Pablo de la Vega, Centro de Documentación en Derechos Humanos 'Segundo Montes Mozo, SJ', Quito, Ecuador, August 1999.
- 9 Army, Formación militar, op. cit. (Fuerzas de Resistencia).
- 10 Army, Formación militar, op. cit. (Instrucción Militar Estudiantil Voluntaria).
- 11 BBC Mundo, "Grupos armados 'reclutan niños'", 21 May 2002.
- 12 UNHCR News, "Colombia: preocupación de ACNUR por el reclutamiento de niños refugiados", 21 May 2002.

EL SALVADOR

Republic of El Salvador

Population: 6.4 million (2.6 million under 18)

Government armed forces: 15,500

Compulsory recruitment age: 18

Voluntary recruitment age: 16 (with parental consent)

Voting age: 18

Optional Protocol: ratified 18 April 2002

Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 138, ILO 182

Seventeen year olds must register for military service, for which all men and women are liable from the age of 18. Under-18s can volunteer for military service from the age of 16.

Context

The government responded to continuing high levels of violence with repressive measures, while failing to address the underlying causes of dramatic social and economic inequality and the ready availability of firearms.¹ Action against *maras* (gangs) included the Get Tough Plan of July 2003 and the Anti-Maras Act, Decree 158 of 9 October 2003. The Office of the Human Rights Procurator (*Procuraduría para la Defensa de los Derechos Humanos*) and human rights organizations said these measures permitted human rights violations. Under the Anti-Maras Act, for example, membership of a gang is “illegal association” and suspects under 18 may be treated as adults at the discretion of the prosecuting authorities.²

Government

National recruitment legislation and practice

The constitution states that military service is compulsory for all Salvadoreans between 18 and 30 years old (Article 215).³

Under the Armed Forces Military and Reserve Service Act, all Salvadorean men and women aged between 18 and 30 are liable for military service. With parental consent, under-18s may volunteer for military service from the age of 16 (Articles 2, 6 and 11). All males must register for military service one month after they turn 17, and are then randomly selected through a lottery system (Articles 11 and 17).⁴ Women have been liable for military service since 1994 although they are not required to serve in combat.⁵

In practice military service has been voluntary since the end of the armed conflict in January 1992.⁶

Military training and military schools

Students wishing to pursue a career in the armed forces may enrol at the Capitán General Gerardo Barrios Military School between the ages of 17 and 20 for a two-year training program. There was little information about the military training under-18s received at the school.⁷

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 *Diario Colatino*, “PDDH recomienda retomar ley del Servicio Militar”, 28 July 2003, <http://www.diariocolatino.com/nacionales/detalles.asp?NewsID=1825>; Amnesty International, *El Salvador: Open letter on the Anti-Maras Act*, 1 December 2003; *Noticias Casa Alianza, Comisión Interamericana analizará Guerra anti-maras*, 29 February 2004, <http://www.casa-alianza.org/ES/noticias/lmn/noticia851>.
- 3 Constitution, <http://www.georgetown.edu/pdba/Constitutions/ElSal/ElSal83.html>.
- 4 *Ley del Servicio Militar y Reserva de la Fuerza Armada*, Legislative Decree No. 298 of 30 July 1992, <http://www.csj.gob.sv/leyes.nsf> (Búsqueda por materia, Leyes de seguridad pública); Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 5 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 6 Second periodic report of El Salvador to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.25, 22 October 2003, <http://www.ohchr.org>.
- 7 *El Diario de Hoy*, “Ingresa 179a. promoción en Escuela Militar”, 7 January 2004, <http://www.elsalvador.com/noticias/2004/01/07/elpais/pai1.asp>; Escuela Militar Capitán General Gerardo Barrios, <http://www.escmilitar.edu.sv>.

GUATEMALA

Republic of Guatemala

Population: 12 million (6.0 million under 18)
Government armed forces: 31,400 (estimate)
Compulsory recruitment age: 18
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: ratified 9 May 2002
Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 138, ILO 182

New legislation adopted as part of the peace accords protected under-18s from recruitment into the armed forces or deployment in armed conflicts. The national service program provides for service either in the armed forces or social service projects. Under-18s can carry out national service in social projects from the age of 16.

Context

Human rights defenders, legal personnel and journalists who challenged the impunity enjoyed by most perpetrators of human rights abuses in the 30-year civil conflict were threatened and harassed.¹ Military personnel continued to play an important role in security and policing, and civilians were recruited for intelligence activities.²

In March 2004, Guatemala was considering the introduction of anti-gang laws, as in El Salvador and Honduras.³ These were heavily criticized by human rights groups.

Government

National recruitment legislation and practice

The 1985 constitution says that it is the duty of citizens to serve and defend the country and to perform military and social service in accordance with the law (Article 135).⁴

In the period following the March 1994 Comprehensive Agreement on Human Rights, as part of the peace settlement that ended the civil conflict, conscription was replaced by a system of voluntary recruitment in which recruits served for a period of time agreed by contract with the armed forces.⁵ The 1996 Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society envisaged a new system of voluntary and shorter military and community service, with voluntary military service maintained until such a system was established in law.⁶

However, conscription was not abolished. The Civic Service Law set up a national service program in which young people between the ages of 18 and 24 must serve either in the armed forces or in social service projects. Secondary school students may anticipate their social service requirement by volunteering at the age of 16 to do community service only, for a period of up to 18 months or of 728 hours (Article 42). Social service may not be carried out in military installations or under the supervision of military personnel (Article 35). Under Article 34 of the Civic Service Law, military service undertaken within the new service system is regulated by the Law on the Constitution of the Army (*Ley Constitutiva del Ejército*), which requires that those performing military service must be men aged between 18 and 30, and that the length of service is 30 months.⁷

The 2003 Law of Integral Protection of Children and Adolescents replaced the 1996 Children and Young Persons Code. It establishes that all children and adolescents have the right not to be recruited into the armed forces or deployed in armed conflicts, and that the state must ensure relevant international humanitarian legislation is respected and applicable to them (Article 57). The state is also responsible for adopting all necessary measures to ensure that under-18s do not participate directly in hostilities and are not recruited into military service at any time.⁸

There were no reports of children serving in the armed forces.

Military training and military schools

The Adolfo V. Hall Institutes, created in 1955, prepare army reserve officers and those seeking to pursue a military career. They are under the authority of the Ministry of Defence and follow a curriculum agreed in conjunction with the Ministry of Education. Students seeking enrolment must be between 11 and 14 years of age.⁹

Internal regulations allow physical punishment as a means to discipline students. In May 2002 the UN Verification Mission in Guatemala (MINUGUA) recommended that the military educational and instruction systems be reformed to abolish physical punishment and modernize the curriculum, as agreed in the peace accords.¹⁰

Disarmament, demobilization and reintegration (DDR)

There was little progress in reintegrating former members of the armed opposition group, the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), Guatemalan National Revolutionary Unit, as agreed under the peace accords. However, nearly 6,000 homes were built in 2002 and 2003

for victims of internal displacement. In May 2003 an important project financed by the European Union to support the reintegration of former combatants came to an end. National resources were not allocated to allow the continuation of similar initiatives to assist demobilized and displaced populations.¹¹

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 UN Verification Mission in Guatemala (MINUGUA), *Situación de los compromisos relativos al Ejército en los Acuerdos de paz*, May 2002.
- 3 *La Prensa* (Honduras), "Guatemala analizará las leyes de El Salvador contra las pandillas", 18 January 2004, <http://www.laprensahn.com>.
- 4 Constitution, <http://www.georgetown.edu/pdba/Constitutions/Guate/guate85.html>.
- 5 Initial report of Guatemala to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.33, 20 April 1995, <http://www.ohchr.org>.
- 6 *Acuerdo sobre fortalecimiento del poder civil y función del Ejército en una sociedad democrática*, <http://www.congreso.gob.gt> (Acuerdos de paz), or in English at US Institute of Peace, http://www.usip.org/library/pa/guatemala/guat_960919.html.
- 7 *Ley del Servicio Cívico*, No. 20-2003 of 12 May 2003, <http://www.congreso.gob.gt> (Legislación Parlamentaria, Decretos); B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 8 *Ley de Protección Integral de la Niñez y Adolescencia*, No. 27-2003 of 4 June 2003, <http://www.congreso.gob.gt> (Legislación Parlamentaria, Decretos).
- 9 Ministry of Defence, <http://www.mindef.mil.gt/escuelas/iavh/central/index.html>.
- 10 MINUGUA, *Situación de los compromisos relativos al Ejército en los Acuerdos de paz*, op. cit.
- 11 Misión de Verificación de las Naciones Unidas en Guatemala: Informe del Secretario General (octavo informe, el 1º de mayo de 2002 al 15 de julio de 2003), UN Doc. A/58/267, 11 August 2003, <http://www.un.org/documents>.

GUYANA

Republic of Guyana

Population: 764,000 (274,000 under 18)

Government armed forces: 1,600 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s in the security forces. The minimum age for recruitment is 18.

Context

Following post-election violence in mid-2001, the UN Special Rapporteur on racism and racial discrimination expressed concern at the ethnic polarization of political parties and the risks of an aggravation of inter-ethnic conflict.¹

The state response to growing violent crime undermined and violated fundamental rights. Dozens of suspected criminals were reported killed or "disappeared" amid allegations that a death squad had been formed following a wave of organized crime in 2002. In November 2003 the report of an inquiry into police operations by the Disciplined Forces Commission referred to the possible existence of a "phantom" squad and said that the police needed "urgent, serious and wide-ranging reform".²

Government

National recruitment legislation and practice

In August 2003 Guyana reported to the UN Committee on the Rights of the Child that, under the Defence Act, "A recruiting officer shall not enlist a person under the age of eighteen years in the regular Force", and that there were no reports or evidence of infringement of this law. The government also stated that there was no conscription.³

The Guyana Defence Force is responsible for national defence, internal security and emergency response. The Target Special Squad is a police unit that has some paramilitary training.⁴

Other developments

In its consideration of Guyana's initial report, the Committee on the Rights of the Child expressed concern at the low age of criminal responsibility (ten years) and recommended that it be raised

to “an internationally acceptable level”. It also expressed concern at the low level of birth registration, particularly in the Amerindian (indigenous) community.⁵

- 1 UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, report to Commission on Human Rights, UN Doc. E/CN.4/2003/24, 30 January 2003, <http://www.ohchr.org>.
- 2 Amnesty International, *Guyana: Human rights and crime control – Not mutually exclusive*, 13 January 2003, *Guyana: Need for immediate inquiry into death squad killings*, 6 February 2004, and *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 3 Initial report of Guyana to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.47, 6 August 2003, <http://www.ohchr.org>.
- 4 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 5 UN Committee on the Rights of the Child, Concluding observations: Guyana, UN Doc. CRC/C/15/Add.224, 26 February 2004.

HAITI

Republic of Haiti

Population: 8.2 million (3.9 million under 18)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 18

Optional Protocol: signed 15 August 2002

Other treaties ratified (see glossary):

CRC

The presence of under-18s, including children as young as 12, was reported in irregular, loosely-formed armed political groups operating across the country.

The use of children did not appear to be widespread or systematic.

Context

Following disputed parliamentary elections in 2000, dialogue between the former government of Jean Bertrand Aristide and the political opposition broke down, and parliament eventually ceased to function. The opposition had faced growing repression since the restoration of democracy in 1994, from both the police and *chimères*, armed groups acting in support of the government. Attempts by the Organization of American States to broker negotiations over new parliamentary elections failed.¹ From 2003 the government faced growing dissent from opposition and civil society movements, and attacks by armed groups and disaffected street gangs. The police frequently failed to protect opposition demonstrators and others from abuses by government supporters.²

President Aristide resigned and left the country on 29 February 2004 after an armed group gradually took control of much of the northern part of the country, destroying court buildings and police stations and releasing prison inmates. Following the adoption of UN Security Council resolution 1529, a Multinational Interim Force was deployed. A transitional government was formed in March 2004.³ However, insecurity continued to prevail, with a barely functional police force and armed groups at large across all regions of the country.⁴

The precarious economic situation continued to deteriorate, with much of the population lacking access to employment, education or basic health care. Aid remained partially blocked and UN agencies repeatedly appealed for emergency funds and for access to regions of the country cut off by political violence. UNICEF warned that children were particularly vulnerable because of the collapse of civil authority, and appealed

for emergency assistance for street children and victims of rape.⁵

Government

National recruitment legislation and practice

The 1987 constitution continues to provide for compulsory military service by all Haitians who have reached the age of 18 (Article 268).⁶ However, there has been no military service since January 1995 when the armed forces were disbanded by presidential order, although no constitutional amendment was passed to confirm their dissolution.⁷ Recruitment to the civilian police force is voluntary and candidates have to be at least 18.⁸

Armed political groups

Armed groups included *chimères*, who continued to support former President Aristide after he left office, community-based groups and militias, and anti-Aristide groups made up of former soldiers, armed street gangs and prison escapees. The absence of the rule of law reinforced a climate of impunity, and crimes such as kidnapping, robbery and rape increased. Supporters of former President Aristide's *Fanmi Lavalas* party were targeted for intimidation after his departure.⁹ Several known human rights violators, including members of the former paramilitary group the *Front pour l'avancement et le progrès d'Haïti* (FRAPH), were members of anti-Aristide groups, and human rights abuses, including killings and ill-treatment, were reported.¹⁰

From December 2003 there were occasional reports of children being recruited by armed political groups, but it did not appear to be systematic or widespread. Haitian radio stations reported that armed children as young as 12 or 13 had been seen alongside armed supporters of *Fanmi Lavalas* in neighbourhoods of the capital, Port-au-Prince.¹¹ Young children were "easy prey" for the armed gangs, given the estimated 10,000 street children in Port-au-Prince, a child psychiatrist reported.¹² In a nationwide assessment in March 2004, UNICEF found that children were involved with armed gangs in almost a third of the surveyed zones and that many who had participated in violence were in fear of retribution. The report said that street children were particularly vulnerable to being recruited into armed groups, and that other children who joined such groups went along with relatives.¹³

- 2 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 3 Report of the UN Secretary-General on Haiti, op.cit.
- 4 Amnesty International (AI), *Haiti: All armed groups must be disarmed*, 7 May 2004.
- 5 UNICEF, *Haiti's simmering war erodes child health*, 24 February 2004; *UNICEF issues Haiti emergency appeal for \$8.7 million*, 27 February 2004; *Amnesty International Report 2004*; UN News, "UN urges unhindered humanitarian access to Haiti's north", 13 February 2004; UNICEF Flash Appeal, 9 March 2004.
- 6 1987 constitution, www.georgetown.edu/pdba/Constitutions/Haiti/haiti1987.html.
- 7 OAS/UN International Civilian Mission in Haiti, *The Haitian National Police and Human Rights*, July 1996; Report of the UN Secretary-General on Haiti, op. cit.
- 8 Loi du 29 novembre 1994 portant création, organisation et fonctionnement de la Police Nationale, *Moniteur*, 28 December 1994, Haiti, Article 59.
- 9 Report of the UN Secretary-General on Haiti, op.cit.
- 10 AI, *Haiti: All armed groups must be disarmed*, op. cit.
- 11 *La Presse*, "Les enfants chez les partisans armés d'Aristide", 13 December 2003.
- 12 *La Presse*, "Haiti: les 'Chimères' vaillants soldats ou mercenaires agressifs", 17 February 2004.
- 13 UNICEF, *Haiti: Rapid Assessment*, March 2004, and *West's most neglected children bear brunt of Haiti's upheaval*, 19 April 2004.

1 UN Security Council, Report of the UN Secretary-General on Haiti, 16 April 2004, UN Doc. S/2004/300, <http://www.un.org/documents>.

HONDURAS

Republic of Honduras

Population: 6.8 million (3.2 million under 18)

Government armed forces: 12,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 14 August 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Under-18s may not enlist in the armed forces, there is no conscription and there were no reports of under-18s in the armed forces. A UN expert who visited the country in 2001 raised concerns about extrajudicial killings of street children and members of youth gangs by the security forces. In 2002 the chief of staff of the armed forces called for the reintroduction of conscription as a means of reducing criminal activities by youth gangs.

Context

As many as 1,500 children under the age of 18, most of them socially disadvantaged, have been killed in Honduras since 1998.¹ Some were victims of a campaign of “social cleansing” in which street children have been killed, ostensibly to combat crime and promote public security. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern about these killings during a visit to Honduras in August 2001.² The authorities have shown little political will to investigate the killings and bring the perpetrators to justice.³

An amendment to Article 332 of the Penal Code, known as the Anti-Maras Law, proscribed *maras* – gangs and other groups involved in violent extortion or intimidation of the public – and has been used by the police to detain hundreds of gang members under “Operation Freedom”.⁴

Government

National recruitment legislation and practice

Article 276 of the 1982 constitution, as amended by Decree No. 24-94 and ratified by Congress in 1995, establishes voluntary military service from the age of 18 in peacetime. Honduras reported to the UN Committee on the Rights of the Child in 1998 that “military service is now voluntary and educational. There is no compulsory conscription.

Only persons over 18 may enlist in the armed forces”.⁵

In 2002 General Daniel López Carballo, Chief of Staff of the Armed Forces, called for the reintroduction of compulsory military service to reduce criminal activities by youth gangs.⁶ Members of the armed forces have taken part in a major social rehabilitation program aimed at young gang members.⁷

1 Amnesty International, *Honduras: Zero tolerance ... for impunity – Extrajudicial executions of children and youths since 1998*, 25 February 2003, <http://web.amnesty.org/library/engindex>.

2 UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Report to the Commission on Human Rights: mission to Honduras, UN Doc. E/CN.4/2003/3/Add.2, 14 June 2002, <http://www.ohchr.org>.

3 Communication from Casa Alianza, Honduras, 28 April 2004.

4 Presidency of Honduras, “Presidente Maduro encabeza ‘Operación Libertad’ tras entrar en vigor la Ley Antimaras”, 18 August 2003, http://www.casapresidencial.hn/2003/08/18_1.php.

5 Periodic report of Honduras to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.2, 20 February 1998, <http://www.ohchr.org>.

6 *Tiempo Digital*, “Fuerzas armadas inician lucha para volver a cacerías humanas”, 16 January 2002, <http://www.tiempo.hn>.

7 Presidency of Honduras, “Fuerzas armadas serán incorporadas en rehabilitación de pandilleros”, 13 March 2003, http://www.casapresidencial.hn/2003/03/13_1.php.

JAMAICA

Jamaica

Population: 2.6 million (1.0 million under 18)

Government armed forces: 2,830 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17½ (training only)

Voting age: 18

Optional Protocol: ratified 9 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

The minimum age for voluntary recruitment was 18 years. Younger recruits could enter training at 17 years and six months with parental consent, but had to have reached the age of 18 before graduation. Under-18s were reportedly members of armed groups responsible for gang and community violence, some of it politically motivated.

Context

Jamaican society continued to suffer a high level of violence. In 2003 at least 975 people were murdered, including 13 police officers. Members of the police force killed over 110 people in the same period. Although this was a significant decrease from previous years, many were suspected to be unlawful killings and most were not investigated. In May 2003 the Crime Management Unit, a police unit implicated in numerous such killings, was disbanded and in November 2003 it was announced that charges would be filed against six officers in connection with the killing of seven young men in Braeton in 2001.¹

Government

National recruitment legislation and practice

In its declaration made on ratifying the Optional Protocol in May 2002, Jamaica stated that all recruitment to its armed forces is voluntary and that the minimum age of voluntary recruitment is 18 years. Younger recruits may enlist for training at 17 years and six months with parental consent, but must have reached the age of 18 before graduating. To enlist, proof of age has to be provided and the recruitment officer has to be satisfied that the applicant is 18 or older.² Initial basic training lasts for 18 weeks and is carried out at the Training Depot in Newcastle.³

Under the Defence Act, the armed forces comprise a regular force and a reserve force, and are responsible for the defence of the nation and

other duties such as assisting the police in law enforcement and maintenance of order.⁴ A cadet organization, the Jamaica Combined Cadet Force (JCCF), is open to boys and girls of secondary school age and is based in schools throughout the country. Members receive basic military training designed to demonstrate the need for the defence forces, how they function, and to stimulate interest in a military career.⁵

Armed groups

Under-18s were reportedly members of armed groups responsible for gang and community violence, some of it politically motivated. The October 2002 general elections, won by the ruling People's National Party for the fourth successive time, were accompanied by political violence in which supporters of both main political parties reportedly attacked each other. At least 60 people were killed.⁶ Gangs involved in the violence were reportedly linked to political parties, or to people involved in the drugs trade seeking to support their preferred candidate.⁷

Children as young as 12 were reported to be increasingly involved in gang or community violence, much of it related to extortion rackets or the drugs trade. A few community-based projects offered alternatives to violence, one initiative working with young people from the age of eight in August Town, where conflict was primarily between communities divided along political lines. In Spanish Town, another program worked with the growing number of street children used by gang and neighbourhood bosses for criminal and political purposes.⁸

Other developments

The UN Committee on the Rights of the Child considered Jamaica's second periodic report in May 2003. It noted that difficult economic and social conditions and the high level of external debt placed limitations upon the state's financial resources, and that poverty and unemployment had a negative impact on the respect for the rights of children. It expressed deep concern at the generally violent environment in which children were living. Other areas of concern included juvenile justice and conditions of detention for juveniles, as well as ill-treatment of juveniles.⁹

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

3 Jamaica Defence Force, <http://www.jdfmil.org> (Careers, Soldier careers).

4 Jamaica Defence Force, op. cit.

5 Jamaica Defence Force, op. cit. (Affiliates, Jamaica Combined Cadet Force).

- 6 Amnesty International Report 2003.
- 7 Tony Thompson, "Jamaica's poll bloodbath", *The Observer* (UK), 13 October 2002, <http://observer.guardian.co.uk>.
- 8 Michael Mogensen, "Background to violence in Kingston", 9 March 2004, "Building the peace in August Town", 12 March 2004, and "In the midst of gang violence, Jamaican NGO makes a difference", 25 March 2004, Children and Youth in Organized Armed Violence, <http://www.coav.org.br>.
- 9 UN Committee on the Rights of the Child, Concluding observations: Jamaica, UN Doc. CRC/C/15/Add.210, 4 July 2003, <http://www.ohchr.org>.

MEXICO

United Mexican States

Population: 102.0 million (39.8 million under 18)

Government armed forces: 192,770

Compulsory recruitment age: 18

Voluntary recruitment age: 16 (training only)

Voting age: 18

Optional Protocol: ratified 15 March 2002

Other treaties ratified (see glossary):

CRC, GC AP I, ILO 182

The government stated that the voluntary minimum recruitment age was 18, but 16 year olds could volunteer for early military service, with parental consent. Sixteen to 18 year olds were accepted for training purposes only. Militias and other irregular armed groups were active in the states of Chiapas, Guerrero and Oaxaca, some allegedly backed by government forces. No information was available on the recruitment or use of under-18s by these groups.

Context

The government withdrew troops from Chiapas state and released detained supporters of the armed opposition group, *Ejército Zapatista de Liberación Nacional* (EZLN), Zapatista National Liberation Army, as part of its commitment to reach an early negotiated settlement to the conflict in the region. However, a bill on indigenous rights and culture, *Ley sobre Derechos y Cultura Indígenas*, modified and approved by Congress in April 2001, failed to meet agreed principles and dashed hopes of a swift end to the conflict. Indigenous and human rights organizations across the country condemned the bill as a violation of Mexico's international obligations on indigenous rights.¹ At the time, the EZLN announced that it would not begin new peace negotiations with the government.²

In the states of Chiapas, Guerrero and Oaxaca, armed conflict between pro-government groups and sympathizers of opposition armed groups continued.³ Indigenous communities suffered constant intimidation and attacks by paramilitary or "armed civilian" groups.⁴ Large numbers of people were forced to flee their homes.⁵ Army incursions affected dozens of indigenous communities, who were subjected to harassment, interrogations, patrols, air surveillance and roadblocks.⁶ All three states became increasingly militarized by the continuing conflicts over land ownership, political alliances and religion.⁷

The federal and state governments carried on affording impunity to their own or allied forces accused of serious human rights violations.

Government

National recruitment legislation and practice

The constitution states that it is the duty of every Mexican “to enlist and serve in the National Guard, according to the respective organic law to secure and defend the country’s independence, territory, honour, rights and interests, as well as domestic peace and order” (Article 31).⁸

The Military Service Law declares that all native and naturalized Mexicans must serve in the army or navy according to their capacity and aptitude (Article 1). All Mexicans between the ages of 18 and 40 are liable for military service (Article 5). Students and those wishing to leave the country at the time when they would be required by law to undertake military service may bring forward their enlistment, if they are over 16 at the time of their application (Article 25).⁹ The armed forces may admit volunteers until the quota fixed annually by the Ministry of National Defence has been reached. These volunteers must be Mexican nationals over 18 and under 30, or up to the age of 40 in the case of specialized army personnel. Those between the ages of 16 and 18 may be accepted into signals units for training as technicians for up to five years.¹⁰ All under-18s must have parental consent to join the armed forces.¹¹

Young men must enrol for military service during the year in which they turn 18. A ballot every November determines who will be selected for the army, air force and navy, and who will not be enlisted but will remain eligible for service in the reserves. Women over 18 are encouraged to volunteer in community service activities, including teaching, physical education and other social work. Enlisted men must undertake military training every Saturday between February and September, and participate in social service programs in the fields of education, sport, cultural heritage, drug prevention or social work.¹²

On ratifying the Optional Protocol Mexico declared that “any responsibility deriving [from the Optional Protocol for] non-governmental armed groups for the recruitment of children under 18 years or their use in hostilities lies solely with such groups and shall not be applicable to the Mexican State as such. The latter shall have a duty to apply at all times the principles governing international humanitarian law.”¹³

Military training and military schools

The constitution states that Mexicans are obliged “to be present on the days and hours designated by the municipality in which they reside, to

receive civic and military instruction to equip them in the exercise of their rights as citizens, to gain skills in handling weapons and to acquaint them with military discipline” (Article 31).¹⁴

Under the Military Service Law, all educational institutions must provide military instruction, including for girls “according to activities appropriate to their sex and connected with military service”, with the program to be determined by the Ministries of National Defence and Public Education (Article 2).¹⁵

There are numerous military schools run by the Army and Air Force University. The minimum age of entry is 15 in schools requiring applicants to have completed basic secondary education, and 16 in those requiring a baccalaureat (*bachillerato*) certificate.¹⁶

According to the Military Justice Code, under-18s in the armed forces and cadets in military education institutions are liable to half of the corporal punishment other members of the armed forces receive for the same infraction (Article 153). Cadets in military institutions are considered staff sergeants (*sargentos primeros*) (Article 156).¹⁷

Armed political groups

Monitoring the recruitment of under-18s by armed opposition groups and irregular units allegedly linked to the government remained difficult.¹⁸ It was not possible to confirm isolated reports of child soldier recruitment by these groups.

Armed groups set up in Chiapas, Guerrero and Oaxaca during the armed conflict included the private armies of local landowners, militias (*guardias blancas*) armed by government forces to attack armed opposition and community groups, and groups defending specific political alliances or religious beliefs.¹⁹ The state and federal authorities have denied the presence of such groups and failed to prevent or investigate human rights violations by their members, even though Chiapas state has offered some compensation and support to their victims.²⁰ Federal authorities have claimed that they are not able to intervene in cases of armed attacks because these are matters “between individuals”.²¹

Several armed opposition groups have been formed since 1998, although there were no reports that they had carried out attacks in recent years.²² Some instances were reported of federal police and armed forces officers offering money and sweets to children in exchange for information on alleged Zapatista sympathizers.²³

* see glossary for information about internet sources

1 *Amnesty International Report 2002*, <http://web.amnesty.org/library/engindex>.

2 BBC Mundo, “EZLN rechaza ley de derechos indígenas”, 30 April 2001, <http://news.bbc.co.uk>.

- 3 BBC Mundo, "Instan a Zapatistas a dialogar", 17 April 2004.
- 4 *Amnesty International Report 2002*.
- 5 BBC Mundo, "Pro zapatistas desplazados regresan", 26 April 2004.
- 6 Global Exchange, *Operativos Militares durante el periodo de 15 abril 01 al 31 enero 02*, February 2002, at <http://www.ciepac.org> (Derechos humanos).
- 7 *Rebelión*, "Las organizaciones de derechos humanos advierten del riesgo de acciones paramilitares en Chiapas", 20 January 2003, <http://www.rebelion.org/ddhh/chiapas200103.htm>; BBC Mundo, "Chiapas: violento enfrentamiento", 23 January 2003; BBC Mundo, "Indígenas marchan por desarme", 4 February 2003.
- 8 Constitution, at Universidad Nacional Autónoma de México (UNAM), Instituto de Investigaciones Jurídicas, <http://info4.juridicas.unam.mx/ijure/fed/9> (Coalition translation).
- 9 *Ley del Servicio Militar*, 11 September 1940, at Secretaría de la Defensa Nacional, <http://www.sedena.gob.mx/index4.htm> (Artículos de interés, Legislación militar); Declaration made by Mexico on ratification of the Optional Protocol, <http://www.ohchr.org>.
- 10 Declaration made by Mexico on ratification of the Optional Protocol, op. cit.
- 11 Secretaría de la Defensa Nacional, <http://www.sedena.gob.mx/index4.htm> (Defensa nacional, Servicio militar nacional, Trámites, Anticipo de incorporación)
- 12 Secretaría de la Defensa Nacional, op. cit. (Defensa nacional, Servicio militar nacional, Requerimientos, Alistamiento/Sorteo; Participación de la mujer; Programas, Antecedentes).
- 13 Declaration made by Mexico on ratification of the Optional Protocol, op. cit.
- 14 Constitution, op. cit. (Coalition translation).
- 15 *Ley del Servicio Militar*, op. cit. (Coalition translation).
- 16 Secretaría de la Defensa Nacional, op. cit. (Educación militar, Universidad del Ejército y Fuerza Aérea, Admisión).
- 17 *Código de Justicia Militar*, at UNAM, Instituto de Investigaciones Jurídicas, [http://info4.juridicas.unam.mx/ijure/tcfed/3.htm?s;Gilda María García Sotelo, Razones y sinrazones sobre los niños soldados: Una reflexión jurídica](http://info4.juridicas.unam.mx/ijure/tcfed/3.htm?s;Gilda%20Mar%C3%ADa%20Garc%C3%ADa%20Sotelo,%20Razones%20y%20sinrazones%20sobre%20los%20ni%C3%B1os%20soldados:%20Una%20reflexi%C3%B3n%20jur%C3%ADdica), Law Degree Thesis, Universidad Iberoamericana, Mexico, 2000.
- 18 Comisión Civil Internacional de Observación por los Derechos Humanos en México, *Informe de la tercera visita, 16 febrero a 3 marzo 2002*, at <http://www.ciepac.org> (Derechos humanos).
- 19 *Rebelión*, "México: Montemayor prevé alianzas entre EZLN y otros grupos armados", 17 May 2001, <http://www.rebelion.org/sociales/montemayor170501.htm>; BBC Mundo, "Chiapas: violento enfrentamiento", 23 January 2003.
- 20 UN Commission on Human Rights, Report of the Special Rapporteur on indigenous people: Mexico, UN Doc. E/CN.4/2004/80/Add.2, 1 December 2003, <http://www.ohchr.org>; Jorge Lofredo, "México: el silencio armado", *Rebelión*, 6 October 2002; *Amnesty International Report 2003*; Miguel Angel de los Santos, *Chiapas: Las acciones dicen mas que las palabras*, December 2001, Centro de Investigaciones Económicas y Políticas de Acción Comunitaria (CIEPAC), <http://www.ciepac.org> (Derechos humanos).
- 21 National Human Rights Commission, cited in Comisión Civil Internacional de Observación por los Derechos Humanos en México, op. cit.
- 22 *Le Monde Diplomatique*, "Mexico's new guerrillas", 8 November 1998; Jorge Lofredo, "México: el silencio armado", op. cit.
- 23 Comisión Civil Internacional de Observación por los Derechos Humanos en México, op. cit.

NICARAGUA

Republic of Nicaragua

Population: 5.3 million (2.6 million under 18)

Government armed forces: 14,000 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: not known

Voting age: 16

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Government

National recruitment legislation and practice

The constitution states that there shall be no obligatory military service and any form of forced recruitment to be part of the Army of Nicaragua and the National Police is prohibited (Article 96). There has been no conscription since it was abolished by an amendment to the constitution under Law No. 192 of 1995 (*Ley de Reforma Parcial a la Constitución Política*).¹

The minimum legal age for entry into the armed forces was not known. The minimum age for entry into military academies is 17; students under 21 must have parental consent.² There were no reports of underage recruitment.

1 Constitution, as amended, <http://www.asamblea.gob.ni/constitu.htm>.

2 Communication to Child Soldiers Coalition from UNICEF, 9 July 2004.

PANAMA

Republic of Panama

Population: 3.1 million (1.1 million under 18)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 18

Optional Protocol: ratified 8 August 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Colombian asylum seekers, including children, were forcibly returned to Colombia, where they feared recruitment by paramilitaries and armed opposition groups.

Context

There were increasing fears that the armed conflict in neighbouring Colombia was spreading through the region. Panama received a growing number of Colombian refugees seeking asylum.¹ Migration authorities and the police forcibly returned hundreds, including children, to Colombia despite asylum seekers' fears that they would be recruited by paramilitaries and other armed political groups on their return.² Armed political groups from Colombia often crossed the border and were responsible for the forcible recruitment of asylum seekers and the trafficking of drugs and people.³

UNHCR repeatedly expressed concern about Panama's forcible return to Colombia of asylum seekers, which endangered the lives of those attempting to escape the conflict in Colombia.⁴

Government

National recruitment legislation and practice

The constitution states that there will be no army but that all Panamanians are required to take up arms to defend national independence and the territorial integrity of the state (Article 305).⁵ The armed forces were abolished in 1990 and there is no conscription.⁶ A 1994 constitutional amendment provided for the temporary establishment of special police units that would take action in the event of "external aggression".⁷

Armed political groups

UNHCR reported that armed political groups from Colombia were recruiting under-18s in border areas of Ecuador, Panama and Venezuela.⁸ In 2002 UNHCR in Venezuela warned of an increase

in the recruitment of children by Colombian armed opposition groups, with dire consequences for the protection of refugees and asylum seekers, in particular children.⁹

- 1 UNHCR News, "El ACNUR preocupado por desplazamientos producidos por el ataque en la frontera de Panamá", 24 January 2003, <http://www.acnur.org>.
- 2 Email communication to Child Soldiers Coalition from Refugees International, USA, 28 July 2004.
- 3 UNHCR News, "Paramilitares colombianos atacan pueblo fronterizo en Panamá", 1 March 2003; UNHCR, "Colombia: Aumenta temor por inseguridad en fronteras", *Actualidad en las Américas*, No. 2, 1 October 2002.
- 4 UNHCR News, "El ACNUR señala que los colombianos no pueden ser repatriados involuntariamente desde Panamá", 24 April 2003.
- 5 Constitution, <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>.
- 6 CIA Factbook, <http://www.cia.gov/cia/publications/factbook>.
- 7 Constitution, op. cit.
- 8 BBC Mundo, "Grupos armados 'reclutan niños'", 21 May 2002, <http://news.bbc.co.uk>.
- 9 UNHCR News, "Colombia: preocupación de ACNUR por el reclutamiento de niños refugiados", 21 May 2002.

PARAGUAY

Republic of Paraguay

Population: 5.7 million (2.6 million under 18)

Government armed forces: 18,600

Compulsory recruitment age: 18

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: ratified 27 September 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Under-18s were serving in the armed forces. There was a high rate of death and injury of conscripts, including children. In recent years forcible recruitment of underage recruits has decreased as a result of public pressure. However, official investigations in Paraguay into conscript deaths and underage recruitment appear to have stalled. Paraguay does not support a "straight-18" position.

Context

Over 100 young conscripts have died since 1989 while on compulsory military service and many others have been victims of serious accidents, including some as young as 12.¹ The deaths and injuries were believed to be the result of excessive punishment by officers and the lack of safety measures for dangerous activities such as handling weapons. Some conscripts suffered permanent psychiatric damage after systematic ill-treatment. One study, by Decidamos, a Paraguayan non-governmental organization (NGO), found that both the military and the police routinely ill-treated conscripts physically and psychologically, including by excessive and forced physical exercise to the point of exhaustion. This treatment was used as a means of maintaining discipline and as punishment for disobedience and failure to comply with orders.²

Government

National recruitment legislation and practice

According to the 1992 constitution, in peacetime men are required to perform compulsory military service for a maximum period of 12 months, and in wartime women may be called up to serve as auxiliaries. Conscientious objection to military service is allowed. Objectors are required to undertake alternative public service under civilian jurisdiction and the alternative service they perform must not be punitive in character.³

The Law on Compulsory Military Service, No. 369/75 of 12 December 1975, regulates military service.⁴ Men are legally obliged to perform military service between the ages of 18 and 50 (Article 3), from the age of 20 serving in the various branches of the reserve (Article 4). In exceptional circumstances boys may start military service at an earlier age, where there is a "justified reason" (Article 5). Once a recruit under 18 has joined the armed forces, he is considered to have attained the age of majority (Article 10). The law states that officials who recruit under-18s will, without prejudice to their criminal liability, be removed or disqualified for five years from holding public office (Article 56). According to Article 36, military service lasts for two years in the eastern region and one year in the western region (Chaco Department).

However, the lack of regulations specifying the circumstances in which under-18s may bring forward their conscription has in practice allowed children as young as 12 to be recruited. By law, boys are required to register for conscription at the age of 17 before they enlist at 18, and recruitment officers have allegedly used this provision as the basis for recruiting 17 year olds. In 2000 the Supreme Court of Justice established that under-18s could only apply to join the armed forces through a juvenile court, which would decide whether the reasons given by the applicant were sufficient to enlist.⁵ Under-18s in the armed forces were deemed to have reached the age of majority and risked being tried by court martial or special tribunals under military law and receiving punishments inappropriate to their age.⁶

Military training and military schools

There are seven schools under the Army Command of Institutes of Military Education (*Comando de Institutos Militares de Enseñanza del Ejército*, CIMEE), including the Reserve Officers' Training Centre for Students' Military Instruction (*Centro de Instrucción Militar para Estudiantes y de Formación de Oficiales de Reserva del Ejército*, CIMEFOR).⁷

CIMEFOR training is compulsory by law for secondary school students, who are required to receive military instruction for the whole of January over two consecutive years, and may opt to attend for a further year.⁸ Following comprehensive reforms to the educational system, it has been reported that since 2003 students are no longer required to attend CIMEFOR training, although those over 18 may apply to do so.⁹

Since 2003 females have been accepted as students at military academies, where they occupy around 20 per cent of available annual vacancies.¹⁰

Child recruitment and deployment

In most cases, under-18s who enrol in the armed forces have been compelled to do so by economic circumstance or have been forcibly recruited.¹¹

In recent years forcible recruitment has decreased in response to growing public pressure and official complaints. However, house-to-house recruitment operations in rural and isolated areas are still carried out by the Armed Forces' Recruitment and Social Mobilization Service Directorate (*Dirección del Servicio de Reclutamiento y Movilización Social*), and pressure is put on parents to hand over underage children.¹² Officers wait outside schools to check students' identification papers. In August 2001 a Recruitment Directorate communiqué announced that military police officers would be checking military documentation to ensure that individuals had complied with their military service obligations. Those without papers were then recruited.¹³

The Inter-Institutional Commission of Visits to Military Quarters (*Comisión Interinstitucional de Visita a Cuarteles*) was formed in 2001, following a national and international outcry about the death of conscripts. Its members are from the executive, judicial and legislative branches of government, as well as NGOs. It visited military units, checking the documentation and situation of young conscripts.¹⁴ During 2001 the Commission found a number of serious irregularities in the recruitment of conscripts, including false documentation provided by civil registry officers, as well as over 190 under-18s in the armed forces.¹⁵ In early 2004, 15 cases were pending investigation by the Human Rights Fiscal Unit of the Public Ministry (*Unidad Fiscal de Derechos Humanos del Ministerio Público*).¹⁶ Visits by the Commission have been suspended since President Nicanor Duarte Frutos took power in August 2003.¹⁷

There have been several deaths of under-18s in the armed forces and military schools in the last three years. Héctor Adán Maciel, recruited at the age of 16, died on 10 April 2001 from a gunshot wound after being illegally conscripted.¹⁸ His death was not investigated by the civilian courts. In November 2002, Luis Fernando Bobadilla, aged 15, died from a gunshot wound to the head while he was a student at the Navy Arsenal Technical School (*Escuela Técnica del Arsenal de la Marina*). At the time of writing, no judicial decision had been reached in the case.¹⁹ In October 2003 the Inter-American Commission on Human Rights agreed to investigate the "disappearance" of 14-year-old conscripts Marcelino Gómes Paredes and Cristián Ariel Núñez in Chaco Department in 1998.²⁰

Other developments

In September 2001, Child Soldiers Coalition Paraguay launched a campaign for ratification of the Optional Protocol, contacting government officials and conducting nationwide workshops and a mass education campaign. As a result, the Senate requested Parliament to ratify the Optional Protocol and ratification took place on 27 September 2002. However, Paraguay does not support a “straight-18” position. At the time of ratification, it declared that “in accordance with the relevant national and international legal norms, it has been decided to establish the age of sixteen (16) years as the minimum age for voluntary recruitment into the armed forces”.²¹

* see glossary for information about internet sources

- 1 *Amnesty International Report 2004*; Amnesty International (AI), *Paraguay: No child's play – Under-age recruitment in the armed forces must stop*, 5 April 2001, <http://web.amnesty.org/library/engindex>.
- 2 Fernando Rojas, *El servicio militar obligatorio en Paraguay: Entre la contestación social y la inercia de las instituciones del Estado autoritario*, Research and Education in Defense and Security Studies Conference, Center for Hemispheric Defense Studies, Washington DC, 22-25 May 2001 (REDES 2001), <http://www.ndu.edu/chds/REDES2001> (Programa, Bloque IV, Panel 2).
- 3 Article 129, Constitution, <http://www.georgetown.edu/pdba/Constitutions/Paraguay/para1992.html>.
- 4 *Ley del Servicio Militar Obligatorio*, No. 369/75, <http://www.senado.gov.py> (Leyes de uso más frecuente, Fuerzas públicas).
- 5 Coalición para acabar con la utilización de niños soldados Paraguay (Child Soldiers Coalition Paraguay), *Situación relativa a los niños y niñas soldados en Paraguay*, April 2002, <http://www.cns.org.py/coalicionPy.html>.
- 6 Article 10, Law 369/75, op. cit.; Child Soldiers Coalition Paraguay, op. cit.
- 7 Latin American Military: Paraguay, http://www.lamilitary.com/PY_EPa.html.
- 8 Ministry of National Defence, *Cimefor Ejército*, 2001, <http://www.defensanacional.cc/images/Cimefor01.doc>.
- 9 Communication from Child Soldiers Coalition Latin America, 18 June 2004.
- 10 *Última Hora*, “Mujeres preparan botas”, 22 November 2002, <http://www.ultimahora.com>; see also Child Soldiers Coalition Latin America, November 2002, <http://www.cns.org.py/noviembre2002.html>
- 11 Child Soldiers Coalition Paraguay, op. cit.
- 12 Fernando Rojas, op. cit.
- 13 Child Soldiers Coalition Paraguay, op. cit.
- 14 Coordinadora de Derechos Humanos del Paraguay (CODEHUPY), *Derechos humanos en Paraguay 2002*, Asunción, 2002.
- 15 CODEHUPY, op. cit.; *Amnesty International Report 2002*.
- 16 CODEHUPY, op. cit.
- 17 Communication from Child Soldiers Coalition Latin America, Paraguay, 18 June 2004.
- 18 *Amnesty International Report 2002*.
- 19 CODEHUPY, op. cit.
- 20 Inter-American Commission on Human Rights, Informe No. 82/03, Petición 12330 - Admisibilidad, Marcelino Gómez Paredes y Cristián Ariel Núñez, 22 October 2003, <http://www.cidh.org/annualrep/2003sp/paraguay.12330.htm>.
- 21 Declaration made by Paraguay on ratification of the Optional Protocol, <http://www.ohchr.org>.

PERU

Republic of Peru

Population: 26.8 million (10.6 million under 18)

Government armed forces: 100,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 8 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Since the ending of conscription in 1999, a number of reforms have been introduced in the armed forces. While ill-treatment of recruits diminished, cases of forcible recruitment of children were reported.

Context

A Truth and Reconciliation Commission was set up in 2001 to investigate human rights abuses by the state and armed opposition groups between May 1980 and August 2000. It delivered its final report in August 2003, concluding that, of the estimated 69,000 people who were killed or “disappeared” during those 20 years, more than half were the responsibility of the armed opposition group Shining Path (*Sendero Luminoso*) and the rest were the responsibility of the armed forces. In January 2003 the Constitutional Tribunal ruled that life imprisonment and the use of military courts to try civilians were unconstitutional.¹

Government

National recruitment legislation and practice

Compulsory military service was replaced by a system of voluntary military service under the Law on Military Service, Law 27178 of 29 September 1999, which also prohibits forced recruitment (Article 6). A transitional provision applicable from 2000 to 2002 permitted compulsory recruitment of individuals registered for military service in previous years (Fourth transitional provision). Those who volunteer for military service are offered incentives including a monthly salary, a bank account on completion of service, health insurance and help with education (Article 46). Active military service is carried out by women and men between the ages of 18 and 30, for a maximum of 24 months (Articles 42 and 45). Although there is no conscription, 17 year olds are required to register at the Military Institute, to obtain a military certificate (*Boleta Militar*) and later a military passbook (*Libreta Militar*) (Articles 11, 12 and 17). The passbook is required to obtain national identity documents (Article 24).²

In its declaration on ratification of the Optional Protocol in May 2002, Peru confirmed that the minimum age for voluntary recruitment is 18 years.³

In January 2002 the Commission on the Restructuring of the Armed Forces recommended modification of the Law on Military Service to allow for a mixed system of professional soldiers and conscripts to fill the quota of soldiers required for the armed forces.⁴

Military training and military schools

Ill-treatment of recruits has diminished since the ending of compulsory military service, but has not completely disappeared. In December 2002, the Ombudsman's office (*Defensoría del Pueblo*) reported on investigations into complaints about conscript deaths and alleged torture and ill-treatment of conscripts between April 1998 and August 2002. Out of 174 cases, 56 were deaths; 155 (90 per cent) were from the army, 12 (seven per cent) from the air force and seven (four per cent) from the navy. In 2003, in response to recommendations by the Ombudsman, the Ministry of Defence announced, as part of the continuing reform of the armed forces, the creation of a Recruits' Military Instruction School and the establishment of regulations, rights and duties in relation to recruits.⁵

Child recruitment and deployment

The Ombudsman's office received numerous complaints of the recruitment of under-18s in the towns of Iquitos, Huancayo and Ayacucho. At the end of 2002, several Congressional representatives visited the Alfredo Vargas Guerra Military Barracks in Iquitos, and later reported that they had seen at least 15 underage irregular conscripts, including one 14 year old.⁶

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 *Ley del Servicio Militar*, No. 27178, http://www.ejercito.mil.pe/transpar/dispos_legales/ley27178.doc; Ejército del Perú (Army), <http://www.ejercito.mil.pe> (Servicio Militar Voluntario).

3 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

4 Ministry of Defence, *Comisión para la reestructuración integral de las Fuerzas Armadas, Informe final*, January 2002, Recommendation 2(e), <http://www.mindef.gob.pe> (Normatividad; Leyes y reglamentos).

5 Ombudsman's Office, *Sexto Informe al Congreso de la República 2002-2003*, Chapters 3 and 4, <http://www.ombudsman.gob.pe>.

6 Ombudsman's Office, op. cit, Chapter 3; *Correo de Perú*, “Perú: detectan niños soldados en cuartel de Iquitos”, 11 February 2003, at <http://www.rebelion.org/ddhh/peru110203.htm>.

SURINAME

Republic of Suriname

Population: 432,000 (163,000 under 18)

Government armed forces: 1,840 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: not known

Voting age: 18

Optional Protocol: signed 10 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II

No information was available on the presence of under-18s in the armed forces or the minimum age of recruitment.

Context

Investigations by a court in the Netherlands into allegations that 15 journalists, academics and labour leaders were killed at an army centre in Suriname in 1982 were halted. In September 2001 the Netherlands Supreme Court ruled that the investigation, based on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, could not proceed, in part because the crimes were committed before the Convention became binding in the Netherlands.¹ Former military ruler Desi Bouterse had been accused of involvement in the killings by the sole survivor, who had since died.² Prosecution efforts in Suriname had not concluded in March 2004. Despite these allegations and a conviction *in absentia* by a Netherlands court for drug trafficking, Desi Bouterse, who seized power in coups in 1980 and 1990, was nominated presidential candidate of the National Democratic Party for the 2005 elections.³

Government

National recruitment legislation and practice

Under the 1987 constitution, as amended in 1992, military service, or a civilian equivalent, is compulsory for people between the ages of 18 and 35.⁴ However, in its initial report to the UN Committee on the Rights of the Child in 1998, the government stated that the Compulsory Military Service Act (Bulletin of Acts and Decrees 1970, No. 98) had been repealed and that military service was no longer compulsory.⁵ No information was available on the minimum age of voluntary recruitment.

The armed forces, under the control of the Ministry of Defence, were responsible for national security and border control. The police, under the

Ministries of Interior and Justice, bore primary responsibility for maintaining law and order. However in 2003, in response to increasing crime, the government implemented "Operation Safe Suriname" in which the military jointly patrolled with the police in the capital and in remote areas of the country near large commercial enterprises. Among factors hampering police effectiveness were corruption and lack of equipment and training.⁶

- 1 International Committee of the Red Cross (ICRC), Advisory service on international humanitarian law, National case law: Netherlands, www.icrc.org/ihl-nat.nsf; Amnesty International, *Suriname: Government commitments and human rights*, 7 February 2003, <http://web.amnesty.org/library/engindex>.
- 2 *Amnesty International Report 2002*.
- 3 *Amnesty International Report 2004*.
- 4 Constitution, <http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html>.
- 5 Initial report of Suriname to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.11, 23 September 1998, <http://www.ohchr.org>.
- 6 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

TRINIDAD AND TOBAGO

Republic of Trinidad and Tobago

Population: 1.3 million (0.4 million under 18)

Government armed forces: 2,700 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 182

The minimum age of recruitment was raised in 2000 to 16 years with parental consent. It is possible that under-18s were present in the armed forces but no information was available.

Context

Political parties continued to divide largely on ethnic grounds.¹ The UN Special Rapporteur on racism and racial discrimination, who visited Trinidad and Tobago in July 2003, noted that political parties had exploited ethnic divisions although political leaders had since set in motion reforms and consultation aimed at ending racial discrimination.²

Government

National recruitment legislation and practice

The armed forces consist of the regular forces and the coast guards, for which the minimum age of recruitment is 18, and a volunteer reserve, for which the minimum age is 25.³ There is no conscription. Children aged from 12 to 19 are eligible to join the cadet force, which, like the armed forces and police, is the responsibility of the Ministry of National Security. Recruitment is through the school system and the consent of the child's parents as well as the school's principal is required.⁴

In June 2003, in its second periodic report to the UN Committee on the Rights of the Child, the government stated that Section 19 of the Defence Force Act had been amended by the Miscellaneous Provisions (Children) Act, No. 66 of 2000, so that "a person below the age of sixteen years can no longer be enlisted into the Defence Force. Further, persons between the ages of sixteen years and eighteen years can only be enlisted if parental consent is obtained. Previously any child below the age of eighteen years could be enlisted if parental consent was

obtained". The government further confirmed that, as domestic law was silent on the minimum age for participation in hostilities, it appeared that any person, once recruited and trained, could be sent into combat, including for military service outside the country.⁵ No information was provided on the number of under-18s in the security forces.

- 1 BBC News, "Country profile: Trinidad and Tobago", 18 December 2003, <http://news.bbc.co.uk>.
- 2 Interim report of UN Special Rapporteur on the fight against racism, racial discrimination, xenophobia and related intolerance, UN Doc. A/58/313, 22 August 2003, <http://www.ohchr.org>.
- 3 Trinidad and Tobago Defence Force, <http://www.ttdf.mil.tt>.
- 4 Second periodic report of Trinidad and Tobago to UN Committee on the Rights of the Child, June 2003, (to be considered by the Committee in 2005), <http://www.ohchr.org>.
- 5 Second periodic report of Trinidad and Tobago to UN Committee on the Rights of the Child, op. cit.

UNITED STATES OF AMERICA

United States of America

Population: 291.0 million (75.4 million under 18)
Government armed forces: 1.4 million
Compulsory recruitment age: 18 (conscription not currently in force)
Voluntary recruitment age: 17
Voting age: 18
Optional Protocol: ratified 23 December 2002
Other treaties ratified (see glossary):
ILO 182

Following ratification of the Optional Protocol in December 2002, the armed forces issued instructions to commanders about their obligations of compliance. Nevertheless, at least 62 soldiers aged 17 participated in US military operations in Afghanistan and Iraq in 2003 and 2004. Approximately 10,000 recruits every year enlist voluntarily at the age of 17 for active duty in the armed forces.

Context

Following the 11 September 2001 attacks on the World Trade Center and the Pentagon, the USA launched a military campaign against terrorism, "Operation Enduring Freedom", which began with a US-led military campaign against *al-Qaeda* and the *Taliban* government in Afghanistan, leading to the collapse of the *Taliban* in November 2001. The recorded number of deaths of US soldiers in "Operation Enduring Freedom", in Afghanistan, the Philippines and other locations between 7 October 2001 and 8 May 2004, was 120.¹

In March 2003 a US-led coalition invaded Iraq with approximately 150,000 US ground troops. After the Iraqi government fell in April 2003, fighting continued between US-led forces and Iraqi insurgents. Between March 2003 and 8 May 2004, 764 US soldiers died during the Iraqi operation.² The number of Iraqi deaths was unknown.

US military forces are stationed in more than 130 countries worldwide. As of 31 December 2003, nearly 170,000 US troops were deployed in and around Iraq under "Operation Iraqi Freedom".³ Approximately 8,500 were stationed in Afghanistan.⁴

Government

National recruitment legislation and practice

The USA currently maintains an all-volunteer military force, and accepts both male and female recruits from the age of 17 (US Code 10 USC 505). Parental consent is required for under-18s. The present law regulating the draft (50 USC App. 454.455) allows for conscription at the age of 18, although the draft has not been activated since 1973, at the end of the Vietnam war.

In 2002 the US Congress enacted the No Child Left Behind Act of 2002, which requires secondary schools to provide military recruiters with the names, addresses and telephone numbers of all juniors and seniors. Schools that fail to comply risk losing federal funds.⁵ In January 2003 members of Congress proposed legislation to the Senate and House of Representatives requiring men and women to perform either military or civilian service.⁶ No action was taken on the draft legislation.

Child recruitment

In the year to 30 September 2002, 26,755 recruits aged 17 joined the armed forces: 9,870 into the active armed forces (7,699 boys and 2,171 girls), representing five per cent of all new active duty recruits; and 16,885 into the reserve forces (12,141 boys and 4,744 girls), constituting 23 per cent of new reserve recruits.⁷

Most new recruits enter the armed services through the Delayed Entry Program, which allows training to be deferred for up to a year, in particular to let students enlist while still at school and report for training after they graduate. As a result, the number who are 17 years old when they sign enlistment contracts is substantially larger than the number who are 17 when they begin their basic training. In the year to 30 September 2003, for example, 11,309 new recruits aged 17 signed enlistment contracts to join the army but only 3,389 of those reporting for basic training were still 17.⁸ Depending on the branch of service, typically between four and seven per cent of new active duty recruits are 17 years old when they report for training.⁹

In 2002, between 13 and 21 per cent of those who had signed up to enter the armed forces through the Delayed Entry Program asked to be released from their contracts. They are currently allowed to do so without prejudice, punishment or requirement to fulfil reserve obligations.

Training periods for new recruits range from four months for the navy and air force, five months for the army, and six months for the Marine Corps. By the completion of training, nearly all recruits have turned 18. In 2001 more than 99 per cent of those who had completed

training and been assigned to units were 18 or older.¹⁰

The Defense Department targets high school seniors (students in their final year of secondary school) for recruitment. However, high school juniors, typically aged about 16, may enlist and attend basic training after their junior year of high school, and then enter skills training a year later after graduation.¹¹

Over 470,000 high school students are enrolled in the Junior Reserve Officer Training Corps (JROTC), a program that they may join as cadets from the age of 14. At over 2,900 secondary schools, cadets attend an elective course taught by retired military personnel. The military provides uniforms and instructional materials, and shares the costs of the instructors with the schools. Girls make up 56 per cent of army cadets, and about 40 per cent of air and navy cadets.¹² The program's stated goal is to motivate and develop young people.¹³ Its curriculum includes communication skills, leadership, physical fitness, history and citizenship, and drug abuse prevention. Cadets participate in military drills with real and dummy firearms, and some programs include marksmanship and use of guns in firing ranges. Effectively, the program serves to boost recruitment to the armed forces.¹⁴ By 2007 it is expected to expand from 1,555 schools to 1,645 in the army JROTC, and by an additional 201 schools in the air force JROTC.¹⁵

Child deployment

Before ratification of the Optional Protocol, US military practice had been to assign recruits to units, including combat units, after they completed basic and technical training, even if they were still aged 17. After ratification, the different branches of the armed forces revised their assignment and deployment policies to different degrees.

In the army, assignment authorities and commanders were advised in January 2003 of an approved army policy to "Not assign or deploy soldiers, less than 18 years of age, outside the continental US, Puerto Rico or territories or possessions of the United States". They were to take immediate action not to deploy under-18s overseas and to arrange for the return by 30 April 2003 of any soldiers under the age of 18 who were already outside the continental USA. Field commanders were reminded of the policy in February 2004, and it was published in the *Army Times* in March 2004. The Director of Military Personnel Policy for the US Army stated in a letter to Human Rights Watch that "A total of 62 soldiers were 17 years old upon arrival to both Afghanistan and Iraq during 2003 and 2004. These 62 soldiers served in all capacities in the Army". He stated that as of 29 March 2004 there were no soldiers in Iraq who were 17 years old.¹⁶

In a further letter, sent in June, he stated that fifty-three of those soldiers had been deployed in Iraq, five to Afghanistan and two to Kuwait.¹⁷

The navy's policy since February 2001 had been that members of the service who had not turned 18 could be assigned to operational units "provided that the assignment will not result in the service member being placed into immediate and actual participation in combat".¹⁸ On 28 February 2003 a changed assignment policy stipulated that "At no time will an enlisted member under the age of 18 be issued orders that require reporting to an operational command", including in a commissioned vessel or deployable squadron. Commanders were instructed to use training to ensure that recruits were 18 before they were assigned a permanent duty or to assign them to shore duty.¹⁹ The navy had no record of any under-18s serving in Afghanistan or Iraq in 2003 or 2004 and used training and monitoring of assignment records to minimize the possibility of deploying under-18s outside the continental USA.²⁰

In contrast, guidance sent to Marine Corps commanders in January 2003 does not preclude deployment of 17 year olds in overseas operations. Commanders should "weigh the mission requirements against the practicability of diverting 17-year-old Marines from combat". The guidance also states that "Taking all feasible measures to ensure Marines under 18 years of age do not take part in hostilities should not be allowed to unduly interfere with the commander's primary responsibility of mission accomplishment".²¹ The Marine Corps did not respond to written inquiries as to whether 17-year-old soldiers had been deployed in combat.

The air force did not respond substantively to written inquiries about the steps taken to implement the Optional Protocol.

Detention of suspected child soldiers

In April 2003 the military acknowledged that children were among detainees held by the USA at Guantanamo Bay in Cuba, including three believed to be between the ages of 13 and 15. The Department of Defense said they were all "enemy combatants" captured while "actively participating in hostilities against US forces".²² In August 2003 the US commander at Guantanamo Bay said that the three youngest children were forced to become child soldiers and "kidnapped into terrorism".²³ Human rights groups urged the immediate release of the children into rehabilitation programs for former child soldiers, emphasizing the legal obligations under the Optional Protocol to facilitate the rehabilitation and reintegration of child soldiers within US jurisdiction.²⁴ The three youngest children were released in January 2004 and were returned to their unspecified home countries, where UNICEF and its partners took responsibility for providing

rehabilitation assistance.²⁵ The Department of Defense acknowledged that an unspecified number of children, aged 16 and 17, remained at Guantanamo Bay, unsegregated from adult detainees and without education or rehabilitation assistance.²⁶

Other developments

In 2002 Congress adopted the Foreign Relations Authorization Act of FY 03 (H.R.1646), which required the State Department's annual human rights reports to include the "nature and extent of the compulsory recruitment and conscription of individuals under the age of 18" by all armed groups in every country. The reports must describe the steps taken by governments to eliminate such practices and must show the countries that have ratified the Optional Protocol. The 2003 report, released in February 2004, highlighted 28 countries that use child soldiers.

On 7 and 8 May 2003, the Department of Labor sponsored an international conference on the prevention and rehabilitation of child soldiers, attended by former child soldiers from Burundi, Colombia, El Salvador, Philippines, Sierra Leone and Uganda. At the conference, Secretary of Labor Elaine L. Chao announced US\$13 million in new funding for education, and disarmament, demobilization and reintegration programs. These included the International Programme on the Elimination of Child Labour of the International Labour Organization and education projects for former child soldiers in northern Uganda and Afghanistan.²⁷ While visiting a number of African countries in December 2003, Secretary Chao met former child soldiers and raised issues related to child soldiers in meetings with President Kabila of the Democratic Republic of the Congo.²⁸

* see glossary for information about internet sources

- 1 Department of Defense, <http://www.defendamerica.mil/fallen.html>.
- 2 Department of Defense, op. cit.
- 3 Department of Defense, <http://www.defendamerica.mil>.
- 4 CNN.com, "7 US troops killed in Afghanistan", 30 January 2004.
- 5 *National Catholic Reporter*, "Law Opens Recruiting Access", 28 March 2003.
- 6 H.R. 163 and S. 89.
- 7 Office of the Under Secretary of Defense, Personnel and Readiness, *Population Representation in the Military Services*, Fiscal Year 2002, March 2004, Tables B-1 and C-2.
- 8 Sean J. Byrne, Brigadier General, US Army, Director of Military Personnel Policy, letter to Human Rights Watch (HRW), 2 April 2004.
- 9 *Population Representation in the Military Services*, op. cit.
- 10 Communication from Office of the Assistant Secretary of Defense for Public Affairs, Department of Defense, to HRW, 6 March 2001.
- 11 *Population Representation in the Military Services*, op. cit.
- 12 *National Catholic Reporter*, "Junior ROTC at a Glance", 28 March 2003.
- 13 US Army JROTC, <https://gateway.usarmyjrotc.com/http://portal.usarmyjrotc.com/jrotc/dt>.
- 14 American Friends Service Committee, Youth and Militarism Program, <http://www.afsc.org/youthmil/jrotc/Default.htm>.
- 15 US Army JROTC, <https://gateway.usarmyjrotc.com/http://portal.usarmyjrotc.com/jrotc/dt/library/history.html>; Air Force News Service, "Air Force JROTC Instructor Duty", 22 September 2003, <http://usmilitary.about.com/cs/airforce/a/afjrotcinspect.htm>.
- 16 Sean J. Byrne, US Army, letter to HRW, 2 April 2004, op. cit.
- 17 Sean J. Byrne, US Army, letter to HRW, 24 June 2004.
- 18 Chief of Naval Operations, *Implementation Plans for Age 18 Standard for Participation in Combat*, 10 February 2001.
- 19 Navy Personnel Command, *First-Term Personnel Assignment Policy*, 28 February 2003.
- 20 Communication from Department of the Navy, Navy Personnel Command, to HRW, 21 May 2004.
- 21 Commandant of the Marine Corps, US Marine Corps, *17 Year Old Marines in Combat*, 23 January 2003.
- 22 Communication to HRW, 12 May 2003.
- 23 BBC News, "Guantanamo may free children", 22 August 2003, <http://news.bbc.co.uk>.
- 24 Amnesty International, *Children detained at Guantanamo should be released, says Amnesty International*, 23 April 2003; and HRW, *US: Guantanamo kids at risk*, 24 April 2003, <http://www.hrw.org>.
- 25 HRW, *US: Despite releases, children still held at Guantanamo*, 29 January 2004.
- 26 Detainee Policy Group interview with the Defense Department, 10 November 2003; HRW, *US: Despite releases, children still held at Guantanamo*, op. cit.
- 27 Department of Labor, *US Labor Secretary Elaine L. Chao convenes international conference on child soldiers*, 7 May 2003.
- 28 Information from Department of Labor to Child Soldiers Coalition USA, 11 March 2004.

URUGUAY

Eastern Republic of Uruguay

Population: 3.4 million (1.0 million under 18)

Government armed forces: 24,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 9 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Uruguay has affirmed that it does not allow voluntary recruitment of under-18s in any circumstances. Students aged 16 may enrol in a military school where they receive “pre-military” instruction.

Context

The Peace Commission, established in August 2000, to clarify the fate of the “disappeared” during the military dictatorship of 1973-1985, published its findings in April 2003. The report contains documented evidence of the torture and extrajudicial executions of dozens of Uruguayan and Argentine nationals. Nobody was brought to justice for these crimes.¹

Government

National recruitment legislation and practice

Enrolment into Uruguay’s armed forces is voluntary and candidates must be 18 years of age. It provides an opportunity for vocational training which includes military instruction, including the handling of weapons.²

Uruguay supports a “straight-18” position. In its declaration made on ratification of the Optional Protocol in September 2003, Uruguay affirmed that it does not allow voluntary recruitment of under-18s in any circumstances, even in time of war.³

Military training and military schools

Students may enrol from the age of 16 at the *Liceo Militar General Artigas* (General Artigas Military School), a military secondary school run by the Ministry of Defence. The school provides a general secondary education and weekly “pre-military” instruction. Students participate in annual army manoeuvres. Graduates can opt to enter army, navy, air force and police academies.⁴

- 2 Comments by Uruguay on the Report of the Working Group on a draft optional protocol to the Convention on the Rights of the Child, UN Commission on Human Rights, UN Doc. E/CN.4/1999/WG.13/2/Add.1, 8 December 1998, <http://www.ohchr.org>.
- 3 Declaration made by Uruguay on ratification of the Optional Protocol, <http://www.ohchr.org>.
- 4 Liceo Militar General Artigas, <http://www.liceomilitar.edu.uy>.

¹ *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

VENEZUELA

Bolivarian Republic of Venezuela

Population: 25.2 million (9.9 million under 18)

Government armed forces: 82,300

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 23 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138

Venezuelans over 18 are liable for military service of up to 18 months. Under-18s in the last two years of school are required to undergo pre-military instruction. Children from 14 years old can attend military schools under the authority of the Defence Ministry where they can attend approved courses regarded as equivalent to military service. There were reports of Colombian armed political groups recruiting under-18s in border areas of neighbouring countries, including Venezuela.

Context

There were increasing fears that the armed conflict in neighbouring Colombia was spreading through the region. Refugees fleeing the conflict and seeking asylum in Venezuela increased in number. Colombian armed political groups frequently crossed the border, engaging in armed hostilities with other armed groups, forcibly recruiting asylum seekers, and trafficking drugs and people.¹

Government

National recruitment legislation and practice

The constitution states that “Everyone, in accordance with the law, has the duty to provide the necessary civilian or military services for the defence, preservation and development of the country, or to deal with situations of public emergency. No one may be subjected to forced recruitment” (Article 134).²

The Military Conscription and Enlistment Act establishes that all Venezuelans between 18 and 50 are of “military age” and have military obligations (Article 4). No one under the age of 18 has military obligations or is required to register for military service.³ Compulsory military service is for a maximum of 18 months (Article 15). Women must register for service and may

volunteer to serve in the armed forces during peacetime. In a state of emergency, women may be subject to conscription (Article 65).⁴

Military training and military schools

The Military Conscription and Enlistment Act requires all secondary school students to complete pre-military instruction during the last two years of schooling, when they are usually 15 to 17 years of age (Article 71). This is in addition to compulsory military service (Article 73). In state or private military secondary schools, students who complete military instruction courses approved by the Ministry of Defence are deemed to have completed military service (Article 63).⁵ Such military schools enrol children from 14 years of age and are under the authority of the Ministry of Defence.⁶

On 17 November 2000 human rights organizations in Venezuela applied to the courts for annulment of a decision by the Education Ministry to establish compulsory military instruction, on the grounds that it was in breach of the constitution. The case was still awaiting decision in early 2004.⁷

Armed political groups

UNHCR reported that armed political groups from Colombia were recruiting under-18s in border areas of Ecuador, Panama and Venezuela.⁸ In 2002 UNHCR in Venezuela warned of an increase in the recruitment of children by Colombian armed opposition groups, with dire consequences for the protection of refugees and asylum seekers, in particular children.⁹

1 UNHCR, “Colombia: Aumenta temor por inseguridad en fronteras” in *Actualidad en las Américas*, No. 2, 1 October 2002, <http://www.acnur.org>.

2 Constitution, cited in Declaration made by Venezuela on ratification of the Optional Protocol, <http://www.ohchr.org>.

3 Declaration by Venezuela, op. cit.

4 *Ley de Conscripción y Alistamiento Militar*, <http://www.gobiernoenlinea.ve> (Legislación).

5 *Ley de Conscripción y Alistamiento Militar*, op. cit.

6 Jauregui Military School, <http://www.licmiljau.mil.ve> (Misión).

7 Communication from Programa Venezolano de Educación y Protección de los Derechos Humanos (PROVEA), Venezuela, 3 March 2004.

8 BBC Mundo, “Grupos armados ‘reclutan niños’”, 21 May 2002, <http://news.bbc.co.uk>.

9 UNHCR News, “Colombia: preocupación de ACNUR por el reclutamiento de niños refugiados”, 21 May 2002.



This 7-year-old girl in Panama is one of thousands of children affected by war throughout the region.

© UNICEF / César Villar, 2002



Aike Tun, 16, escaped from his unit at the Tatmadaw (Myanmar armed forces) in December 2003. He had been forcibly conscripted at 13.

© Child Soldiers Coalition, 2004

Asia/Pacific

Regional overview

Thousands of boys and girls were recruited and used in active conflicts and ceasefire situations in **India, Indonesia, Myanmar, Philippines, Nepal** and **Sri Lanka**. The use of children by armed groups in **Laos** was also reported. Many child soldiers were forcibly abducted but others enlisted voluntarily in response to perceived injustices, poverty and unemployment. Girls often joined up to escape forced marriages and domestic servitude at home. Provision for rehabilitating and reintegrating former child soldiers into their communities was scarce. Governments restricted the access of human rights monitors to conflict zones.

Myanmar – child soldiers in the army

Alone among states in the region, Myanmar continued forcibly recruiting large numbers of boys, some as young as 12. The government said service was voluntary and the minimum age of recruitment 18. Yet former child soldiers and other witnesses reported that thousands of under-18s, possibly tens of thousands, were still in the ranks. Boys were abducted from schools, bus stations and the streets. They were beaten and detained if they tried to escape the poor food and harsh conditions in military camps. Deployed to the front line, some were involved in fighting opposition groups, although ceasefire agreements had been signed with many of these groups by March 2004. A further several thousand child soldiers were believed to remain within the ranks of armed opposition groups in Myanmar.

The government said in October 2003 that it was taking steps to prevent child recruitment. However, procedures to allow

complaints to the International Labour Organization about forced child recruitment had yet to be implemented by March 2004. No official demobilization programs had been established and independent monitoring was still banned.

Civil conflict

In **Afghanistan**, as many as 8,000 boys, most aged between 14 and 18, were involved with factional armed groups and militias. Many had been disarmed and returned home, but they remained under a military command structure. Reports also emerged of girls under 18 being forced into early marriages with commanders and carrying out domestic labour under the command structure of factional groups.

Children aged between 13 and 18 were reportedly used by the Free Aceh Movement (GAM) in the Nanggroe Aceh Darussalam province of **Indonesia** to throw grenades, steal guns and burn schools, although monitoring was difficult owing to severe government restrictions on access to the region.

Access was also obstructed in localized armed conflicts in **India**, and human rights activists faced accusations of “anti-national” activities. Nevertheless, reports persisted of children being forcibly recruited from the age of 13 in Jammu and Kashmir, and in several states elsewhere in India. They were used primarily as porters, guides and for domestic work. Male youths aged between 15 and 18 reportedly joined a variety of armed groups in northeastern states primarily to escape poverty and provide for their families. According to some accounts they received

weapons and training although it was unclear whether they engaged in combat.

In **Laos**, there were reports of child soldiers being used by the Hmong ethnic minority in hostilities with government armed forces in jungle areas, although few details were available.

In the **Philippines**, government forces reported capturing children actively involved in combat in the forces of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines. Children were also captured during skirmishes with the Moro Islamic Liberation Front (MILF). Both opposition groups pledged not to recruit under-18s and said they would assign them to non-combat duties if they did join up. In March 2004 the NPA told the Child Soldiers Coalition that no under-18s remained in its ranks. The MILF said its policy was not to recruit children under 15, but MILF members aged 14 and 15 were killed in clashes with government forces in May 2003.

The seven-year conflict in **Nepal** between government forces and the Communist Party of Nepal (CPN)(Maoist) resumed after a six-month ceasefire collapsed in August 2003. Reports continued of Maoist forces using children aged from about 14 to carry ammunition and help care for the wounded. Areas under Maoist control remained inaccessible to monitoring, but large-scale abductions of schoolchildren for forcible political education or military training were reported in 2003. Most but not all were returned to their homes after a few days.

In **Sri Lanka** hundreds, perhaps thousands, of children remained in the ranks of the opposition Liberation Tigers of Tamil Eelam (LTTE), most recruited at around the age of 15 and just under half of them girls. Living under strict discipline in military camps, sometimes far from home, they carried out a range of duties, including live firing exercises. A 2001 ceasefire remained in force, and several hundred

children were released in the months following a July 2003 demobilization agreement with UNICEF. In April 2004, 1,300 under-18s left LTTE ranks following a split between the northern-based leadership and the eastern command. However, forcible child recruitment persisted throughout 2003 and intensified in 2004 as the LTTE leadership sought to re-establish its forces in the eastern part of the country.

Governments: use and treatment of children in conflict

Most government forces involved in armed conflicts did not formally recruit under-18s or deploy them in hostilities. In **Sri Lanka**, the use of children by government-linked paramilitary groups, reported in 2001, appeared to have ended after a ceasefire later that year. However, government forces in **Indonesia** and **Nepal** used children informally as couriers and spies, jeopardizing their reintegration and their safety. In **Nepal** and **India**, there was also a risk of children being drawn into village self-defence militias set up with government backing.

There was evidence of children being targeted by government forces for suspected involvement with armed groups. The national human rights commission in **Indonesia** said that two children, killed after government forces clashed with GAM members in mid-2003, had been among victims of extrajudicial killings. Children were reportedly detained under anti-terrorist laws for suspected involvement in armed groups in **India** and **Nepal**. Children were also reportedly killed and injured during government operations to capture suspected Maoists in **Nepal**, including in one attack on a school in October 2003.

Reintegration programs for child soldiers

In **Afghanistan** and **Sri Lanka**, governments worked in partnership with UNICEF and non-governmental organizations on disarmament,

demobilization and reintegration (DDR) programs for child soldiers. By mid-2004, over 2,000 children had been demobilized in Afghanistan and just over 1,000 in Sri Lanka. In Sri Lanka the program was undermined by the LTTE's failure to hand over their underage soldiers and by aggressive re-recruitment. The **Philippines** government established a program to manage the rescue and reintegration of child soldiers, and the armed forces were required to hand over captured under-18s to civilian authorities and provide medical treatment.

Elsewhere few, if any resources were devoted to reintegrating former child soldiers. Children who fled the **Myanmar** army and crossed the border into Thailand lived in camps or as "illegal immigrants" along the border. They were at risk of being returned to Myanmar by the Thai authorities. There was little information available about piecemeal initiatives to assist war-affected children in **Indian** states. In July 2003, the **Indonesian** government announced plans to establish rehabilitation centres for children affected by the conflict in Nanggroe Aceh Darussalam province, but it was unclear whether suspected GAM members would benefit.

Hundreds of former child soldiers in **Papua New Guinea** received little or no assistance in the aftermath of civil conflict on the island of Bougainville between 1997 and 2003, according to the government because of lack of resources. A similar situation prevailed in the **Solomon Islands** where a DDR program established by the UN in 2002 appeared to make no special provision for former child soldiers.

The legal framework

There was some progress in strengthening legal protection for child soldiers. Legislation criminalizing the recruitment of children for use in armed conflict was introduced in **Indonesia** in 2002 and in the **Philippines** in 2003. The transitional government in

Afghanistan set 22 as the minimum age for voluntary recruitment in May 2003, and in July 2004 **Cambodia** adopted a "straight-18" position, prohibiting the recruitment of any under-18s. In July 2004, **India** was reportedly planning to raise the minimum voluntary recruitment age into the Indian armed forces from 16 to 17 years and six months. Seventeen states had ratified International Labour Organization Convention 182, which defines the forced or compulsory recruitment of children for use in armed conflict as "one of the worst forms of child labour".

Overall, however, Asia continued to be the only region without a regional body monitoring human rights and governments remained reluctant to ratify key international human rights treaties or to speak out against human rights violations. Only nine out of 41 states had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and only 11 had signed it, among them **Australia, China, Indonesia and Japan**. Among those yet to sign were **India, Myanmar and Thailand**.

Thirteen countries continued to permit the voluntary recruitment of under-18s into their armed forces, including **Australia, Brunei, China, India, New Zealand, North Korea and Singapore**, although under-18s were barred from active service in New Zealand.

Optional Protocol: ratifications and signatures

Acceded/ratified: Afghanistan, Bangladesh, Cambodia, Japan, New Zealand, Philippines, Sri Lanka, Timor-Leste and Viet Nam. **Signed:** Australia, China, Indonesia, South Korea, Maldives, Mongolia, Nepal, Nauru, Pakistan, Singapore. **Not signed:** Bhutan, Brunei, Cook Islands, Fiji, India, Kiribati, North Korea, Laos, Malaysia, Marshall Islands, Micronesia, Myanmar, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Taiwan, Thailand, Tonga, Tuvalu, Vanuatu.

AFGHANISTAN

Afghanistan

Population: 22.9 million (11.4 million under 18)

Government armed forces: 6,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 22

Voting age: 18

Optional Protocol: acceded 24 September 2003

Other treaties ratified (see glossary):

CRC, ICC

There were no reports of under-18s serving in the armed forces. Boys reportedly joined or were forcibly recruited into factional armed groups and militias. There were reports that girls were forced into early marriages with armed group commanders. The number of actual and former child soldiers was estimated at around 8,000. Under-18s arrested in Afghanistan were held at the US military detention camp at Guantanamo Bay, Cuba.

Context

For most of 2001 fighting continued between the *Taliban*, then controlling over 90 per cent of the country, and the United Front, also known as the Northern Alliance, an armed alliance supported by the UN-recognized government. In November 2001 the *Taliban* fell after a US-led military intervention, and in December UN-brokered talks culminated in the Bonn Agreement and the establishment of a six-month interim authority. In June 2002 an Emergency *Loya Jirga* (General Assembly) established the Afghan Transitional Authority, which had virtually no control outside the capital, Kabul. Local armed groups and regional commanders continued to act with impunity and to consolidate regional power bases through the use of private armies. The security situation deteriorated, with increased lawlessness, factional fighting and human rights abuses by armed groups. In October 2003, after repeated calls by the transitional government, the UN and non-governmental organizations (NGOs), the UN Security Council authorized the expansion of the International Security Assistance Force (ISAF) beyond Kabul.¹

Government

National recruitment legislation and practice

A Presidential Decree passed in December 2002 established the transitional government's

armed forces. Under the decree, "recruitment ... will be voluntary and inclusive of all social and ethnic groups" and all recruits are required to complete a training program.² A further decree issued in May 2003 states that "the minimum age for recruitment of Afghan citizens to an active military service is limited by the age of 22 to 28". The decree says that forced or coerced recruitment is prohibited.³ There were no reports of under-18s serving in the armed forces.

US occupying forces

Following US ratification of the Optional Protocol in December 2002, a new policy banned deployment of under-18s overseas. However, 62 US soldiers aged 17 served "in all capacities" in the army in Afghanistan and Iraq in 2003 and 2004.⁴ Of these, five had been deployed to Afghanistan.⁵ By the end of March 2004, there were no US soldiers in Afghanistan or Iraq under the age of 18.⁶

Armed political groups

Although accurate documentation on the numbers of children actively associated with armed groups was not available, UNICEF reported in mid-2003 that boys aged between 14 and 18 continued to be involved in such groups. They were attracted by promises of payment or education, by a desire to protect their own communities, or by the status and power of carrying weapons. Some joined voluntarily, but others were coerced under threat of death or injury. In some cases local commanders demanded that families provide a son to fill quotas imposed by regional commanders. Parents also sent their children to join armed groups for ideological reasons, and under-18s joined up alongside their brothers or other family members.⁷

Before the US-led intervention, there were some reports of the use of children by the *Taliban*. In September 2001 the Chairman of the Human Rights Commission in Pakistan warned of possible increased recruitment of young men and boys from Islamic schools (*madrasas*) in Pakistan to join the *Taliban* in the event of a US-led attack on Afghanistan.⁸ One teacher at an Islamic school in Pakistan said that students were aged 20 or above before they were sent to fight in Afghanistan.⁹ Little information was available on the use of child soldiers by the Northern Alliance from early 2001, although, as fighting against the *Taliban* intensified towards the end of the year, children were reportedly on the front lines.¹⁰

According to UNICEF, all fighting forces used children throughout the war, including the *Taliban*, the Northern Alliance, Afghan military forces and other armed groups. Boys between the ages of 14 and 18 were used as spies, messengers, porters, security guards and

cooks. They were also used to carry weapons and ammunition, dig trenches, search for the wounded and bury the dead. Only older boys who were “close to the high command” received basic weapons training.¹¹

There were some reports of girls performing domestic work under the command structure of armed groups and being forced into early marriages with commanders.¹²

Disarmament, demobilization and reintegration (DDR)

In July 2003 UNICEF estimated there were approximately 8,000 former and actual child soldiers associated with armed groups. Although a considerable number had been disarmed and returned home, they remained under a military command structure. Local commanders had registers of former combatants, including children, who could be ordered to return to the groups in the event of an upsurge in fighting.¹³

A community-based demobilization and reintegration program, established by UNICEF in collaboration with the UN Assistance Mission in Afghanistan (UNAMA), governments and NGOs, began operations in February 2004.¹⁴ By March UNICEF had facilitated and supported the demobilization of 1,075 children in the northeastern regions. The program aimed to demobilize 5,000 child soldiers, and provide reintegration support to a further 10,000 children associated with armed groups in 2004.¹⁵ Projects included assisting former child soldiers to gain access to education, vocational and life skills training, work opportunities, psychosocial support and material assistance.¹⁶ Locally-elected verification committees, who included representatives of local government (*shuras*), identified underage children associated with armed groups. Once demobilized, the children had a medical and psychosocial assessment.¹⁷

NGOs emphasized the need for systematic community-based efforts to ensure that reintegration programs were effective and included mechanisms to protect children from recruitment into armed groups, and to address sensitive issues such as the sexual abuse of boys as well as girls involved with armed groups.¹⁸ In February 2003 the NGO Consortium for the Psychosocial Care and Protection of Children, comprising the Christian Children's Fund, International Rescue Committee and Save the Children Federation, received funding from the US Agency for International Development (USAID) to assist particularly vulnerable children, including former child soldiers.¹⁹ The program includes emotional support for children affected by war, provided through children's group psychosocial initiatives, non-formal education and skills training.²⁰

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Decree of the President of the Islamic Transitional State of Afghanistan on the Afghan National Army, 1 December 2002.
- 3 Decree 25, President of the Islamic Transitional State of Afghanistan, 25 May 2003.
- 4 Sean J. Byrne, Brigadier General, US Army, Director of Military Personnel Policy, letter to Human Rights Watch (HRW), 2 April 2004.
- 5 Sean J. Byrne, US Army, letter to HRW, 24 June 2004.
- 6 Sean J. Byrne, US Army, 2 April 2004, op. cit.
- 7 UNICEF, *Rapid assessment on the situation of child soldiers in Afghanistan*, July 2003.
- 8 IRIN, “Pakistan: Fears of increased Taliban recruiting from Islamic Schools”, 26 September 2001, <http://www.irinnews.org>.
- 9 AFP, “Breeding grounds for Taliban soldiers thrive in Pakistan”, 13 November 2001.
- 10 *New York Times*, “12-year-olds take up arms against Taliban”, 2 October 2001.
- 11 UNICEF, op. cit.
- 12 Information from Save the Children, June 2004.
- 13 UNICEF, op. cit.
- 14 BBC, “Afghan child soldiers’ new start”, 10 February 2004, <http://news.bbc.co.uk>.
- 15 Information from UNICEF, 7 April 2004.
- 16 AFP/*Daily Times*, 25 August 2003, <http://www.dailytimes.com.pk>.
- 17 IRIN, “UNICEF makes progress in child-soldier demobilization work”, 20 February 2004.
- 18 Information from Save the Children, op. cit.
- 19 Christian Children's Fund, *CCF receives USAID grant to provide assistance for Afghanistan's most vulnerable children*, 13 April 2003.
- 20 USAID, Country Programs: Afghanistan, <http://www.usaid.gov>; Information from Save the Children, op. cit.

AUSTRALIA

Australia

Population: 19.5 million (4.7 million under 18)

Government armed forces: 53,650

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 21 October 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC

There were around 250 under-18s serving in the armed forces in August 2004, of whom over 40 were under 17^{1/2}.

Context

Australian troops participated in overseas operations in Iraq and East Timor, and Australia led a regional intervention to end civil conflict and lawlessness in the Solomon Islands in July 2003.¹ Anti-terrorist legislation was enacted in 2002 and 2003 and in June 2004 a new law gave the authorities powers to detain people suspected of having information about “terrorist” offences for seven days before being brought before a court.² International and national criticism continued of the government’s immigration and refugee policies, particularly of the detention of asylum seekers without the possibility of review. Those detained included unaccompanied children.³

Government

National recruitment legislation

The Defence Act 1903 allows for the introduction of conscription in wartime by a proclamation that has the approval of both houses of parliament (Section 60). The Act specifies 18 as the minimum conscription age (Section 59). The legal basis for voluntary recruitment is provided by the Defence Act (Article 34), the Naval Defence Act 1910 (Article 24) and the 1923 Air Force Act (Article 4E). They do not specify a minimum age for voluntary recruitment.⁴

Its 1996 report to the UN Committee on the Rights of the Child, the government said that the minimum voluntary recruitment age was 16 years for the navy and 17 years for the army and air force.⁵ The government stated that under-18s in the armed forces were “not normally deployed to areas which would result in their direct involvement in armed conflict”, and that it was actively considering the question of voluntary recruitment of under-18s and their direct participation in hostilities.⁶ As of August 2004, Australia had not ratified the Optional Protocol.

Current Ministry of Defence recruitment information specifies 17 as the minimum voluntary recruitment age for all three forces. Recruits may apply to join the navy and air force from the age of 16 years and nine months, but will “not normally” enter the armed forces until they are at least 17. The enlistment of under-18s must be voluntary and accompanied by written parental consent and proof of age in the form of an original or certified copy of a birth certificate. The Ministry of Defence states that the armed forces “will take all feasible measures to ensure that minors do not take part in hostilities. However there will be times that this will not be possible”.⁷

Deployment

In August 2004, 254 under-18s were serving in the armed forces, 46 of whom were under 17^{1/2}. Only 12 under-18s were fully trained and the remaining 242 were in training programs.⁸

Military training and military schools

The age requirements for entry to military training establishments, which include the Australian Defence Force Academy, the Australian Defence College and the affiliated Centre for Defence and Strategic Studies, were not specified.⁹ Most new recruits initially attend a training establishment or program before joining regular service units, the government reported in 1996. Officer cadets take a four-year course at the Australian Defence Force Academy. General recruits follow a nine-month training program, and sometimes join regular units shortly before they are 18. Further training or specialization may follow short programs, including the three months’ basic entry training for soldiers.¹⁰

About 25,000 young people are involved in the Australian Defence Force Cadets, which comprise army, navy and air force cadet corps, each administered by the respective branch of the forces. Cadets are not members of the armed forces, according to the Defence Act (Article 62), the Naval Defence Act (Article 4) and the Air Force Act (Article 4). The minimum age of entry is 12 years and six months. The cadet corps aspires to develop “youth with a sense of purpose, responsibility, respect of self and others” and enables cadets to take part in “adventurous, fulfilling and educational activities in a military setting”. Activities include firearms training. The government states that joining the cadet force may represent a “first voluntary step towards recruitment in the permanent or reserve forces”.¹¹

1 Department of Defence, <http://www.defence.gov.au> (Global operations).

2 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

- 3 Department of Defence, op.cit.; Australian Federal Police, "Operation Helpem Fren", 17 May 2004, <http://www.afp.gov.au> (International).
- 4 Attorney-General's Department, Scaleplus law resource, <http://scaleplus.law.gov.au>.
- 5 Initial report of Australia to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.31, 1 February 1996, <http://www.ohchr.org>.
- 6 Initial report to UN Committee on the Rights of the Child, op. cit.
- 7 Australian Defence Force, Important Requirements of ADF Service, http://www.defencejobs.gov.au/careers_explorer/AddInfo4.html.
- 8 Child Soldiers Coalition correspondence with the Army Advisor, Australian High Commission, London, 13 August 2004.
- 9 Department of Defence, <http://www.defence.gov.au> (Careers and Learning).
- 10 Initial report to UN Committee on the Rights of the Child, op. cit.
- 11 Australian Defence Force Cadets, CadetNet, <http://www.cadetnet.gov.au>.

BANGLADESH

People's Republic of Bangladesh

Population: 143.8 million (64.7 million under 18)

Government armed forces: 125,500

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: ratified 6 September 2000

Other treaties ratified (see glossary):

CRC, GC API and II, ILO 182

The minimum age for voluntary recruitment was 16, and under-18s were reported to be serving in the armed forces. It was not known whether armed political groups were using under-18s.

Context

There was no resolution to the conflict in the Chittagong Hill Tracts, southeastern Bangladesh, which began in the mid-1970s, between indigenous peoples, Bengali settlers and the security forces. The ruling Bangladesh National Party (BNP) halted implementation of the remaining provisions of a 1997 peace accord after its election in 2001. The move prompted fresh violence in 2002 between tribal groups and the security forces.¹ In the run-up to the 2001 elections there were violent clashes between supporters of the BNP and the Awami League, in which about 150 people were killed and thousands injured. The Awami League, the former ruling party, alleged that the elections were rigged and boycotted parliament. Following the elections, hundreds of Hindu families were reportedly subjected to violent attacks, allegedly by BNP supporters because of their perceived support for the Awami League. Torture remained widespread and police used excessive force during opposition or trade union demonstrations. In 2003 at least 13 people died in police custody.²

Government

National recruitment legislation

Bangladesh has not conscripted recruits to the armed forces since its creation as a state in 1971, although there is provision for conscription in times of emergency under the 1952 Army Act.³ In September 2000, on ratifying the Optional Protocol, the government declared that "the minimum age at which it permits voluntary recruitment into its national Armed Forces is sixteen years for non-commissioned soldiers and seventeen years for commissioned officers, with informed consent of parents or legal guardian,

without any exception". The declaration stated that recruits are required to present documents including birth certificates and educational records, as well as undergo a medical examination to establish they have reached "puberty".⁴

In October 2003 the UN Committee on the Rights of the Child expressed concern about "the various legal minimum ages ... particularly ... the very low age of criminal responsibility (seven years)", as well as "the lack of a functional birth registration system".⁵ Failure to register births reduces the authorities' capacity to determine the age of recruits.

Military training and military schools

Military training involves six months at a training centre and two to three months within an armed forces unit. The training is the same for recruits of all ages, including those under the age of 18, who on completion are required to perform the same duties as other soldiers. Recruits are not considered part of the armed forces until they have completed training.⁶ Officer candidates attend a two-year training course at the Bangladesh Military Academy near Chittagong.⁷ Children may attend Cadet College after completing the sixth grade in school, when they are usually aged about 12. There are about ten such colleges, where students follow the national curriculum as well as receiving military training. On completion, students are not obliged to join the army but generally do so.⁸

Child recruitment

It was difficult to obtain information on the total number of under-18s in the armed forces. Figures for 1999 showed there were 3,374 recruits below the age of 18 at that time serving in the forces.⁹ Other sources reported that only a small number of under-18s were actually serving as soldiers. Officers, because of the length of training, would be over 18 by the time they graduated.¹⁰

Armed political groups

A number of armed groups were operating in Bangladesh including some from neighbouring countries.¹¹ It was not known whether these groups used or recruited children.

- 5 UN Committee on the Rights of the Child, Concluding observations: Bangladesh, UN Doc. CRC/C/15/Add.221, 21 October 2003, <http://www.ohchr.org>.
- 6 Information from Major-General Jamil D. Ahsan, Director General, Bangladesh Institute of International and Strategic Studies, provided to Child Soldiers Coalition by Dr M. Masum, Jahangirnagar University, 24 April 2001.
- 7 Bangladesh Army, <http://www.bangladesharmy.info> (Career, Officer, Training commission).
- 8 Information provided by a government representative to Child Soldiers Coalition Asia-Pacific Conference on the Use of Children as Soldiers, Kathmandu, May 2000.
- 9 Major-General Jamil D. Ahsan, op. cit.
- 10 Information from Child Soldiers Coalition Bangladesh, 2001.
- 11 US Committee for Refugees, op. cit.

1 US Committee for Refugees, *World Refugee Survey 2003* (Bangladesh), <http://www.refugees.org>.

2 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

3 In times of emergency the government may declare that any individual or category of individuals are on active service (Section 7).

4 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

BHUTAN

Kingdom of Bhutan

Population: 2.2 million (1.1 million under 18)

Government armed forces: 6,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: not applicable

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC

There were no reports of under-18s in government armed forces or armed political groups.

Context

Tensions increased in the south of the country and in December 2003 government forces launched an offensive to expel members of the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland and the Kamtapur Liberation Organization, armed separatist groups from northeast India.¹ Thirty seven women and 27 children were reportedly among ULFA rebels captured in Bhutan.² There was no information to indicate that the children were involved in armed combat.

Over 100,000 ethnic Nepalese refugees from Bhutan have lived in camps in southeastern Nepal since the early 1990s, and more than 15,000 live in the Indian states of Assam and West Bengal.³ In March 2001, after years of stalemate, the governments of Bhutan and Nepal agreed a pilot screening of 12,000 refugees to determine their identities and eligibility to return to Bhutan.⁴ However, ministerial-level meetings between Bhutan and Nepal, and the announcement of a process to “verify” refugees, produced little visible progress.⁵

Government

National recruitment legislation

There is no conscription to military service. The army is a volunteer force and the minimum age of recruitment is 18. There were no reports of under-18s being recruited to the armed forces or militias.

Military training and military schools

In 2003 volunteers were invited to join a national militia in response to growing tensions in the south.⁶ In 2003 more than 700 militia volunteers received two months’ military training in Yongphula, Shaba, Samtse, Gelephu and at the army training centre at Tencholing. Women volunteers were trained at police headquarters in

the capital, Thimphu. Officer trainees attended an intensive training course in Dechencholing. The militia was subsequently deployed in the south to provide support to the regular army.⁷ There were no reports of the involvement of under-18s involvement in the militias.

Armed Political Groups

No information was available about the recruitment practices of armed separatist groups in southern Bhutan.

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>; BBC, “Bhutan steps up assault on rebels”, 23 December 2003, <http://news.bbc.co.uk>.
- 2 S. Bhattacharya, “ULFA women cadres flay top leaders’ lifestyle”, *Tribune Online*, 29 December 2003.
- 3 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 4 Human Rights Watch, *Nepal/Bhutan: Bilateral talks fail to solve refugee crisis*, 28 October 2003, <http://www.hrw.org>.
- 5 Amnesty International, op. cit.
- 6 Child Soldiers Coalition correspondence with Permanent Mission of Bhutan to the UN at Geneva, September 2000; *Kuensel*, “Assembly discusses volunteer militia force”, 18 July 2003, <http://www.kuenselonline.com>.
- 7 *Kuensel*, “Serving the nation”, 13 September 2003; “Militia posted”, 6 December 2003.

BRUNEI DARUSSALAM

Brunei Darussalam

Population: 350,000 (126,000 under 18)

Government armed forces: 7,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17½ years (younger with consent)

Voting age: not applicable

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II

The minimum voluntary recruitment age was 17½ years, but figures for serving under-18s were not available. The armed forces included a “boys’ wing” in which 15 to 17 year olds could enrol for training. Provision appeared to exist for members of the boy’s wing to be enlisted into the armed forces under some circumstances.

Context

Brunei Darussalam has been ruled by royal decree under an absolute monarchy since 1963. From 1962 the United Kingdom (UK) has maintained an army battalion in the country. Although two political parties were permitted in 1985, one was dissolved 13 years later, while the other was subjected to harassment and became inactive.¹

Government

National recruitment legislation and practice

There is no conscription and enlistment is voluntary.² However, the constitution states that “when a Proclamation of Emergency has been made ... His Majesty the Sultan ... may make any Orders whatsoever which he considers desirable in the public interest”, including requiring people to do work or render services (Section 83).³

The Brunei government’s 2003 report to the UN Committee on the Rights of the Child states that under the Royal Brunei armed forces act, recruiting officers may enlist “eligible persons” who have reached the age of 17½ years into the armed forces or the reserves (Sections 12 and 13). The report states in addition that “Section 13 also makes provision to allow the recruiting officer to enlist eligible young persons into the Armed Forces or the Reserves Regiment for the purpose of raising and maintaining any unit consisting of

or including boy soldiers or boy reservists with written consent from the boy’s parents, person with parental rights and powers or the District Officer”.⁴

Military training and military schools

The Training Centre, one of the five main units of the armed forces, is responsible for military training, and includes a cadet school and a boys’ company.⁵

The armed forces have a Boys Wing, created in 1979, which provides a two and a half year training program for students aged about 15 to 17 looking for careers as armed forces engineers and technicians. As of January 2004, 619 recruits had graduated from the Boys Wing, of whom 424 were still working with the armed forces.⁶

1 BBC, “Country Profile: Brunei”, updated 13 November 2003, <http://news.bbc.co.uk>.

2 Government of Brunei Darussalam, <http://www.brunei.gov.bn/government/contitut.htm>.

3 BruneiDirect.com, Emergency (Supplementary Supply) (1999) (No. 4) Order, 1999, <http://www.brudirect.com/BruneiInfo/info/supplementary.htm>; A. P. Blaustein and G. H. Flanz (ed.), *Constitutions of the countries of the world*, Oceana Publications, New York, 1971.

4 Initial report of Brunei Darussalam to UN Committee on the Rights of the Child, UN Doc. CRC/C/61/Add.5, 13 March 2003, <http://www.ohchr.org>.

5 Ministry of Defence, <http://www.mindef.gov.bn/rbaf1.htm>.

6 Royal Television Brunei, “Doa kesyukuran held to mark Boys Wing’s Silver Jubilee”, 3 January 2004, <http://www.rtb.gov.bn/NewsUpdate/2004/January/030104/main2.htm>.

CAMBODIA

Kingdom of Cambodia

Population: 13.8 million (6.9 million under 18)

Government armed forces: 125,000 (estimate)

Compulsory recruitment age: 18 (no conscription in practice)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 16 July 2004

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138

The minimum age for recruitment into the armed forces was 18. There were no reports of under-18s being recruited or used.

Context

In May 2003 the UN General Assembly endorsed a draft agreement on the establishment of a criminal tribunal to bring to justice suspected perpetrators of gross human rights violations during the period of Khmer Rouge rule (1975-79). The agreement had not been ratified by the Cambodian parliament by March 2004, and concerns remained over the proposed tribunal's capacity to meet international standards for fair trial.¹

Government

National recruitment legislation and practice

The constitution provides that "The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and ... shall protect children from acts that are injurious to their educational opportunities, health and welfare" (Article 48).² The Compulsory Military Service Act states that all male Cambodian citizens between 18 and 30 years of age, without distinction as to religious belief, national origin or social status, must serve in the armed forces.³ However, compulsory military service no longer exists in practice. According to the government, under-18s are not accepted for military service.⁴

Military training and military schools

Four levels of professional military education were set out in a Defence White Paper in 2000. Comprehensive Recruit Training was to be provided by commanders in each military region, with emphasis given to physical training and sport. The Junior Officer School would develop courses on discipline and humanitarian law for

all newly commissioned officers. A Command and Staff Course would provide training to middle level officers. Finally, a Senior Officer Training Program would be started at the Officers Academy.⁵ Minimum ages of entry into the schools were not known.

Child recruitment and deployment

In a speech in November 2003 Prime Minister Hun Sen referred to "sacrifices made by countrymen" who have allowed their "children, spouses and relatives" to serve in the Royal Cambodian Armed Forces.⁶ In 2003 UNICEF stated that, although children no longer appeared to be recruited, some of the children recruited during the 1993-99 civil conflict, now over 18, might have remained in the armed forces.⁷ The absence of an efficient birth registration system might have permitted under-18s to enter the armed forces in the past.⁸

Disarmament, demobilization and reintegration (DDR)

A major demobilization program, aimed at reducing defence spending and increasing the budgets on health, education and rural development, began in 1999.⁹ Under a pilot project, 1,500 soldiers were demobilized in four provinces between May and July 2000. When full-scale demobilization began, an additional 15,000 former soldiers were demobilized between October and December 2001.¹⁰ Some US\$18 million credit was approved via the World Bank in August 2001 for the program. In 2003 the credit was reduced and the government was required to return some of the funds already disbursed, after allegedly failing to follow agreed procedures in procuring goods for the demobilization packages.¹¹ The program was critically evaluated at two conferences in June 2003.

In 2002 UNICEF reported that DDR programs in the region, including in Cambodia, had failed to make adequate provision for children. A former Cambodian child soldier told UNICEF he had assumed the identity of a dead adult soldier to gain access to the demobilization program.¹²

A joint government and UNICEF program introduced in 2001 aimed to address the educational needs of disadvantaged children, including child soldiers, by promoting better access to primary schools.¹³ Six former child soldiers interviewed by UNICEF indicated that they had attended school for an average of only about 15 months before they were recruited.¹⁴

Other developments

International standards

Cambodia ratified the Optional Protocol in July 2004. Its accompanying declaration stated simply

that, as stipulated in Article 42 of the Law on the General Status of Royal Cambodian Armed Forces, a male or female Cambodian citizen who has attained the age of 18 years could be recruited into the armed forces.¹⁵

- 1 Amnesty International Report 2004, <http://web.amnesty.org/library/engindex>.
- 2 Constitution of the Kingdom of Cambodia (from UNDP database – not an official translation), http://www.cambodian-parliament.org/english/Constitution_files/constitution.htm.
- 3 Initial report of Cambodia to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add. 16, 24 June 1998, <http://www.ohchr.org>.
- 4 Initial report to UN Committee on the Rights of the Child, op. cit.
- 5 Defence White Paper 2000, at Ministry of National Defense, <http://www.mond.gov.kh>.
- 6 Remarks at 50th anniversary of the establishment of the Royal Cambodian Armed Forces, 6 November 2003, at Cambodia New Vision, official government newsletter, <http://www.cnv.org.kh>.
- 7 UNICEF, *Adult wars, child soldiers: Voices of children involved in armed conflict in the East Asia and Pacific Region*, October 2002, <http://www.unicef.org> (Publications); Information on civil conflict from *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.
- 8 Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, UN Doc. E/CN.4/2001/103, 24 January 2001, <http://www.ohchr.org>.
- 9 Dr Kao Kim Hourn, *Military reform, demobilization and reintegration: measures for improving military reform and demobilization in Cambodia*, Cambodian Institute for Cooperation and Peace, 10-11 June 2002.
- 10 "Cambodia ends full-scale military demobilization for 2001", *Japan Policy & Politics*, 31 December 2001; NGO Forum on Cambodia, *NGO statement to the 2002 consultative group meeting on Cambodia*, 19-21 June 2002.
- 11 World Bank, Cambodia Office, *Cambodia demobilization and reintegration project*, 4 July 2003; UN Wire, "World Bank cuts loan for Cambodia's demobilization program", 9 July 2003.
- 12 UNICEF, op. cit.
- 13 Ministry of Education, Youth and Sport, *Education reform in Cambodia 2001: Government/UNICEF master plan*, 2001, <http://www.moeys.gov.kh>.
- 14 UNICEF, op. cit.
- 15 Declaration of Cambodia on accession to the Optional Protocol, <http://untreaty.un.org> (subscription required).

CHINA

People's Republic of China

Population: 1,294.9 million (373.3 million under 18)

Government armed forces: 2.3 million (estimate)

Compulsory recruitment age: 18 (reportedly lowered to 17 in Beijing)

Voluntary recruitment age: no minimum age

Voting age: 18

Optional Protocol: signed 15 March 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There was no minimum voluntary recruitment age. The conscription age was reportedly lowered from 18 to 17 years in Beijing. It was not known whether under-18s were serving in government armed forces and militia.

Context

With major social and economic changes taking place in China, there was growing public unrest and criticism of official corruption and economic inequalities, including labour unrest and rural protest against increased poverty. The government cracked down on groups deemed to pose a threat to the "security" or "unity" of the country including internet users, members of spiritual movements such as the *Falun Gong*, and other dissidents, human rights activists and people calling for reform. Demonstrations were often met with excessive use of force by police. Tens of thousands of people were arbitrarily detained or imprisoned for non-violent political activities. Torture and ill-treatment continued to be widespread. The predominantly Muslim population in the Xinjiang Uighur autonomous region, particularly alleged Uighur nationalists characterized by the government as "ethnic separatists, terrorists and religious extremists", were subjected to arbitrary detention, unfair political trials, torture, and arbitrary and summary execution. In other autonomous regions, Tibetan Buddhists and nationalists faced arbitrary arrest and unfair trials, imprisonment and torture and ill-treatment, and Mongolians were imprisoned on charges of "separatism" for trying to promote their culture and ethnic identity. The death penalty was used extensively, not only for violent crimes and drug offences but for non-violent crimes such as fraud and embezzlement. Thousands of people were sentenced to death and executed, many after torture and unfair trials, in an anti-crime campaign launched in April 2001. Hundreds, possibly thousands, of North Korean asylum seekers fleeing poverty and repression

were forcibly returned, despite the risk of their facing human rights violations in North Korea.¹

Government

National recruitment legislation

The 1982 constitution provides for conscription: “It is the sacred obligation of every citizen of the People’s Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens of the People’s Republic of China to perform military service and join the militia in accordance with the law” (Article 55). The President has the power to proclaim a state of war and issue mobilization orders (Article 80).²

Under the 1984 Military Service Law, the legal basis for military service, the armed forces are recruited mainly by conscription but include volunteers and a militia with a reserve service (Article 2).³ Article 12 states that “Each year, male citizens who have reached 18 years of age by 31 December shall be enlisted for active service. Those who are not enlisted during the year shall remain eligible for active service until they are 22. To meet the needs of the armed forces, female citizens may be enlisted for active service”. Conscripts must be registered for military service by 30 September in the year in which they turn 18 (Article 13).

In Beijing, the age for military service was lowered to 17, reportedly for the first time, in October 2003. The authorities had called for education in national defence and military service to be strengthened, and urged more young people to dedicate themselves to military service.⁴

The minimum age for voluntary recruitment is not specified in the Military Service Law, which states: “To meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have not yet reached 18 years of age by 31 December of a certain year may be enlisted for active service” (Article 12). Volunteers may serve in the armed forces for up to 30 years. Reservists in the militia or reserve service must be aged between 18 and 35 (Article 23) but the age limits may be extended, including “in frontier areas on land or sea, areas inhabited by minority nationalities as well as urban units in special circumstances” (Articles 37 and 38).⁵ The militia provides combat support and troop reserves for the army in wartime, and in peacetime combat readiness support, emergency services, and maintenance of social order.⁶

Military training and military schools

The Law on Military Service states that “military institutes and academies may, according to the needs in building up the armed forces, enrol

cadets from among young students. The age limit for the cadets to be enrolled must be the same as that for the active servicemen” (Article 30). It therefore appears that under-18s may enrol for military training at specialist institutions.

By 2002 more than 50 higher education institutions, including Peking University and Tsinghua University, had provided training for armed forces personnel.⁷ In November 2003 the government said that state military academies were being restructured as part of military reforms that would reduce the number of service personnel by 200,000 by 2005.⁸

There are close links between the military and the education system. The Military Service Law requires secondary school and higher education students to undergo one month’s military training (Articles 43 to 46).⁹ In 2002 about 60 per cent of new university and college students were receiving military training.¹⁰

Other developments

International standards

In August 2002 China ratified ILO Convention 182, which calls for immediate action to ban the worst forms of child labour, and the government issued a directive banning the use of child labour from 1 December 2002.¹¹

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution of the People’s Republic of China, at Hong Kong Human Rights Monitor, <http://www.hkhrm.org.hk/english/law/index.html>.
- 3 Military Service Law of 31 May 1984, http://www.novexc.com/military_service_law.html.
- 4 *People’s Daily*, “Beijing Lowers Entrance Age for Military Service”, 15 October 2003, <http://english.peopledaily.com.cn>.
- 5 Military Service Law, op. cit.
- 6 *China Daily*, “The Militia”, 9 July 2003, <http://www.chinadaily.com.cn/english>.
- 7 *China’s National Defense in 2002*, posted at *People’s Liberation Army (PLA) Daily*, <http://english.pladaily.com.cn/special/book/c2002/index.htm>
- 8 *China Daily*, “China to reduce 200,000 servicemen by 2005”, 5 November 2003.
- 9 Military Service Law, op. cit.
- 10 *China’s National Defense in 2002*, op. cit.
- 11 *Amnesty International Report 2003*.

FIJI

Republic of the Fiji Islands

Population: 831,000 (322,000 under 18)

Government armed forces: 3,500 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces. More than 1,500 Fijian soldiers had been recruited into the United Kingdom (UK) army since 1998, where the minimum voluntary recruitment age was 16. It was not known whether they included under-18s.

Context

The Police Commissioner announced in October 2003 that, of the 3,521 people investigated over the past three years for crimes related to the violent coup in May 2000, more than 700 were convicted and nearly 200 received prison terms.¹ There were allegations that the head of the armed forces, Commodore Voreque Bainimarama, had attempted to overthrow the government in early 2004 because his term of office was not extended.² A commission of inquiry was set up to investigate the allegations.³ Since July 2003 Fijian soldiers and police forces have taken part in Operation “Helpem Fren” (Helping a Friend), to end civil conflict and lawlessness in the Solomon Islands.⁴

The Family Law Act, due to come into effect in 2005, was passed in October 2003. It brings key children's rights under national law into line with national and international human rights law and prioritizes children's best interests in government decision-making.⁵

Government

National recruitment legislation and practice

There is no conscription into the armed forces and an individual must be at least 18 to be recruited into the army.⁶ There was no information on child recruitment.

The armed forces, comprising the army and a naval force, are responsible for “defence, internal security, international peacekeeping duties, youth training and infrastructure development in rural areas” as well as coastguard and emergency rescue services.⁷

Nearly 1,000 Fijian soldiers have been recruited into the UK armed forces since April 2001, as part of a special recruitment program requested by governments in certain Commonwealth countries. There were over 1,500 Fijian soldiers recruited into the UK army in the five years to March 2003, but no figures were available for the naval and air forces.⁸ The minimum age for voluntary recruitment into the UK armed forces is 16 (see UK entry).

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 ABC online, “Fiji Cabinet to meet over military coup claims”, 17 May 2004.
- 3 *Pacific Magazine and Islands Business*, “Fiji: ‘Inquiry may backfire’, Army warns”, 21 May 2004, <http://www.pacificislands.cc>.
- 4 Australian Federal Police, “Operation Helpem Fren”, 17 May 2004, <http://www.afp.gov.au> (International).
- 5 *Amnesty International Report 2004*.
- 6 Initial report of Fiji to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.7, 24 September 1996, <http://www.ohchr.org>.
- 7 Ministry of Home Affairs, Immigration and National Disaster Management, “Republic of Fiji Military Forces”, <http://www.fiji.gov.fj> (Ministries and departments).
- 8 House of Commons (UK Parliament), Hansard Written Answers, 3 February 2003 and 20 October 2003, <http://www.publications.parliament.uk>.

INDIA

Republic of India

Population: 1,049.5 million (413.6 million under 18)

Government armed forces: 1.3 million

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC

The minimum voluntary recruitment age was 16. The government stated that under-18s were in training for two and a half years and could not be deployed into combat. No information was available on how many under-18s were serving in government armed forces. Armed groups were reported to have recruited children in Jammu and Kashmir and in localized conflicts in several other states.

Context

Religious minorities, particularly the Muslim community, were increasingly targeted for abuse. In the state of Gujarat, nationalist groups killed large numbers of Muslims in 2002, allegedly with the connivance of state agencies. The state authorities failed to ensure that those responsible for the violence were brought to justice. The Prevention of Terrorism Act (POTA), passed by parliament on 26 March 2002, gave police wide powers of arrest and allowed suspects to be detained without charge or trial for up to six months. It was used to detain political opponents and members of minority populations.¹

Armed conflict continued in the states of Andhra Pradesh, Assam, Jammu and Kashmir, and in the northeastern states of Manipur, Nagaland and Tripura.² Human rights activists continued to face accusations of “anti-national” activities, and were harassed, threatened and held under preventive detention orders. International human rights monitors, including UN independent experts and human rights organizations, were in practice denied access to areas of armed conflict and granted only limited access to the rest of the country.³

Pakistan declared a ceasefire in Kashmir in November 2003, India doing the same shortly afterwards, and peace talks on the armed conflict in Jammu and Kashmir began in February 2004.⁴

Government

National recruitment legislation and practice

The 1950 constitution says that “It shall be the duty of every citizen of India ... to defend the country and render national service when called upon to do so” (Article 51A).⁵ According to the 1972 National Service Act, certain people may be called to perform national service but no minimum age is specified. However, there is currently no conscription in India.⁶

Recruitment into the armed forces is regulated by the Air Force Act, No. 45 of 1950, the Army Act, No. 46 of 1950, and the Navy Act, No. 62 of 1957. None of these acts stipulates a minimum voluntary recruitment age but India told the UN Committee on the Rights of the Child in 2003 that “Persons who are recruited at the age of 16 undergo basic military training for up to two and a half years from the date of enrolment and are then inducted into regular service”.⁷ India had previously reported to the committee that “children are not inducted into the armed forces and hence do not take a direct part in hostilities”.⁸

During the 1998 session of the UN Working Group negotiating the Optional Protocol, an Indian government representative stated that discussion continued within the government on the possibility of raising the age limit for voluntary recruitment from 16.⁹ However, there had reportedly been no change to the minimum recruitment age by March 2004.

Military training and military schools

A number of military schools and institutions provide preliminary training for students wishing to go on to join the army. The Rashtriya Indian Military College takes students between the ages of 11½ and 13 years. All students of schools and colleges may join the National Cadets Corps on a voluntary basis.¹⁰ Cadets receive intensive practical and theoretical military training at camps throughout the academic year. They are reportedly not liable for active military service.¹¹ However, they have been deployed in the past, for example when cadets aged between 18 and 22 guarded “non-sensitive” polling booths during elections in 1999. In January 2000 the Ministry of Defence proposed the use of trained cadets in non-combat roles during national emergencies.¹²

Child recruitment and deployment

It was not possible to verify the number of under-18s serving in the armed forces. There were no reports of under-18s participating in active combat in military forces.

The government carried out active recruitment drives that targeted youths, particularly from indigenous communities.¹³ Lack of systematic

birth registration in some rural areas made it difficult to verify age, and the possibility of under-18s being recruited could not be ruled out.¹⁴

Armed local Village Defence Committees were established by the armed forces in 1999 in Doda, Udhampur and the border districts of Jammu and Kashmir, comprising primarily members of the Hindu community, to assist in anti-insurgency operations.¹⁵ In 2002 a government representative denied the existence of a policy to encourage young boys to become members of the Village Defence Committees, but acknowledged that young boys may have taken up arms to defend themselves from attack in some instances.¹⁶

Detention of children

There were a few reports of children being arrested under the Prevention of Terrorism Act (POTA) for suspected involvement with armed groups. In Jharkhand state a 13-year-old boy was arrested in February 2003 because his father was suspected of involvement with the Maoist Communist Centre group. Charges against him were later withdrawn.¹⁷ A further 200 people were arrested later in the same month, among them a 12-year-old boy. By March 2003, a total of ten children, mostly students, had been arrested under POTA in Jharkhand alone.

Armed political groups

Scores of armed groups were operating. Over a hundred armed groups were reportedly active in the northeastern region alone, according to one estimate.¹⁸ Information on the recruitment and use of children by the groups was difficult to obtain. Local sources suggest that children are frequently recruited between the ages of 13 and 15. Inter-tribal conflicts increase recruitment pressures, but many groups reportedly train under-18s then send them back to their communities for education. Children who do not want to return to their communities remain with the groups.¹⁹ Male youths aged between 15 and 18 reportedly joined a variety of armed groups in northeastern states primarily to escape poverty and provide for their families. According to some accounts they received weapons and training although it was unclear whether they engaged in combat.²⁰

Andhra Pradesh

Continued recruitment of children by the Maoist-communist People's War Group (PWG) in the state of Andhra Pradesh was reported in June 2002.²¹ In late December 2002 a leading member of the PWG was reported as saying that the group would recruit and train 3,000 children by May 2003.²² The same source said that children joined voluntarily as a way out of poverty and, in the case of girls, freedom from exploitation. He

stated they start off as sympathizers, turn into informants and may eventually join the ranks. PWG recruitment intensified during 2002 and 2003, and reportedly targeted children from government-run welfare hostels. In early 2003 the police accused the PWG of abducting girls under 18 and forcing them to join their ranks.²³

Families in and around the Tanda and Bagh rivers bordering Gondhia and Balaghat were reportedly sending young girls away from the villages because of pressure from left-wing armed groups to join another Maoist-communist movement, the *Jan Chhapamar Sena* (PGA).²⁴

Assam

The National Democratic Front of Bodoland (NDFB) reportedly issued instructions for female students to join the group and take part in the struggle in 2002.²⁵ Women members of the United Liberation Front of Assam (ULFA), who were captured by the armed forces of neighbouring Bhutan and handed over to the Indian authorities in December 2003, reported that children had to walk through vast tracts of forest in severe conditions while the top leaders led lives of luxury. They complained of "very poor conditions" in the camps "with no woollens or electricity".²⁶

Jammu and Kashmir

Armed groups continued to be active, some favouring accession to Pakistan, others advocating independence for a reunified Kashmir. Indian defence sources were quoted as saying that half the members of armed groups in Kashmir were aged between 14 and 18, although this information was impossible to verify independently.²⁷ The police in the region said that around a hundred cases of child abduction by armed groups were reported in 2002 and nearly 400 by mid-2003, and that hundreds of children were trained by Pakistan-based armed groups in the Kashmir valley.²⁸

One group, the *Lashkar-e-Taiba*, said that recruits needed parental consent to join.²⁹ Other sources, however, reported that most were forcibly recruited.³⁰ On 3 August 2003 a *Lashkar-e-Taiba* group reportedly kidnapped two boys at gunpoint, a 13 year old from Doda and a 17 year old from Suranga. Residents of the two villages were allegedly told to contribute one recruit each or face reprisals. After the parents complained to the Doda police, the boys were rescued a week later from a mountain hideout. Later that month the Doda police said that they had broken up a major recruitment ring run by *Lashkar-e-Taiba* commanders. In September 2003 villagers from hamlets around the mountain town of Gool reported the abduction of five children by unidentified men.³¹

After joining the groups, the children reportedly received rudimentary arms training, but worked as cooks, cleaners, porters and

guides, and were not deployed in active combat. Some are sent to Pakistan for further training, while others may be dispatched to set up safe houses and infrastructure for the groups.³²

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. In July 2002 a representative of the Revolutionary People's Front-Manipur (RPF-Manipur) said that the group had 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 said that in practice, the youngest person ever trained was 17, and that RPF-Manipur upholds UN Resolutions and Protocols.³³ No further information was available on recruitment practices.

Disarmament, demobilization and reintegration (DDR)

There were no official government programs to assist the reintegration of former child soldiers or war-affected children. Little was available for victims of the conflict in Jammu and Kashmir, although the army provided some financial assistance and in 2003 launched an education program for war-affected children.³⁴ The children included those who surrendered to or were captured by the armed forces. However, fear of reprisals by armed groups prevented some children from returning to their communities.³⁵

In November 2001 the police in Assam launched a UNICEF-backed program, *Aashwas* (Reassurance), to provide some psychological aid and counselling to children who had lost family members in conflict-related violence. However, in 2002 the problem of children traumatized by armed conflict in Assam was reported to be acute because of the lack of awareness of the condition and unavailability of psychiatric counselling.³⁶

The UN Committee on the Rights of the Child expressed serious concern over the plight of children involved in the armed conflicts in Jammu and Kashmir and the northeast of the country. It urged the government to ensure respect for human rights and humanitarian law aimed at the protection, care, physical and psychological rehabilitation of children affected by armed conflict.³⁷ On 9 February 2004 the government adopted a National Charter for Children, which states that "The State shall in partnership with the community take up steps to draw up plans for the identification, care, protection, counselling and rehabilitation of child victims and ensure that they are able to recover, physically, socially and psychologically, and re-integrate into society".³⁸

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 International Institute for Strategic Studies (IISS), Armed Conflict Database (subscribers only).
- 3 *Amnesty International Reports 2003 and 2004*.
- 4 BBC News, "Timeline: India", <http://news.bbc.co.uk>.
- 5 Constitution of India, at Ministry of Law and Justice (Legislative Department), <http://indiacode.nic.in>.
- 6 Statement by India to UN Working Group on the Optional Protocol, UN Doc. E/CN.4/1998/102, January 1998, <http://www.ohchr.org>.
- 7 Second periodic report of India to UN Committee on the Rights of the Child, UN Doc. CRC/C/93/Add.5, 16 July 2003, <http://www.ohchr.org>.
- 8 Initial report of India to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.10, 7 July 1997; Indian Army, <http://joinindianarmy.nic.in> (Careers, Other ranks).
- 9 Statement by India to UN Working Group, op. cit.
- 10 Indian Army, op. cit.
- 11 Bharat Rakshak (Consortium of Indian military websites), "Recruitment Information for Non-Resident Indians", <http://www.bharat-rakshak.com/recruitment>.
- 12 S. Sharma, "1,700 NCC cadets to lend colour to polls", *Times of India*, 1 September 1999, <http://timesofindia.indiatimes.com>; Confidential sources, India, July 2002.
- 13 Confidential sources, July 2002.
- 14 Rädda Barnen (Save the Children – Sweden), <http://www.rb.se>.
- 15 Human Rights Watch (HRW), *Behind the Kashmir conflict: Abuses by Indian security forces and militant groups continue*, <http://www.hrw.org>; S. Bukhari, "Militants kill 19 in Jammu", *The Hindu*, 21 July 1999, <http://www.hinduonnet.com>.
- 16 Child Soldiers Coalition, Asia-Pacific Conference on the use of children as soldiers, Kathmandu, May 2000.
- 17 HRW, *Country Studies: The human rights impact of counter-terrorism measures in ten countries*, March 2003.
- 18 "Armed Groups Operating in the North Eastern Region", July 2002, South Asia Terrorism Portal, <http://www.satp.org> (India, Terrorist groups).
- 19 Confidential source, India, July 2002.
- 20 Confidential source, India, July 2004.
- 21 Sanjay K. Jha, Institute for Conflict Management, "Andhra Pradesh: A false peace and more violence", *South Asia Intelligence Review*, No. 1.3, 5 August 2002, at <http://www.satp.org>.
- 22 P.V. Ramana, *Child combatants in the People's War Group*, Article no. 1048, 2 June 2003, Observer Research Foundation, <http://www.observerindia.com>.
- 23 *The Hindu*, "PW abducting innocent girls, says DGP", 16 March 2003.
- 24 Sanjay K. Jha, op. cit.

- 25 *The Sentinel*, "Scared girls join NDFB", 9 June 2002.
- 26 S. Bhattacharya, "ULFA women cadres flay top leaders' lifestyle", *The Tribune Online*, 21 December 2003.
- 27 L. Puri, "Concern over child militants in J&K", *The Hindu*, 8 February 2003.
- 28 Praveen Swami, "Jehad's child warriors", *Frontline*, Volume 20, Issue 20, 27 September 2003, <http://www.hinduonnet.com/fline>.
- 29 *Lashkar-e-Taiba*, <http://www.lashkertaiba.net>.
- 30 S. Ramachandran, "Child soldiers: Easy to train, willing to kill", *Asia Times Online*, 19 December 2003, http://www.atimes.com/atimes/South_Asia/EL19Df09.html.
- 31 Praveen Swami, op. cit.
- 32 Praveen Swami, op. cit.
- 33 Communication from RPF-Manipur, 10 July 2002.
- 34 Y. Rana, "Army sponsors J&K children's education", *Times News Network*, 17 September 2003, <http://timesofindia.indiatimes.com/articleshow/186478.cms>.
- 35 Praveen Swami, op. cit.
- 36 Reuters, "Child trauma hits strife torn Assam", 6 May 2002.
- 37 UN Committee on the Rights of the Child, Concluding observations: India, UN Doc. CRC/C/15/Add.228, 30 January 2004.
- 38 Ministry of Human Resources Development, *National Charter for Children 2003*, No.F.6-15/98-CW, 9 February 2004, <http://wcd.nic.in/nationalcharter2003.doc>.

INDONESIA

Republic of Indonesia

Population: 217.1 million (78.1 million under 18)

Government armed forces: 302,000 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 17 or, regardless of age, married persons

Optional Protocol: signed 24 September 2001

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

Under-18s were not formally recruited into government armed forces, but were reportedly used as informants, cooks, messengers and in other non-combatant roles in Nanggroe Aceh Darussalam (NAD) province. Children were reportedly involved in the armed political group Gerakan Aceh Merdeka (GAM), the Free Aceh Movement. Government forces targeted suspected child members of GAM and some were reportedly killed. Under-18s were also reportedly used by armed militias during intercommunal violence in Central Sulawesi, Maluku and North Maluku provinces between 1998 and 2002.

Context

Indonesia continued to face demands for independence in Nanggroe Aceh Darussalam (NAD) and Papua provinces (formerly Aceh and Irian Jaya respectively).¹ The government signed a ceasefire agreement with *Gerakan Aceh Merdeka* (GAM), Free Aceh Movement, on 9 December 2002, but clashes escalated and in May 2003 military emergency status was declared in NAD. The security authorities ruled out any possibility of peace talks, and in November 2003 the military emergency was extended for another six months.² In May 2003 UNICEF warned of an emerging humanitarian crisis, with thousands of people forced out of their homes, some 500 schools burned, and health and sanitation services disrupted.³ The state of emergency virtually closed the province to outside assistance.

By July 2003, 40,000 people had been displaced, and were constantly on the move because of military operations against GAM bases, although by early 2004 the numbers of displaced people were believed to have decreased. Some communities reportedly returned to find their houses destroyed or possessions stolen and did not receive the full amount of government financial aid they

were entitled to.⁴ Despite some government humanitarian aid, press reports indicated that medical and sanitation provisions were inadequate. Public statements by government officials made it clear that activities by Indonesian or international non-governmental organizations (NGOs) deemed hostile to military objectives would not be tolerated. The government coordinated all humanitarian assistance, and international aid workers had to obtain special travel passes. Very few were issued and none were given to international NGOs.⁵ Journalists and human rights activists faced harassment, intimidation and arrest.

In the eastern provinces of Maluku, North Maluku and Central Sulawesi, thousands died during intercommunal violence which had flared up in 1998 between Christian and Muslim groups, reflecting also some of the underlying ethnic and socio-economic tensions between different groups. The violence declined in Central Sulawesi after the signing of the Malino I agreement in December 2001 and in Maluku following the Malino II agreement in February 2002, but some 200,000 people were still displaced at the end of 2003.⁶ In Central Sulawesi violence resumed in 2003, with bombings and targeted killings by unidentified assailants.⁷

Government

National recruitment legislation

Indonesia's child protection law (No. 23/2002) was adopted on 22 October 2002. Article 15 of the law states that every child shall be entitled to protection from involvement in armed conflict, involvement in social unrest, involvement in an "event that involves violence" and "misuse for political activities". In July 2003 Indonesia reported to the UN Committee on the Rights of the Child that, under Law No. 2/1988, the minimum age for recruitment or enlistment into the armed forces is 18. The government admitted that "Indonesia has yet to develop legislation to guarantee respect for this provision" or "a mechanism to monitor situations in which children are directly involved in hostilities".⁸

On 24 March 2004 the Defence Ministry announced that it was drafting legislation to make military service compulsory and that students would undergo basic training for two months after graduating from high school.⁹ However, in April the Education Minister rejected the plan as unnecessary, saying there were other ways for students to "boost their nationalism".¹⁰

Child recruitment and deployment

Children were not officially recruited to the armed forces but reports indicated that in NAD children were used as guards, guides, as cooks and to run errands, as well as being used as informants.¹¹

Targeting of children

The Indonesian armed forces also targeted children suspected of GAM membership.¹² In one reported case, children as young as 11 were killed.¹³ In May 2003 a military official said that ten GAM members from four villages in the area, including a 13 year old, had been shot during an armed clash after an explosion at a bridge.¹⁴ Indonesia's human rights commission found that "two children were among the victims [of extrajudicial killings]", but by early 2004 had not reached any conclusions as to who was responsible.¹⁵

Armed political groups

The involvement of mostly male children aged between 14 and 18 in GAM continued to be reported. Children were used as informants, to run errands, for logistical support, as cooks and messengers. There were some reports of children being used to steal weapons from military posts or to throw grenades and burn schools. Child soldiers interviewed in 2003 reported joining up voluntarily to seek revenge for violence inflicted on their families. Children also said they enlisted because of intimidation and threats by either the armed forces of GAM itself.¹⁶ A 14 year old was arrested with a grenade in early 2004.¹⁷ In June 2003 the military arrested two teenagers for allegedly attempting to set fire to a school, and said they had burned down 60 schools in the previous three years after being forced to join GAM.¹⁸ In August 2003 a military commander said that the average age of GAM members was between 14 and 25 years.¹⁹

The GAM leadership, based in Sweden, has denied using child soldiers and in June 2003 said they would be willing to allow an independent investigation.²⁰

Children were reportedly used by militias in Central Sulawesi, Maluku and North Maluku during violence between 1998 and 2002. In some cases they were actively recruited into militias. In other cases they spontaneously participated in the armed defence of their communities during intercommunal conflict. Children were reportedly involved in both Christian and Muslim armed groups.²¹

Disarmament, demobilization and reintegration (DDR)

Little information was available on disarmament, demobilization and reintegration programs in NAD.²² In June 2003 the government said it would provide land, tools, seeds and fertilizers to GAM members who surrendered.²³ In July the ministries responsible for children, women and welfare joined private corporations in announcing plans to establish rehabilitation centres for

children affected by the armed conflict.²⁴ In August the government funded a five-month rehabilitation skills training program in the Masjid Raya subdistrict of Aceh, reportedly to assist 381 captured GAM members and supporters return to normal life.²⁵ The program was subsequently expanded and by early 2004 several hundred were reportedly taking part in a “re-education” program which included “loyalty” exercises, such as flag-raising ceremonies and classes on nationality as well as skills training.²⁶

Other developments

International standards

During the January 2004 UN Security Council meeting on children and armed conflict, Indonesia emphasized its strong support for the Optional Protocol and “the importance of disarmament, demobilization and reintegration programmes in addressing the issue of child soldiers, especially in the post-conflict period”.²⁷

In its 2003 report to the UN Committee on the Rights of the Child, the government stated its intention in the following five years to ratify the Additional Protocols to the Geneva Conventions and to establish “a national mechanism to provide protection, monitoring, and physical and psychological recovery and social reintegration of children in situations of armed conflict”.²⁸

* see glossary for information about internet sources

- 1 BBC News, “Country Profile: Indonesia”, 13 November 2003, <http://news.bbc.co.uk>.
- 2 Laksamana.Net, “Aceh martial law formally extended”, 19 November 2003.
- 3 UNICEF, *Humanitarian aid needed for children in Aceh*, 23 May 2003.
- 4 Information from Amnesty International (AI), June 2004.
- 5 International Crisis Group (ICG), *Aceh: how not to win hearts and minds*, Asia briefing, 23 July 2003, <http://www.crisisweb.org>; *Jakarta Post*, “Government to curb foreign NGOs in Aceh”, 26 June 2003.
- 6 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hrl/c1470.htm>.
- 7 Crisis Centre Diocese of Amboina, *The situation in Ambon/Moluccas*, Report No. 235, 13 February 2002, posted at World Evangelical Alliance, <http://www.worldevangelical.org>; ICG, *Indonesia background: Jihad in Central Sulawesi*, Asia Report No. 24, 3 February 2004.
- 8 Second periodic report of Indonesia to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.23, 27 July 2003, <http://www.ohchr.org>; UNICEF, *Adult wars, child soldiers: Voices of children involved in armed conflict in the East Asia and Pacific Region*, October 2002, <http://www.unicef.org> (Publications).

- 9 AFP, “Indonesia plans compulsory military service”, ABC News online, 25 March 2004, <http://www.abc.net.au/news/newsitems/s1073836.htm>.
- 10 *Jakarta Post*, “Government split over military service”, 13 April 2004.
- 11 Confidential source, 29 June 2004.
- 12 Human Rights Watch, *Aceh under martial law: Inside the secret war*, December 2003, <http://www.hrw.org>.
- 13 Orlando de Guzman, “They killed them one by one”, BBC News, 21 May 2003; Sian Powell, “Children massacred by military”, *Daily Telegraph* (UK), 23 May 2003; *Time*, “Young Blood”, 2 June 2003.
- 14 Sian Powell, “Aceh children first to die”, *The Australian*, 23 May 2003.
- 15 Reuters, “Signs of extrajudicial killings in Aceh – Commission”, 13 June 2003.
- 16 Child Soldiers Coalition sources, Indonesia, June 2004; Patricia Nunan, “Ceasefire brings uneasy peace to Indonesia’s Aceh Province”, 24 March 2003, posted at Kabar Irian Daily News, <http://www.kabar-irian.com>.
- 17 *Waspada*, “GAM Paksa Murid SD Granat Sekolahnya Sendiri”, 23 January 2004.
- 18 Government news release, “No separatist rebel to be allowed to escape, says Minister”, 8 June 2003, Indonesian embassy in Canberra, <http://www.kbri-canberra.org.au/news.html>.
- 19 *Serambi Indonesia*, “KPNI Jangan Jadi Ayam Sayur”, 4 August 2003.
- 20 Lars Bevanger, “Aceh rebels at home in Stockholm”, BBC, 9 June 2003.
- 21 Confidential source, 29 June 2004.
- 22 ICG, *Aceh: how not to win hearts and minds*, op. cit.
- 23 *New Zealand Herald*, “Indonesia pledges land for rebels who surrender”, 23 June 2003.
- 24 *Jakarta Post*, “Child Commission to visit Aceh victims”, 4 July 2003.
- 25 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Indonesia consolidated situation report*, No. 142, 16-22 August 2003, <http://www.reliefweb.int>.
- 26 Information from AI, June 2004.
- 27 “Despite progress in protecting children in armed conflict, general situation remains ‘grave and unacceptable’, Security Council told”, UN Press Release SC/7985, 20 January 2004, <http://www.un.org/documents>.
- 28 Second periodic report to UN Committee on the Rights of the Child, op. cit.

JAPAN

Japan

Population: 127.5 million (22.4 million under 18)

Government armed forces: 239,900 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 20

Optional Protocol: ratified 2 August 2004

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces. Fifteen year olds may become youth cadets but are never deployed.

Context

In June 2003, parliament passed three war contingency laws that give the government increased powers in military emergencies. After two years of debate, their adoption was driven by heightened concern over the possibility of attack by North Korea. Japan's well financed and technologically advanced armed forces are constitutionally a defensive force, barred from involvement in international disputes.¹ However, in February 2004 the first troops of a contingent of 1,000 army personnel left for Iraq. The Japanese public were deeply divided over the country's first military mission in nearly six decades.²

Government

National recruitment legislation

The 1947 constitution states that "the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes ... land, sea and air forces, as well as other war potential, will never be maintained. The rights of belligerency of the state will not be recognized" (Article 9).³ In 1954, the Self Defence Forces were established to defend against invasion and to maintain the peace, independence and security of Japan.

There is no conscription. Japan reported to the UN Committee on the Rights of the Child in 2003 that "Except for educational institutions (youth cadet programmes), only those who are 18 years old or over can apply and be recruited into the Self-Defence Forces (Enforcement Regulations of the Self-Defence Forces Law, art. 25, and Instructions for Assignment of Youth Cadets)". The report then states that the measures taken to verify applicants' dates of birth are to ensure that "Japan refrains from

recruiting any person who has not reached 15 years of age and from allowing them to participate directly in hostilities".⁴

In 2004 the Japanese authorities clarified that "The [Self Defence Forces] cadets are aged between 15 and 17 and are adopted as members of Self-Defence Forces to be trained as military, naval, or air force special communications engineers, etc. They are never sent to operational forces, but have classes of basic training on various aspects of engineering work, such as communication, in addition to those given in regular high schools based on the national curriculum".⁵

Military training and military schools

Youth cadets from the age of 15 receive secondary school education, basic military training and training to become technical specialists in the armed forces.⁶

About 2,000 cadets attend the National Defence Academy, an institution of the Japan Defence Agency. The emphasis is on academic education: most of the teaching staff are civilians, and university level degrees may be taken in sciences, engineering and social sciences. Cadets may study defence sciences. They receive basic military training for two hours a week and during an annual six-week course. They are expected to become armed forces officers, and further military training is provided after graduation at Officer Candidate Schools.⁷

Other developments

International standards

In its 2003 report to the UN Committee on the Rights of the Child, Japan outlined measures it had taken in support of the protection of children in armed conflict and the reintegration of former child soldiers. These included hosting international conferences and workshops in November 1998 and November 2000, and providing development assistance for child victims of armed conflict, for example for school reconstruction in Kosovo in May 2000 and East Timor in July 2000.⁸

Japan ratified the Optional Protocol in August 2004. Its declaration on ratification stated that "The Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defence Forces, with the exception of ... students solely receiving educational training at the schools within the structure of the Japan Self-Defence Forces (hereinafter referred to as "the Youth Cadets"), which come under "schools" stipulated in Article 3, paragraph 5 of the Optional Protocol."⁹

- 1 Howard W. French, "Japan adopts laws expanding military powers", *New York Times*, 7 June 2003.
- 2 T. Aizawa, "Main Japan army contingent leaves for Iraq", Reuters, 3 February 2004.
- 3 Constitution, at International Constitutional Law, <http://www.oefre.unibe.ch/law/icl/index.html>.
- 4 Second periodic report of Japan to UN Committee on the Rights of the Child, UN Doc. CRC/C/104/Add.2, 24 July 2003, <http://www.ohchr.org>.
- 5 Letter to Child Soldiers Coalition from embassy of Japan, London, 25 February 2004.
- 6 Initial report of Japan to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.1, 5 August 1996.
- 7 National Defence Academy, <http://www.nda.ac.jp>.
- 8 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 9 Declaration of Japan on ratification of the Optional Protocol, <http://untreaty.un.org> (subscription required).

KOREA (Democratic People's Republic of) (North Korea)

Democratic People's Republic of Korea

Population: 22.5 million (7.0 million under 18)
Government armed forces: 1.1 million (estimate)
Compulsory recruitment age: 17 or 18 (unclear)
Voluntary recruitment age: 17 (unclear)
Voting age: 17
Optional Protocol: not signed
Other treaties ratified (see glossary):
 CRC, GC AP I

Both the conscription and voluntary recruitment ages were unclear, although information indicated that the minimum voluntary age for enlistment was 17. It was not known whether under-18s were serving in the armed forces. Children were reportedly subjected to military training and indoctrination in school from a young age. More than one million secondary school children aged between 14 and 16 were estimated to be members of the Red Youth Guard militia. They reportedly underwent military training at school and in training centres.

Context

Talks in February 2004 between the USA and North Korea with regard to North Korea giving up its development of nuclear weapons ended without a breakthrough.¹ Improvements in links between the Democratic People's Republic of Korea and the Republic of Korea continued. Aid from South Korea continued in the form of food and fertilizers and rail and road connections were established for the first time since the Korean war ended in 1953. Family reunions took place during 2003 and groups from South Korea were able to visit North Korea for the first time. Systematic food shortages continued throughout the period from 2001 to 2004 and North Korea relied heavily on international food aid to feed the population. By 2003 more than 40 per cent of children were reportedly suffering from malnutrition. Public executions continued to be reported. Political opposition to the government was not tolerated and access to the country by independent human rights monitors was tightly restricted. Hundreds, possibly thousands, of asylum seekers who fled to China to escape poverty and repression were

forcibly returned to North Korea, where they were at risk of human rights violations.²

Government

National recruitment legislation

According to Article 58 of the 1998 constitution “the Democratic People’s Republic of Korea rests on the people’s nationwide defence system”. Article 60 states that the state will implement a system of “self-reliant defence” which will involve arming the “entire people”, as well as training and modernizing the army. Article 86 states that “National defence is the supreme duty and honour of citizens. Citizens shall defend the country and serve in the army as required by law”.³

According to one source all men between the ages of 18 and 24 were required to perform military service although it was unclear whether this was implemented in practice.⁴ The government informed the UN Committee on the Rights of the Child in 1996 that military service was voluntary and that the minimum age of recruitment was 16.⁵ However, the government delegation to the committee stated that the minimum voluntary recruitment age was 17, adding that “after school and vocational training, young persons could volunteer to join the army but as they had to meet high standards of physical fitness and development, they were often over 18 before they were allowed to start active service”.⁶

Reserve troops in the Worker and Peasant Red Guard, with an estimated four million members, reportedly include 17 year olds. The Guard is responsible for guarding key facilities, civil defence, and providing emergency services in war and peacetime. Red Guard members reportedly underwent a total of 240 hours of military training. Economic hardship reportedly forced many of them to look for food instead of reporting for duty.⁷

Military training and military schools

While little information was available, militarization and political indoctrination of children was believed to start from a young age. Foreign visitors and education sources report that young children received mandatory military training and political education for several hours a week at school.⁸

Secondary school students between the ages of 14 and 16 receive basic military training as members of the Red Youth Guard, which has units in every secondary school.⁹ According to one source, Red Youth Guard members receive over 400 hours of military training annually, at schools and training centres. A four-hour military training exercise is carried out in school grounds each Saturday, consisting of an obstacle

course, grenade throwing, and basic military training such as close order drill and individual combat. In their fifth year, students reportedly attend Red Youth Guard training centres in each region in their summer vacation, for training in marksmanship, camping and marching. On admission at training centres, the youth are reportedly provided with heavy weapons and personal firearms.¹⁰ About 1.2 million male and female students in their fourth to sixth years in secondary schools were reportedly members of the Red Youth Guard.¹¹

Child recruitment and deployment

No information was available on how many children are recruited annually into the armed forces, or how many are currently serving in the ranks.

- 1 Charles Scanlon, “Slow progress towards a deal”, BBC, 28 February 2004.
- 2 *Amnesty International Reports, 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 3 Constitution, adopted 5 September 1998 by first session, 10th Supreme People’s Assembly (unofficial translation), http://confinder.richmond.edu/local_nkorea.html.
- 4 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 5 Initial Report of the Democratic People’s Republic of Korea to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add. 41, 17 June 1996, <http://www.ohchr.org>.
- 6 UN Committee on the Rights of the Child, Summary Record of the 458th meeting, UN Doc. CRC/C/SR.458, 26 May 1998.
- 7 Republic of Korea National Intelligence Service, http://www.nis.go.kr/eng/north/defense_index.html.
- 8 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 9 Centre for Non-Proliferation Studies, Institute for Contemporary International Problems, *The DPRK Report*, No. 10, November-December 1997.
- 10 Republic of Korea National Intelligence Service, op. cit.
- 11 Republic of Korea National Intelligence Service, op. cit.

KOREA (Republic of) (South Korea)

Republic of Korea

Population: 47.4 million (11.7 million under 18)

Government armed forces: 686,000

Compulsory recruitment age: 19

Voluntary recruitment age: 17

Voting age: 20

Optional Protocol: signed 6 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age was 17. It was not known whether under-18s were serving in the armed forces.

Context

Improvements in links between the Republic of Korea and the Democratic People's Republic of Korea (North Korea) continued. Aid to North Korea continued in the form of food and fertilizers and rail and road connections were established for the first time since the Korean war ended in 1953. Family reunions took place during 2002 and 2003 and groups from South Korea were able to visit North Korea for the first time. A revised Terrorism Prevention bill was under consideration by the National Assembly at the end of 2003. At least 56 prisoners were reportedly under sentence of death at the end of 2003, although no executions had been carried out since early 1998. About 800 conscientious objectors, mostly Jehovah's Witnesses, remained in prison in 2003 for refusal to perform military service.¹

Government

National recruitment legislation and practice

The 1987 constitution states that "All citizens shall have the duty of national defence as prescribed by law ... No citizen shall be treated unfavourably on account of the fulfilment of his obligation of military service" (Article 39).²

In its report to the UN Committee on the Rights of the Child in 2002, the government stated that "Korean men are liable for military service at the age of 19, after conscription screening under the Military Service Act (art. 11). However, a person aged 17 or over who voluntarily applies for military service may be enlisted (art. 20)".³ The Military Service Law of August 1958 provides the legal basis for compulsory military service, which lasts between 26 and 30 months.⁴

Military training and military schools

There are several military schools, including the Military Academy, Third Military Academy, Naval Academy and Air Force Academy. Applicants must be between the ages of 16 and 22 for the Naval Academy, and 17 and 23 for the Air Force Academy.⁵ The minimum age of entry to the other institutions was unknown.

1 *Amnesty International Reports, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution, http://eng.assembly.go.kr/laws/constitution/index_02.html.

3 Second periodic report of the Republic of Korea to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.14, 26 June 2002, <http://www.ohchr.org>.

4 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.

5 Naval Academy, <http://www.navy.ac.kr>; Air Force Academy, <http://www.afa.ac.kr>.

LAOS

Lao People's Democratic Republic

Population: 5.5 million (2.7 million under 18)

Government armed forces: 29,100 (estimate)

Compulsory recruitment age: 17 or 18 (unclear)
(no conscription in practice)

Voluntary recruitment age: not known

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):
CRC, GC AP I and II

The minimum ages for conscription and voluntary enlistment were unclear, and in practice conscription did not exist. It was not known whether under-18s were serving in government forces. Armed opposition groups used children in hostilities.

Context

The Lao People's Revolutionary Party was the only legal political party, and in March 2002 held 98 of the 99 seats in the National Assembly.¹ Ethnic minority groups, predominantly Hmong, were involved in armed conflict with the Lao military in jungle areas of the country. In October 2003 government forces reportedly surrounded several opposition groups, preventing them and their families from foraging for food.² Armed opposition forces subsequently increased deliberate or indiscriminate bombings in civilian areas.³ In January 2004 government forces launched armed attacks against thousands of members of ethnic Hmong opposition groups and civilians in the jungles north of Vang Vieng.⁴

Government

National recruitment legislation and practice

The 1991 constitution states that "Lao citizens have the obligation to defend the country, to maintain the people's security and to fulfil military obligations as prescribed by law" (Article 36). The President may authorize general or partial military conscription and declare a state of emergency nationwide or in a particular locality (Article 53).⁵

A Lao official told a Child Soldiers Coalition conference in 2000 that 18 was the minimum age for recruitment, that conscription is enforced, and that recruits must serve for at least 18 months.⁶ However, the legal basis for conscription was not known and it was not implemented in practice.⁷ A 1994 US Library of Congress report said that 17 was the minimum age for recruitment.⁸

It was not known whether under-18s were serving in the armed forces.

Armed political groups

In 2003 evidence emerged of the use of child soldiers by Hmong armed opposition groups. This included evidence from journalists who visited Laos clandestinely and photographed children with guns in jungle areas.⁹ In 2003, Amnesty International urged opposition groups not to permit children to participate in combat.¹⁰

Other developments

The East Asia Pacific Children and Young People's Regional Forum was held in Vientiane, Laos, in July 2001. Child and youth participants reviewed the Beijing Declaration, adopted by the Fourth UN World Conference on Women in 1995, and the planned Outcome Document, "A World Fit for Children", of the forthcoming UN General Assembly Special Session on Children.¹¹ The Forum recommended that the UN Special Session on Children should be followed up by the development by governments, non-governmental organizations and children of National Action Plans to address children's rights.¹²

- 1 BBC, "Country Profile: Laos", <http://news.bbc.co.uk>.
- 2 Amnesty International (AI), *Laos: Use of starvation as a weapon of war against civilians*, 2 October 2003, <http://web.amnesty.org/library/index>.
- 3 *Amnesty International Report 2004*, <http://web.amnesty.org/library/index>.
- 4 AFP, "Lao government launches new offensive on Hmong rebels – exiles", 7 January 2004.
- 5 Constitution, <http://www.laoembassy.com/news/constitution/constitution.doc>.
- 6 Child Soldiers Coalition, *Conference Report*, Asia-Pacific Conference on the Use of Children as Soldiers, Kathmandu, May 2000.
- 7 Information from AI, April 2004.
- 8 US Library of Congress, *Laos: A country study*, Federal Research Division, July 1994, <http://lcweb2.loc.gov/frd/cs>, or <http://countrystudies.us/laos>.
- 9 *TIME Asia Magazine*, "Welcome to the Jungle", 5 May 2003.
- 10 AI, *Laos: Use of starvation*, op. cit.
- 11 The Special Session was originally scheduled for September 2001, but, because of the 11 September 2001 attacks in the USA, was rescheduled and took place in May 2002.
- 12 UN Special Session on Children Newsletter, August/September 2001, <http://www.unicef.org/specialsession/documentation/documents/newsletter-no3.pdf>.

MALAYSIA

Malaysia

Population: 24.0 million (9.3 million under 18)

Government armed forces: 104,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

It was not known how many under-18s were serving in the armed forces.

Context

Scores of suspected Islamists, as well as opposition activists were arrested between 2001 and 2003 under the Internal Security Act, which allows for detention without trial which is renewable indefinitely. Opposition figures, journalists, students and others had their rights to freedom of expression, association and assembly curtailed through the selective application of a range of restrictive laws. Malaysia retains the death penalty and at least 17 people were sentenced to death between 2002 and 2004.¹

Government

National recruitment legislation and practice

The constitution states that “All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes” (Article 6).² There is no conscription and the minimum age for voluntary recruitment is 17.³

Compulsory national service was introduced in 2003 for 18-year-old men and women under a new National Service Training Act. The first three-month training program began in February 2004, and consisted of military-style instruction, outdoor activities and community service.⁴ The Defence Minister said the program aimed at promoting national integration and did not involve military training or service in the armed forces. Those who refused to join up faced fines, a maximum jail term of six months or both.⁵

Military training and military schools

Applicants to the Malaysian Military Academy must be between 17 and 20 years old. They sign an agreement to serve in the armed forces for ten years on completion of their studies.⁶

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, http://confinder.richmond.edu/local_malaysia.html.
- 3 Malaysia Military Academy, <http://www.atma.gov.my/FAQ.htm>.
- 4 Reme Ahmad, “Malaysia to make NS a must”, *Straits Times interactive*, 13 November 2003, http://pgoh.free.fr/national_service.html; J. Kent, “Malaysian youth face call-up”, BBC, 8 December 2003, <http://news.bbc.co.uk>.
- 5 “Malaysia’s national service not like Singapore’s: Najib”, *Straits Times interactive*, 29 June 2003, http://pgoh.free.fr/natSERVICE_spore.html.
- 6 Malaysian Military Academy, op. cit.

MALDIVES

Republic of Maldives

Population: 309,000 (155,000 under 18)

Government armed forces: none

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16 (security forces)

Voting age: 21

Optional Protocol: signed 10 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II

Voluntary recruitment to the security forces was reportedly from the age of 16. No information was available on the presence of under-18s in the service.

Context

Under severe restrictions on freedom of expression, there were no political parties or privately owned press. In September 2003 violent protests broke out in response to reports that a prisoner had died as a result of ill-treatment by the National Security Service. Up to 300 people were said to have been arrested, many arbitrarily, in the aftermath of the protests. All were released by the end of 2003.¹

Government

National recruitment legislation and practice

There is no conscription.² The National Security Service, which is under the control of the Ministry of Defence and National Security, performs both military and police functions and is responsible for internal security. It may enlist volunteers over the age of 16.³ The Maldives informed the UN Committee on the Rights of the Child that there was no minimum age for national service as the country had no army.⁴

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.

3 Initial report of the Maldives to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.33, 5 August 1996, <http://www.ohchr.org>.

4 UN Committee on the Rights of the Child, Consideration of initial report of the Maldives, UN Doc. CRC/C/SR.466, 4 June 1998.

MONGOLIA

Mongolia

Population: 2.6 million (1.0 million under 18)

Government armed forces: 8,600

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 12 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

The Mongolian People's Revolutionary Party, which governed from 1921 until 1996 and returned to government in 2001, remained in power. Political opponents of the government suffered human rights violations, including arbitrary detention and ill-treatment.¹

Government

National recruitment legislation and practice

The constitution provides for conscription, stating that citizens of Mongolia shall "defend the motherland and serve in the army according to law" (Article 17).² The 2002 law on "military obligation and legal regulations of servicemen" states that men between the ages of 18 and 25 years are liable for conscription.³ The term of service is one year, and Mongolia reported to the UN Committee on the Rights of the Child that conscripts are not usually called up until they are 19.⁴ Conscripts constitute about one third of the armed forces.⁵

The minimum age for voluntary recruitment is 18.⁶ The armed forces are undergoing extensive reforms, but continue to find it difficult to attract recruits for voluntary military service. Alternative military service is for 24 months and is regulated by an amendment to the 2002 law on military service. Conscientious objectors may carry out this service in professional or specialized civil defence units, in a paramilitary unit for border guards, or in a humanitarian organization.⁷

Military training and military schools

There are reportedly no military schools for under-18s or any explicitly military-patriotic training in the main education system. However, a module in schools related to policing encouraged children to obey the law and inform on others who broke rules, and some inappropriate

practices relating to the punishment of children were reported.⁸ There are no youth organizations with a military orientation.⁹

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, <http://www.extmin.mn/Constitution.htm>.
- 3 Available in Mongolian at <http://www.cis-legal-reform.org>.
- 4 Report of Mongolia to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.32, 3 February 1995, <http://www.ohchr.org>.
- 5 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, October 2003.
- 6 Child Soldiers Coalition interview with Mongolian embassy in the United Kingdom (UK), 2 March 2004.
- 7 Sh. Palamdorj and Philipp Fluri, *Democratic Oversight and Reform of Civil-Military Relations in Mongolia: A Self-Assessment*, Geneva Centre for the Democratic Control of Armed Forces, November 2003, <http://www.dcaf.ch>.
- 8 Confidential source, 12 March 2004.
- 9 Interview with Mongolian embassy in the UK, op. cit.

MYANMAR

Union of Myanmar

Population: 48.9 million (18.7 million under 18)
Government armed forces: 380,000 (estimate)
Compulsory recruitment age: no conscription in law
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC

Thousands of children, possibly tens of thousands, remained in the Myanmar armed forces and forcible recruitment continued to be reported. Child soldiers, mostly aged between 12 and 18, were forced to take part in combat and subjected to harsh living conditions and beatings. Nearly all armed political groups recruited and used child soldiers and several thousand were estimated to remain in the ranks of such groups.

Context

The military government, the State Peace and Development Council (SPDC), had continued to rule by decree since the constitution was abrogated in 1988. In August 2003 the Prime Minister, General Khin Nyunt, announced a “roadmap” for transition from military rule to democracy.¹ Ceasefire agreements between 16 or 17 armed opposition groups and the government remained in force. Under the agreements, the groups retained their combat forces and carried out some administrative functions within their territories. As in previous years, the armed forces were involved in skirmishes with the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), the Shan State Army-South (SSA-South) and a number of small armed groups in Mon State.² From December 2003 the KNU engaged in ceasefire discussions with the SPDC but no agreement had been reached by March 2004 and skirmishes continued.³

Government

National recruitment legislation

Under the 1993 Child Law, a law aimed at the protection and care of children, a “child” is anyone under the age of 16 and a “youth” is anyone aged over 16 and below 18. The Law defines penalties for offences including the abuse and torture of children, and states that

“employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child’s moral character” is punishable by imprisonment of up to six months or a fine, or both (Section 65).⁴

In a letter to the UN Security Council in January 2004 the government stated that “The Myanmar Armed Forces is an all volunteer force and those entering military service do so of their own free will ... There is neither a draft system nor forced conscription by the Government of Myanmar. Forced conscription in any form is strictly prohibited throughout the country”. The letter went on to state that the recruitment of child soldiers is prohibited by the Myanmar Defence Services Act of 1947 and that War Office Council instruction 13/73 of 3 January 1974 stipulates that a person cannot enlist with the armed forces until the age of 18. The letter listed official circulars issued between 1993 and 2002 aimed at enforcing respect for the laws prohibiting underage and forced recruitment, and said that action had been taken under military law against those found guilty of forced conscription.⁵

Child recruitment and deployment

The forcible recruitment of children for military service continued to be documented by the UN, governments and international human rights organizations.⁶ A Human Rights Watch investigation in 2002 found that 20 per cent or more of active duty soldiers may have been children under the age of 18. Children as young as 11 were forcibly recruited, brutally treated during training, and made to take part in combat. They were reportedly forced to commit human rights abuses against civilians and other child recruits.⁷

In early 2004 homeless children were reported to be at increased risk of recruitment, and some child soldiers who escaped were subsequently re-recruited into military units.⁸ In October 2002 a parliamentarian reportedly located a missing 15-year-old boy at a military camp and saw three sets of parents searching for their children there. In June 2003 children were reportedly conscripted by force when adults were not available in sufficient numbers. In rural areas, if the father in a family was away or had been killed, then a child had to be sent in his place in response to a government order for forced labour.⁹

Soldiers reportedly kidnapped children on their way to and from school or at ports, bus terminals and train stations.¹⁰ In January 2003 several former soldiers recruited as children were interviewed in an investigation along the Thai-Burma border.¹¹ In April 2003 a 14-year-old boy recounted being abducted when he was 13 on his way to school in August 2002 in Yangon (Rangoon, the capital). He said soldiers forced

him into a military vehicle and threatened to shoot him if he tried to escape. He said that at a military camp “other trainees, if they were caught trying to run away, had their hands and feet beaten with a bamboo stick, and were then put in shackles and beaten and poked again and again, and then they were taken to the lock-up.”¹² In March 2004 a 16 year old related how he had been forcibly recruited at the age of 13 in Yesagu township, Magwe division, by two men who were paid a bag of rice and 10,000 Kyat (about US\$11) for him. When he refused to stay in the recruitment centre, he was shackled for a day and forced to sign a form saying he was 18.¹³

New recruits were typically sent to one of two large recruitment holding centres near Yangon and Mandalay, according to findings in 2002. Reports by former soldiers at the centres in the previous four years indicated that approximately 35 to 45 per cent of new recruits were under the age of 18, 15 to 20 per cent were under 15, and some were as young as 11. They were generally not allowed to contact their families, and reported harsh treatment during training, including frequent beatings and brutal punishments for attempted escapes. Children had to fight on the front line, round up villagers for forced labour, burn homes and carry out extrajudicial executions.¹⁴

Testimonies from other former child soldiers revealed that they received insufficient food and often had money taken away from them by military teachers. They said that children suspected of desertion were beaten, given long prison terms, forcibly re-recruited, or in some cases summarily executed.¹⁵

Military training and military schools

There was little information about formal military training institutions, although a Defence Services Academy existed for officer training in Yangon. The *Ye Nyunt* or “new leaf” system, referred to as a youth organization by the government, reportedly functioned as a network of camps for orphans and street children run by the army. Children were held at the camps and trained until big enough to be enlisted.

In March 2004 the government told the Child Soldiers Coalition that the *Ye Nyunt* movement was discontinued in 2000, and that children in the program were given the option to join the Nationalities Youth Development Training School, which provided free education to “children from regions of different national races” but no military training.¹⁶ It was not possible to verify these assertions independently.

Armed political groups

Nearly all armed groups in Myanmar reportedly recruited and used child soldiers, estimated at up

to 7,000 in total. Ceasefire agreements with 16 or 17 armed groups were in force in March 2004.

The Karen National Liberation Army (KNLA) is the armed wing of the Karen National Union (KNU), which has been in conflict with the authorities for more than 50 years. The KNLA set 18 as the minimum age of recruitment, but reportedly accepted children who actively sought to enlist and allowed them to participate in combat, and was estimated to have up to 500 child soldiers in its ranks.¹⁷ In March 2004 the KNU Secretary General, Pado Mham Sha, told the Child Soldiers Coalition that since 2000 the KNU had given clear instructions not to recruit anyone under the age of 18, and that minors still in the KNU, most of them displaced from their homes, were all assigned administrative duties. The KNU saw “no need to engage children in battle”.¹⁸

It was unclear whether the Democratic Karen Buddhist Army, a group supported by the military government, had any minimum age of recruitment. One former combatant estimated that up to 50 per cent of new recruits were under 18. The United Wa State Army, which agreed a ceasefire with the authorities in 1989, was estimated to have 2,000 child soldiers, often conscripted by force. The Kachin Independence Army, another group operating under a ceasefire, said it had no child soldiers. However, it was reported to have forcibly recruited children, including girls, for support work and labour on roads and farms. The Mon National Liberation Army, the armed wing of the New Mon State Party, which agreed a ceasefire in 1995, was also reported to use child soldiers.¹⁹

The Karenni Army (KnA), the armed wing of the Karenni National Progressive Party, said in 2002 that it had 1,200 armed and active combatants. Other estimates put the total at 1,500, including 500 members of a militia force. Although there was a minimum recruitment age of 18, several sources, including a senior officer, estimated that 20 per cent of the force was under 18.²⁰

Disarmament, demobilization and reintegration (DDR)

According to available information, there were no official DDR programs for child soldiers in Myanmar or neighbouring countries.

In March 2004 the government informed the Child Soldiers Coalition that, as a result of efforts to establish the age of recruits and to ensure that recruitment was voluntary, 473 military personnel were demobilized in 2002 and a further 237 in 2003. No names or ages were provided. The government said it was willing to cooperate with UNICEF, and to draw up a plan for identifying and reintegrating underage soldiers and for developing a program to encourage birth registration. It said that in March a UNICEF

representative had accompanied government officials on a tour of military recruitment and training facilities in Yangon.²¹

Other developments

In April 2003 the UN Commission on Human Rights adopted by consensus a resolution deploring “the systematic use of child soldiers” and other continuing human rights violations in Myanmar, and calling for immediate government action to end the use of forced labour, including by the armed forces.²²

In January 2004 the government informed the UN Security Council that it had established a new Committee for the Prevention of the Recruitment of Child Soldiers, headed by SPDC Secretary-2, a senior member of the military ruling council and Adjutant General of the armed forces. Its members included the Ministers for Foreign and Home Affairs, the Labour and Social Welfare Ministers, the Judge Advocate-General and high-ranking Defence Ministry officials. The Committee met on 16 January to discuss enforcement of rules. The government said that some procedures already existed to prevent underage recruitment. These involved monitoring recruitment at three different levels: a) during recruitment, b) during training and c) at the point of entry into active service. The government said it was committed to child protection and had invited the Special Representative of the UN Secretary-General for children and armed conflict to visit Myanmar.²³ A visit planned for 2003 had been postponed following the deterioration of the human rights situation and mass arrest of pro-democracy activists in May 2003.

The International Labour Organization (ILO) opened a liaison office in Yangon in May 2002. In May 2003 the ILO said that agreement had been reached on a joint Plan of Action on forced labour which would, among other things, allow an independent facilitator to receive complaints from victims of forced labour. Such a mechanism would include allegations on the forced recruitment of children into the armed forces, which is a violation of the ILO forced labour convention. The ILO postponed signing the agreement because of the human rights crisis at the end of May which resulted in a climate of fear and repression, calling into question the possibility of credibly implementing such a complaint mechanism.²⁴ These concerns were heightened when it was discovered that nine people had been convicted of treason and sentenced to death in November 2003. The convictions of three of the prisoners related to contacts and communications with the ILO, and the ILO called for their release pending a review of the case.²⁵ The government agreed to review the death sentences of the three in March. By March 2004 the Plan of Action had yet to be implemented and the facilitator had not

been appointed.²⁶ An ILO interim liaison officer reported receiving a number of complaints of forcible recruitment of children.²⁷

* see glossary for information about internet sources

- 1 BBC News, "Timeline – Burma", 12 February 2004, <http://news.bbc.co.uk>.
- 2 Amnesty International Report 2004, <http://web.amnesty.org/library/engindex>.
- 3 Information from Amnesty International (AI), June 2004.
- 4 Second periodic report of Myanmar to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.21, 5 November 2003, <http://www.ohchr.org>.
- 5 Permanent Mission of Myanmar to the UN, letter to UN Security Council, 19 January 2004, Ref. 25/03/10 01, in relation to January 2004 Security Council debate on children and armed conflict.
- 6 Including UNICEF, *Adult wars, child soldiers: Voices of children involved in armed conflict in the East Asia and Pacific Region*, October 2002, <http://www.unicef.org> (Publications); Report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, <http://www.un.org/documents>; US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 7 Human Rights Watch (HRW), "My gun was as tall as me": *Child soldiers in Burma*, October 2002, <http://www.hrw.org>.
- 8 Confidential source, Thailand, March 2004.
- 9 US Department of State, op. cit.
- 10 Ray Wilkinson, "Growing pains", *Bangkok Post*, 19 June 2003; *Asia Child Rights Weekly Newsletter*, "Burma: Child Soldiers Flee to Freedom", Vol. 2 No. 22, 28 May 2003, <http://acr.hrschool.org/index.php>.
- 11 Ellen Nakashima, "Burma's Child Soldiers Tell of Army Atrocities", *Washington Post*, 10 February 2003.
- 12 Confidential source, August 2003.
- 13 Confidential source, Thai-Burma border, March 2004.
- 14 Information from HRW, July 2002.
- 15 Confidential sources, April 2003.
- 16 Letter from Myanmar embassy, United Kingdom (UK), to Child Soldiers Coalition, 9 March 2004.
- 17 HRW, "My gun was as tall as me", op. cit.
- 18 Child Soldiers Coalition interview, Thai-Burma border, March 2004.
- 19 HRW, "My gun was as tall as me", op. cit.
- 20 Information from HRW, July 2002.
- 21 Letter from Myanmar embassy, op. cit.
- 22 UN Commission on Human Rights, 59th session, Resolution 2003/12, Situation of human rights in Myanmar, adopted 16 April 2003, <http://www.ohchr.org>.
- 23 Permanent Mission of Myanmar to the UN, op. cit.

24 AI, *Myanmar: Justice on trial*, 30 July 2003.

25 International Labour Office, Governing Body, International Labour Organization (ILO), Developments concerning the question of the observance by the government of Myanmar of the Forced Labour Convention, 1930 (No. 29), March 2004, GB.289/8/2.

26 ILO, International Labour Conference, Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), Committee on the Application of Standards, 92nd Session, Geneva, June 2004, ILC2004-capp-d5.doc.

27 ILO, International Labour Conference, op. cit.

NEPAL

Kingdom of Nepal

Population: 24.6 million (11.5 million under 18)

Government armed forces: 63,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18 (15 for training)

Voting age: 18

Optional Protocol: signed 8 September 2000

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

Reports continued of children being recruited to the forces of the opposition Communist Party of Nepal (CPN) (Maoist). The Maoists abducted hundreds of children, apparently for political indoctrination programs, and some were not subsequently released. Government forces reportedly used children as spies and messengers and some children suspected of being Maoist sympathizers were detained or killed.

Context

Armed conflict continued in the “People’s War” launched against the government by the CPN (Maoist) in 1996. A state of emergency was declared in November 2001 and extended in February and May 2002. A ceasefire was agreed on 29 January 2003, and peace talks took place in April and May. However, the Maoists withdrew from the talks in August 2003, stating that the government had failed to implement agreements already reached and would not agree to set up a constituent assembly.¹ Fighting resumed throughout the country and serious human rights abuses were committed by both sides, including “disappearances” and torture by government forces, and killings, torture and abductions by the Maoists.² The risk of violence and the collapse of services in the worst affected regions forced families to flee their homes. Between 100,000 and 200,000 Nepalese were estimated to remain internally displaced at the end of 2003.³

Children were victims of the armed conflict through exposure to war debris and explosives, or by being caught in crossfire.⁴ On 16 December 2003 an eight-year-old boy was hospitalized in critical condition after being shot by army security personnel in Sunsari district.⁵ Between February 1997 and December 2002 at least 422 children were found to have been injured or killed in military actions, 73 of them killed in operations by government forces.⁶

Government

National recruitment legislation

There is no provision for conscription in Nepal, even during war or national emergency and there were no known plans for its introduction, as volunteers fulfil recruitment quotas.⁷ According to information provided by Nepal to the UN Committee on the Rights of the Child, the 1962 Royal Army New Recruitment Rules requires recruits to be at least 18 years old. However, the 1971 Young Boy’s Recruitment and Conditions of Service Rules state that boys must be between 15 and 18 years old to be recruited.⁸ The government explained that “young 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”.⁹ Recruits could enlist voluntarily in the United Kingdom (UK) army as members of the Brigade of Gurkhas from the age of 16. As of March 2004 there were almost 4,000 members of the Brigade of Gurkhas in the UK army.¹⁰ It was not known whether any of them were under-18s.

Military training and military schools

It was not possible to obtain up-to-date information on military training. UNICEF reported in 1999 that special military schools based on the national school curriculum existed, with a strict quota system for admission. Places were usually reserved for children of military personnel aged between about nine and 18 years old. Students were not automatically enrolled in the army.¹¹

Child recruitment and deployment

The government denied that under-18s were involved in the armed forces, but reports indicated that 12 to 16 year olds may have been used as spies, couriers and messengers.¹² In October 2002 a child was reportedly killed in Poddil, Ramechhap district, when acting as a courier for the military.¹³ In November 2003 the armed forces formed the first Village Defence Force by providing weapons and training to “30 youths” in Ilam district. The ages of the youths were unknown.¹⁴

Government forces targeted under-18s suspected to be members of the CPN (Maoist). In 2002 there were reports of children detained under anti-terrorism laws as suspected Maoists.¹⁵ On 6 January 2002 the security forces killed a 14-year-old boy with mental disabilities from Myagdi district as he tried to escape from a “cordon and search” operation, allegedly on the grounds that he was a Maoist.¹⁶ On 13 October 2003 soldiers fired at a secondary school in Mudhbara, Doti district, where students were attending a cultural program organized by the Maoists. Four students, three of them under-18s, were killed.¹⁷ On 14 October 2003 government soldiers stormed a high

school that had been taken over by Maoist rebels in Mutuhara village, killing four and injuring five students.¹⁸ On 14 December 2003 eyewitnesses reported that troops killed a 17-year-old girl on suspicion of links with the Maoist movement in Kavre district.¹⁹

Armed political groups

It remained unclear whether the CPN (Maoist) followed a centralized policy on the recruitment and use of under-18s. Independent monitoring was hampered by restricted access to Maoist-controlled areas. In November 2002 and April 2003 Maoist representatives denied recruiting children or training them to use guns.²⁰ However, reports continued of teenagers being used as porters, runners, cooks and armed cadres.²¹ According to one estimate, between 2,000 and 4,000 children had been recruited since 1996.²² The Asian Human Rights Commission estimated that about 30 per cent of the Maoist forces were children between the ages of 14 and 18.²³

Some Maoist commanders reportedly said it was official policy to discourage children from joining, but that some did so under compelling circumstances, for example if their parents had been recruited.²⁴ Later in 2002, in some areas under Maoist control, the recruitment policy was reported to be “one family, one member”. Boys and girls were deployed in combat zones, often to assist with caring for the wounded or carrying ammunition. In May 2002 a 16-year-old boy from Dang district said that he had been forced to assist in carrying wounded Maoist combatants to India for treatment, and that he and six others of the same age managed to run away while travelling back to Nepal. On returning to his village, he was suspected of being a member of the CPN (Maoist) by the security forces and was forced to move to a nearby town. A 14-year-old girl explained how arms training was held at night by torchlight and how she and other children attended classes during the day.²⁵

From early 2003 large-scale abductions began to be reported, mostly of schoolchildren and apparently for the purposes of political indoctrination. Although many children were returned within days, the fate of others was unknown. Some of the girls reported sexual abuse.²⁶ In January 2003, 80 children aged around 15 were reportedly abducted from Jan Jyoti school, Salyan district in western Nepal. They said they had received training in “guerrilla warfare” before being released.²⁷ On 29 January 2004, 104 students were abducted from a school in Rameswori village in western Nepal and taken to an unknown location. The following day another 88 students were abducted from a school in Puiyatala village in Achham district.²⁸ On 18 February 2004, 300 school students and about six teachers from a school in mid-western Rolpa district were abducted. Earlier in the

month, more than 700 students and teachers from western Achham district had been made to attend anniversary celebrations of the launch of the “People’s War”.²⁹ Also in February, Maoists abducted and forcibly recruited 13 young girls from a *Dalit* community in Bakune village of Achham district.³⁰ It was not known whether the girls were subsequently released.

On 23 February 2004 the CPN-sponsored All Nepal National Independent Students’ Association-Revolutionary (ANNISA-R) told a Nepalese newspaper that the Maoists planned to raise a 50,000 strong child militia and would start inducting school students by mid-2004.³¹ ANNISA-R had clashed with the armed forces on several occasions, and in June 2003 was accused of forcible recruitment at schools and threatening teachers, students and others.³²

Disarmament, demobilization and reintegration (DDR)

No official DDR program existed, although some small projects were established for former combatants.³³ The government has no mechanism for monitoring or reporting on child soldiers.³⁴ In February 2003 Concern for Child Workers in Nepal (CWIN), a non-governmental organization (NGO), started a relief and monitoring program for war-affected children in three districts, Salyan, Rukum and Rolpa. Four international donors, including Save the Children Norway, were coordinating the provision of emergency relief, educational assistance and psychological support to children directly affected by conflict.³⁵ One regional NGO noted that “children’s advocates express concern that these efforts (at reintegrating children affected by the insurgency) by both the government and other organizations may be catering to less than half of the children actually affected by the conflict”.³⁶ Although some child soldiers reportedly returned home after the January 2003 ceasefire, they were not officially demobilized. These children expressed concern that they could be re-recruited if the conflict resumed.³⁷ Such fears re-emerged after the breakdown of negotiations in August.

Other developments

The government included Child Development Policies in its Ninth Plan (1997-2002), in accordance with its commitments under the UN Convention on the Rights of the Child, and created the National Human Rights Commission with a mandate that included promoting and protecting children’s rights.³⁸

In February 2003 UNICEF’s Executive Director, Carol Bellamy, visited Nepal and urged all parties to the conflict not to recruit child soldiers. She said that children’s rights should be given the highest priority in the peace negotiations, and

that schools should be declared “Zones of Peace”.³⁹

* see glossary for information about internet sources

- 1 *Amnesty International Report 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Amnesty International (AI), Nepal Urgent Action, 13 February 2004, <http://web.amnesty.org/library/engindex>; *Amnesty International Report 2004*.
- 3 US Committee for Refugees, *World Refugee Survey 2004*, <http://www.refugees.org>.
- 4 Confidential source, September 2003.
- 5 Asian Human Rights Commission, 19 December 2003, <http://www.ahrchk.net> (Urgent appeals).
- 6 Child Workers in Nepal Concerned Centre (CWIN), *Children in armed conflict*, December 2002, <http://www.cwin-nepal.org> (Fact sheets).
- 7 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 8 Initial report of Nepal to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.34, 10 May 1995, <http://www.ohchr.org>; Rädde Barnen (Save the Children – Sweden), <http://www.rb.se>.
- 9 UN Committee on the Rights of the Child, Consideration of the initial report of Nepal, UN Doc. CRC/C/SR.302, 24 June 1996.
- 10 Information on number of Gurkhas serving in the UK army, see Defence Analytical Services Agency, <http://www.dasa.mod.uk/natstats/tsp3/tsp3tab1.html>.
- 11 Information from UNICEF, 16 June 1999.
- 12 Confidential source, London, 26 February 2004.
- 13 Confidential source, London, 26 February 2004.
- 14 “Army forms Village Defence Force hand in hand with villagers”, *Rajdhani*, 28 November 2003, at <http://www.nepalnews.com>.
- 15 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 16 AI, *Nepal: A spiralling human rights crisis*, 4 April 2002.
- 17 *Amnesty International Report 2004*.
- 18 AP/*Hindustan Times*, “11 Maoists killed in Nepal, four students die in crossfire”, 14 October 2003, <http://www.hindustantimes.com>.
- 19 AI, *Visit to Nepal: Official statement*, 4 February 2004.
- 20 CNN, “Rebel leader on Nepal’s ‘last war’”, 14 November 2002; *Sunday Post*, “Maoists deny charges of using child soldiers”, 20 April 2003, <http://www.kantipuronline.com>.
- 21 US Department of State, op. cit.
- 22 Confidential source, February 2004.
- 23 Asian Human Rights Commission, *Children and the People’s War in Nepal*, 22 January 2003.
- 24 AI, *Nepal: A spiralling human rights crisis*, op. cit.
- 25 AI, *Nepal: A deepening human rights crisis*, 19 December 2002.
- 26 Office of the Special Representative of the UN Secretary-General on the involvement of children in armed conflict, “Abduction of Children”, <http://www.un.org/special-rep/children-armed-conflict/English/Abduction.html>.
- 27 *Kathmandu Post*, “Nepal insurgents abduct 80 students for indoctrination”, 14 January 2003, <http://www.nepalnews.com>.
- 28 AFP/*Hindustan Times*, “Maoists kidnap 192 students, teachers in Nepal”, 1 February 2004, <http://www.hindustantimes.com>.
- 29 AFP/*Hindustan Times*, “Maoists abduct 300 school students in Nepal”, 21 February 2004.
- 30 Press Trust of India, “Maoists forcibly recruit 13 girls of dalit community in Nepal”, 20 February 2004.
- 31 Indo-Asian News Service, “Nepal Maoists to raise 50,000-strong child militia”, 23 February 2004.
- 32 BBC Monitoring South Asia, “Nepal Maoists accused of forcing students to join ranks”, 20 June 2003, <http://www.monitor.bbc.co.uk> (subscribers only).
- 33 CWIN, *The state of the rights of the child in Nepal 2003*, National Report, 2003, <http://www.cwin-nepal.org> (Reports).
- 34 Second and third combined periodic reports of Nepal to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.3, December 2002.
- 35 *Kathmandu Post*, “CWIN launches programme for child victims of conflict”, 16 February 2003.
- 36 *Asia Child Rights Weekly Newsletter*, citing *Kathmandu Post*, “Nepal: Government efforts for child victims may be insufficient”, Vol. 2 No. 14, 2 April 2003, <http://acr.hrschool.org/index.php>.
- 37 Deutsche Presse-Agentur, “Child soldiers wish for peace, do not want to return to the jungle”, 2 May 2003.
- 38 Second and third combined periodic reports to UN Committee on the Rights of the Child, op. cit.
- 39 *Nepali Times*, “Bellamy in Nepal”, posted at *The World Paper*, 5 March 2003, <http://www.worldpaper.com/2003/march01/cb2.html>.

NEW ZEALAND

New Zealand

Population: 3.8 million (1.0 million under 18)

Government armed forces: 8,610

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: ratified 12 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 182

The minimum voluntary recruitment age was 17. Some one hundred and fifty 17 year olds were recruited to the armed forces between February 2002 and May 2003.

Context

New Zealand has actively participated in various UN peacekeeping missions including in Afghanistan, Sierra Leone and Timor-Leste. It participated in the Australian-led intervention to end civil conflict in the Solomon Islands, launched in July 2003. An engineer group was deployed to Iraq under UN Security Council Resolution 1483 to undertake humanitarian and reconstruction tasks but was not involved in security operations.¹

Government

National recruitment legislation and practice

There is no conscription. The 1990 Defence Act, amended in 2001, states that “no person serving in the Armed Forces who is under 18 years shall be liable for active service” (Section 37).² In order to implement the Optional Protocol, the Defence Act 1990 was amended to prohibit the direct participation of children under 18 years of age in active duties.³

New Zealand’s declaration, deposited on ratifying the Optional Protocol in November 2001, states that the minimum age for voluntary recruitment is 17 years. It sets out certain safeguards adopted by the government to ensure that the recruitment is not forced or coerced.⁴ Under-18s who are not married must have the consent of a parent or guardian, who must acknowledge that the recruit will be liable for active service at 18. Recruits must be fully informed of the duties involved in military service before taking an oath of allegiance, must undergo full medical, fitness and aptitude tests, and provide a birth certificate as reliable proof of age.⁵

The New Zealand Defence Force Orders for Administration of 15 February 2002 set out, among other things, armed forces policy on the recruitment and deployment of under-18s. They set the minimum age for voluntary recruitment at 17 and state that service members are not to be posted on active or operational service overseas unless they are 18 or over. Human rights organizations have pointed out that, since the minimum recruitment age is set by the Orders and not by the Defence Act, there is no legislative barrier to the Chief of Defence Staff lowering the age of recruitment.⁶

In July 2003 New Zealand reported to the UN Committee on the Rights of the Child that reasons for retaining 17 as the minimum age for voluntary recruitment included the “inverse relationship between the age of enlistment and retention after five years of service”. The government said that raising the minimum recruitment age might increase the difficulty in attracting recruits to technical positions, and that an environment in which all recruits started on an equal footing had traditionally offered opportunities of success to recruits from lower socio-economic groups, particularly those who left school at 17.⁷

Child recruitment and deployment

The government reported that 131 under-18s were recruited into the armed forces in the 15-month period between February 2002 and May 2003.⁸

Military training and military schools

There are no military schools run by the armed forces.⁹

The New Zealand Cadet Force, comprising cadets in the cadet corps, the sea cadet corps and air training corps, is “a voluntary, disciplined, uniformed training organization” for young people aged between 13 and 18, according to the 1990 Defence Act. It aims to promote training programs or courses similar to those undertaken by the armed forces, appreciation among cadets of the function and operations of the armed forces, and the development of good citizenship (Section 77). Cadets are not members of the armed forces (Section 2).¹⁰

Developments

The New Zealand Agency for International Development has supported disarmament, demobilization and reintegration (DDR) programs in Papua New Guinea, Sri Lanka and Tanzania. New Zealand submitted its first report on implementation of the Optional Protocol in July 2003.¹¹

1 New Zealand Army, Peace Support Operations, <http://www.army.mil.nz>.

2 Defence Act, <http://www.legislation.govt.nz> (Statutes).

- 3 Report of New Zealand to UN Committee on the Rights of the Child on the Optional Protocol, UN Doc. CRC/C/OPAC/NZL/1, 30 July 2003, <http://www.ohchr.org>.
- 4 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 5 Report to UN Committee on the Rights of the Child, op. cit.
- 6 Action for Children and Youth Aotearoa, *Response to the New Zealand Government's report on Compliance with the Optional Protocol on children involved in armed conflict*, September 2003.
- 7 Report to UN Committee on the Rights of the Child, op. cit.
- 8 Report to UN Committee on the Rights of the Child, op. cit.
- 9 Report to UN Committee on the Rights of the Child, op. cit.
- 10 Defence Act, op. cit.; see also unofficial cadet corps website, <http://www.geocities.com/nzarmycadets>.
- 11 Report to UN Committee on the Rights of the Child, op. cit.

PACIFIC ISLANDS

Republics of Kiribati and Nauru, Cook Islands, Niue, Samoa, Republic of the Marshall Islands, Federal States of Micronesia, Republic of Palau, Tuvalu and Vanuatu (see individual entries for Solomon Islands, Fiji, Papua New Guinea and Tonga)

Many of the Pacific Islands have no armed forces. In the case of eight of them the provision of defence lies, to varying degrees, with Australia, New Zealand or the USA. Tuvalu and Vanuatu have no such defence arrangements with other states.

REPUBLICS OF KIRIBATI AND NAURU

Population: 98,000¹ (aggregate)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: Kiribati: 18; Nauru: 20

Optional Protocol:

Kiribati: not signed

Nauru: signed 8 September 2000

Other treaties ratified (see glossary):

Kiribati: CRC

Nauru: CRC, ICC

No armed forces are maintained by the governments of Kiribati or Nauru.

Government

National recruitment legislation and practice

Defence assistance in Kiribati is provided by Australia and New Zealand, and the police force carries out law enforcement duties in all the islands.² Kiribati nationals have in the past volunteered to join the United Kingdom (UK) armed forces³ where the minimum age for voluntary recruitment is 16 (see UK entry). Australia is responsible, under an informal agreement, for the defence of Nauru.⁴

COOK ISLANDS, NIUE, SAMOA

Population: Cook Islands and Samoa: 178,000 (aggregate); Niue: 1,812⁵

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 18; 21 Samoa

Optional Protocol: not signed

Other treaties ratified (see glossary):

Cook Islands: CRC, GC AP I and II

Niue: CRC

Samoa: CRC, GC AP I and II, ICC

No armed forces are maintained by the governments of Cook Islands, Niue and Samoa. Defence is provided by New Zealand.

Government

National recruitment legislation and practice

Under the 1965 constitution of the Cook Islands, defence is the responsibility of New Zealand. This responsibility would be acted upon only at the request of the government of the Cook Islands. The New Zealand armed forces administer a Mutual Assistance Programme, which aims to support the Pacific Patrol Boat operations and the police, and provides training, including in using and securing small arms.⁶

The 1974 constitution of Niue, which provides for self-government in free association with New Zealand, states that New Zealand is responsible for external affairs and defence.⁷ Under New Zealand's Niue Constitution Act, No. 42 of 1974, "Nothing in this Act or in the Constitution shall affect the responsibilities of Her Majesty The Queen in right of New Zealand for the external affairs and defence of Niue".⁸

Under the 1962 Treaty of Friendship between Samoa and New Zealand, New Zealand agrees to "consider sympathetically" requests from Samoa for "technical, administrative and other assistance", and both governments agree to consult as appropriate on "matters of mutual interest and concern". Under a Mutual Assistance Programme, the New Zealand armed forces have provided training for Samoan police officers in preparation for their deployment with the UN in Timor-Leste.⁹

REPUBLIC OF THE MARSHALL ISLANDS, FEDERAL STATES OF MICRONESIA, REPUBLIC OF PALAU

Population: 804,000¹⁰ (aggregate)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable; no conscription in Marshall Islands during peacetime

Voluntary recruitment age: not applicable

Voting age: 18; 20 in Palau

Optional Protocol: Marshall Islands, Palau: not signed

Micronesia: signed 8 May 2002

Other treaties ratified (see glossary):

Marshall Islands: CRC, ICC

Micronesia; Palau: CRC, GC AP I and II

No armed forces are maintained by the governments of The Marshall Islands, Micronesia and Palau. Defence is provided by the USA.

Government

National recruitment legislation and practice

The USA maintains three separate Compact of Free Association agreements with each state. These agreements determine that the US government has full authority and responsibility for security and defence in relation to the islands.

The constitution of the Marshall Islands states "No person shall be conscripted to serve in the armed forces of the Marshall Islands except in time of war or imminent danger of war as certified by the Cabinet, and no person shall be conscripted if ... he has established that he is a conscientious objector to participation in war" (Article II, Section 11).¹¹

According to the Compact of Free Association between the USA and the Marshall Islands, no Marshallese citizen is subject to "involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions" (Section 341).¹² Similar provision is made in the USA's agreement with Micronesia.¹³

In early 2004, there were around 100 Marshall Islanders serving in the US armed forces, 25 of whom had been deployed in Iraq since 2003. Citizens of Micronesia have also served in Iraq.¹⁴

Palau and the USA signed a Compact of Free Association, which entered into force on 1 October 1994 and will be due for review in 2009.¹⁵

TUVALU AND VANUATU

Population: 206,000¹⁶ (aggregate)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age (government elections): 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

Tuvalu: CRC

Vanuatu: CRC, GC AP I and II

No armed forces are maintained by the governments of Tuvalu or Vanuatu. There were no reports of under-18s in the security or paramilitary forces in Vanuatu.

Government

National recruitment legislation and practice

There are no regular military forces in Vanuatu, and no conscription to the other security forces.¹⁷ The Vanuatu Mobile Forces, which supplements the Vanuatu Police Force, is a paramilitary unit of about 250 men.¹⁸ The Mobile Forces were reported to have developed from a riot squad into virtually a small army, and were involved in an armed confrontation with the police in late August 2002 in a dispute over the appointment of the Police Commissioner.¹⁹

Police officers have taken part in the Peace Monitoring Group deployed to Bougainville since 1998 and in the International Peace Monitoring Team in the Solomon Islands since it was established by the Townsville Peace Agreement of October 2000.²⁰

There are no regular military forces in Tuvalu.²¹

1 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.

2 Central Intelligence Agency (CIA), *World Factbook 2003*, 18 December 2003, <http://www.cia.gov/publications/factbook>.

3 House of Commons (UK Parliament), Hansard Written Answers, 16 May 2002, <http://www.publications.parliament.uk>.

4 CIA *World Factbook*, op. cit.

5 *The Statesman's Yearbook 2004*, op. cit.

6 New Zealand Ministry of Foreign Affairs and Trade, *Cook Islands Country Paper, August 2003*, <http://www.mfat.govt.nz> (Foreign and trade policy, Pacific, Pacific Island relationships).

7 New Zealand Ministry of Foreign Affairs and Trade, *Niue Country Paper, August 2003*.

8 Niue Constitution Act, posted at New Zealand Ministry of Foreign Affairs and Trade.

9 New Zealand Ministry of Foreign Affairs and Trade, *Samoa Country Paper, May 2003*.

10 *The Statesman's Yearbook 2004*, op. cit.

11 Constitution, revised code of 1988, http://www.rmiembassyus.org/government/constitution_all.html.

12 Compact of Free Association, <http://www.rmiembassyus.org/government/compact.html>.

13 Compact of Free Association, as amended May 2003, <http://www.fm/jcn/press/signrelease.html>.

14 Yokwe Online, "Marshall Islands soldiers serve in Iraq with honor", 13 April 2004, www.yokwe.net; Joint Communiqué, 13 May 2003, <http://www.fm/jcn/docs/signjointcom.html>.

15 *Pacific Islands Report*, "Palau, FSM and Marshalls object to Compact changes", 15 August 2003, <http://166.122.164.43/archive/2003/august/o8-15-01.htm>.

16 *The Statesman's Yearbook 2004*, op. cit.

17 CIA *World Factbook*, op. cit.; Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.

18 Philip Alpers and Conor Twyford, *Small Arms in the Pacific*, Occasional Paper No. 8, Small Arms Survey, March 2003, <http://www.smallarmssurvey.org> (Publications).

19 Robert Keith-Reid, "Solving differences via the traditional means: How a few pigs helped avert a coup", *Pacific Magazine*, October 2002, <http://www.pacificmagazine.net>; *Sydney Morning Herald*, "PM hides as island police turn on their chiefs", 28 August 2002, <http://www.smh.com.au>.

20 Philip Alpers and Conor Twyford, op. cit.; Global IDP Database, *Profile of Internal Displacement: Solomon Islands*, 18 March 2004, <http://www.idpproject.org>.

21 CIA *World Factbook*, op. cit.

PAKISTAN

Islamic Republic of Pakistan

Population: 149.9 million (72.3 million under 18)

Government armed forces: 620,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17 (16 technical services only)

Voting age: 18

Optional Protocol: signed 26 September 2001

Other treaties ratified (see glossary):

CRC, ILO 182

The minimum voluntary recruitment age was 17 although under-18s were not permitted to participate in hostilities.

Pakistani armed political groups Lashkar-e-Taiba and Jaish-e Muhammad, engaged in fighting Indian government forces in Jammu and Kashmir, reported that they had recruited as many as five thousand boys from Pakistan in 2003.

Context

President Pervez Musharraf continued as head of state and chief of army staff following a referendum in April 2002, and retained sweeping powers under constitutional amendments the same year. The government supported the US-led “war on terrorism”, and hundreds of people were arrested, arbitrarily detained and handed over to US officials on suspicion of being members of *al-Qaeda* or the *Taliban*.¹ Pakistan declared a ceasefire in Kashmir in November 2003, India doing the same shortly afterwards, and peace talks on the armed conflict in Jammu and Kashmir began in February 2004.² Human rights abuses against women, children and religious minorities continued to be ignored by the government. At least 278 people were sentenced to death and at least eight were executed in 2003.³

Government

National recruitment legislation and practice

The 1973 constitution says “The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan” (Article 39).⁴ The Pakistan National Service Ordinance of 1970 regulates national service. It states that officers and *jawans* (soldiers) may be recruited between the ages of 17 and 23, although they must have at least a year’s training before participating in active service. Those in technical services, such as signals and nursing,

may be recruited between the ages of 16 and 23.⁵ The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has not been used.⁶

There were no statistics on the number of under-18s serving in government armed forces.

Military training and military schools

A number of cadet colleges admit children from the age of ten. The government has said that the colleges are focused exclusively on academic pursuits and that no military training is provided.⁷ The pupils are not considered members of the army and may choose whether or not to join the armed forces after completing schooling and attaining the age of 18.⁸ The minimum entrance age to Pakistan’s higher military academies was not known.

Detention of children

The authorities targeted a number of children because they were related to suspected *al-Qaeda* members. The sons of Khalid Sheikh Mohammed, allegedly a leading member of *al-Qaeda*, were reportedly arrested by Pakistani security forces during a raid on an apartment in Karachi in March 2003 and held at an undisclosed location. Subsequently, the boys, aged seven and nine, were reported to have been transferred to custody in the USA. US authorities denied that the boys were in the custody of US officials, either in the USA or elsewhere, or that they had been interrogated by US officials, and reportedly declined to comment when asked about their whereabouts. In another case, a 14-year-old boy was reportedly wounded in a gunfight in October 2003 and detained in Rawalpindi. The youngest son of a man suspected of links with the *al-Qaeda* leadership, he was said to have been paralysed as a result of injuries he received during the attempt to arrest his father.⁹

Armed political groups

Pakistani armed political groups *Lashkar-e-Taiba* and *Jaish-e Muhammad*, engaged in fighting Indian government forces in Jammu and Kashmir, said they had recruited 3,350 and 2,235 boys respectively from Pakistan in 2003, although few individual cases were documented in detail.¹⁰ A boy arrested by Indian government forces in June 2002 said he was 15 when the *Lashkar-e-Taiba* recruited him from his school in Bahawalpur in late 2001, promising that if he died his family would be rich and he would be a martyr and hero. “But I didn’t have to die, I had to kill”, he was reported as saying.¹¹

There were some indications of the continuing role of some *madrasas* (Islamic schools) in the recruitment of 15 to 18 year olds for political activities, including possible participation in armed groups.¹² A 2002 World Bank Country

Assistance Strategy report said that an estimated 15 to 20 per cent of *madrasas* in Pakistan were involved in military-related teaching and training. Officials in Afghanistan were reported as saying that members of the *Taliban* continued to recruit students from *madrasas* in Pakistan to join militias fighting the Afghan transitional government.¹³ A prayer leader from a *madrasa* in Rawalpindi said he helped raise an army of 300 “holy warriors” for Afghanistan in four months in 2003.¹⁴

Disarmament, demobilization and reintegration (DDR)

No official program exists for the DDR of children involved with armed groups. In October 2003 the UN Committee on the Rights of the Child urged Pakistan to take effective measures to ensure that children below the age of 18 years were not involved in hostilities. It recommended that the government develop a comprehensive system for the reintegration and recovery of children who have participated in hostilities, in collaboration with non-governmental and international organizations.¹⁵

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 BBC News, “Timeline: Pakistan”, <http://news.bbc.co.uk>.
- 3 Amnesty International, op.cit.
- 4 Constitution, <http://www.pakistani.org>.
- 5 Second periodic report of Pakistan to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.21, 11 April 2003, <http://www.ohchr.org>.
- 6 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscripted and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 7 Communication from Ministry of Foreign Affairs, 2 April 2001.
- 8 Child Soldiers Coalition partners, Pakistan, 11 June 1999.
- 9 Amnesty International, *Open Letter to President Pervez Musharraf*, 3 February 2004, <http://web.amnesty.org/library/engindex>.
- 10 M. Shehzad, “Jihad recruitment is on the rise”, *Friday Times*, 29 July 2003.
- 11 S. Chakravarty, “Confessions of captured Fidayeen”, *India Today*, 1 December 2003, <http://www.pakistan-facts.com/article.php/20031201105130880>.
- 12 International Crisis Group, *Pakistan: Madrasas, extremism and the military*, Asia Report No. 36, 29 July 2002, <http://www.crisisweb.org>.

- 13 R. Yusufzai, “And the ‘Jihad’ goes on”, *The News*, 9 February 2003; *Dawn*, “New law soon to monitor seminaries”, 6 November 2003.
- 14 M. Shehzad, op. cit.
- 15 UN Committee on the Rights of the Child, Concluding observations: Pakistan, UN Doc. CRC/C/Add.217, 27 October 2003.

PAPUA NEW GUINEA

Papua New Guinea

Population: 5.6 million (2.7 million under 18)

Government armed forces: 3,100 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

The voluntary recruitment age was 16 but it was not known whether under-18s were serving in the armed forces. Children under the minimum age of 16 years might have also enlisted as many births were not registered.

Context

In March 2003, Papua New Guinea (PNG) withdrew its defence force from the island province of North Solomons (known as Bougainville). The move marked a significant step in the negotiations which followed a nine-year secessionist conflict which ended in 1997. In May 2003 Bougainville leaders submitted a second draft of a constitution for the newly formed autonomous region of Bougainville to the PNG government. Progress was reported on disarmament by former opposition groups in January 2004.¹ The multinational military-civilian Peace Monitoring Group left Bougainville in June 2003. A transition team made up of 17 civilian monitors from Australia, Fiji, New Zealand and Vanuatu was sent to provide logistical support as Bougainville moved towards autonomy.²

Government

National recruitment legislation

The constitution states that “No person shall be required to perform forced labour”, which does not include “labour of a reasonable amount and kind (including in the case of compulsory military service, labour required as an alternative to such service in the case of a person who has conscientious objections to military service)” (Article 43).³ There is no conscription.⁴ The minimum age for voluntary recruitment is 16, with parental consent.⁵ It was not known how many under-18s were serving in the armed forces.

The lack of a functioning birth registration system and the fact that a substantial proportion of the population did not know their dates

of birth hampered the military authorities in establishing the age of incoming recruits. While the voting age for all citizens is 18,⁶ and domestic laws provide various definitions of the child, there is no definition of a child under the 1975 constitution. The government has argued that diverse values and norms in the country are not compatible with the definition of a child under the Convention on the Rights of the Child. The government also noted that the definition of adulthood is closely linked to whether a person is deemed to be of marriageable age.⁷

Disarmament, demobilization, and reintegration (DDR)

In its report to the UN Committee on the Rights of the Child in 2003, the government said that it did not have the capacity to carry out DDR programs, including of former child soldiers. During the conflict thousands of children had been deployed to fight by the Bougainville Revolutionary Army or in frontline positions by the so-called “resistance force” which was backed by the Papua New Guinea army. The report noted that the Catholic and other churches had provided trauma counselling and training in conflict resolution skills in Bougainville, particularly among young people. Former child soldiers had laid down their arms and applied to go to school, but the schools were oversubscribed and many had to be turned away.⁸

In its concluding observations on the government’s report, the Committee recommended that the government ratify the Optional Protocol.⁹

The UN Development Programme (UNDP) was implementing the Bougainville Rehabilitation, Reconstruction and Development Project for the rehabilitation of ex-combatants. Under the project, the Arawa Research and Training Centre offered training in metal construction to young people including ex-combatants from different factions in Bougainville.¹⁰ In 2002, the Australian government established an Ex-combatants Trust Fund, which aimed to reintegrate former combatants by providing them with skills and opportunities to engage in productive activities.¹¹

1 “Pentau may have been forced to resign”, *The National Online*, 6 January 2004, <http://www.thenational.com.pg/0106/nation30.htm>.

2 “Transition team for Bougainville”, ABC Radio Australia News, 13 June 2003, <http://www.goasiapacific.com/news>; see also UNIFEM Portal on Women, Peace and Security, <http://www.womenwarpeace.org> (Country profiles, Bougainville).

3 Constitution, at Pacific Islands Legal Information Institute, <http://www.pacilii.org>.

- 4 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.
- 5 UNICEF, *Adult wars, child soldiers: Voices of children involved in armed conflict in the East Asia and Pacific Region*, October 2002, <http://www.unicef.org> (Publications).
- 6 Central Intelligence Agency (CIA), *World Factbook 2003*, <http://www.cia.gov/cia/publications/factbook>.
- 7 Initial report of Papua New Guinea to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.20, 21 July 2003, <http://www.ohchr.org>.
- 8 Initial report to UN Committee on the Rights of the Child, op. cit.
- 9 UN Committee on the Rights of the Child, Concluding observations: Papua New Guinea, 30 January 2004, CRC/C/Add.229.
- 10 UNDP, Bougainville Rehabilitation and Reconstruction and Development, <http://www.undp.org.pg/brrdp.html>.
- 11 Australia's Overseas Aid Program 2002-03, <http://www.dfat.gov.au>.

PHILIPPINES

Republic of the Philippines

Population: 78.6 million (33.9 million under 18)

Government armed forces: 106,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18 (17 for training)

Voting age: 18

Optional Protocol: ratified 26 August 2003

Other treaties ratified (see glossary):

CRC, GC AP II, ILO 138, ILO 182

Child soldiers continued to be used by armed opposition groups. There were no reports of under-18s in government armed forces, although some who surrendered or were rescued from armed opposition groups may have been used as informants and spies. Children were also reportedly used by government-linked paramilitaries. Legislation was in force to protect children from military recruitment.

Context

Peace talks between the government and the separatist Moro Islamic Liberation Front (MILF) faltered in 2003 and armed clashes continued. Government armed forces launched an offensive against the MILF in February 2003 in the southern island of Mindanao, where over 200 people were reportedly killed in the fighting and thousands of civilians displaced. The MILF subsequently launched sporadic attacks on communities and infrastructure. The government announced anti-terrorist legislative measures and military action following bomb attacks by suspected Islamist "terrorists".

Peace negotiations between the government and the National Democratic Front (NDF), representing the Communist Party of the Philippines (CPP) and its military wing, the New People's Army (NPA), remained largely stalled. The CPP/NPA was added to the US government's list of foreign "terrorist" organizations in August 2002.¹ The NPA, strongly opposed to the US military presence in the Philippines, warned that US troops who entered their stronghold areas would be considered "legitimate targets". The government and the NDF/CPP resumed formal peace talks in February 2004.²

Government

National recruitment legislation and practice

The 1987 constitution states that “the prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service” (Section 4, Article II).³

The paramilitary Citizens Armed Force Geographical Units and Civilian Volunteer Organizations assist the military and police in the government’s anti-insurgency campaigns. They both operate under guidelines issued by the Department of National Defense in 1987, which require that their membership is voluntary. Members are screened by the police, and the guidelines stipulate that they are defensive organizations and should avoid identification with individual landowners or politicians.⁴

There were no indications that the armed forces formally recruited soldiers below the age of 18. However, reports suggested that some members of the government-linked paramilitary groups were younger than 18.⁵

Military training and military schools

In 2002 a two-year compulsory military training course for college students was abolished by the National Service Training Program Act of 2001, Republic Act No. 9163. The Act established a training program aimed at “enhancing civic consciousness and defence preparedness in youth”, which comprises literacy training, civic welfare training and, as a voluntary option, reserve officer training. The program forms part of the curricula of all college degree courses and of technical vocational courses of at least two years, and completion of one component is required for graduation. Graduates of the Reserve Officer Training Corps become members of the Citizens Armed Force.⁶

The Philippine Military Academy provides the highest level of military training and offers a curriculum to serve the needs of the three armed services. Recruits must be aged 17 or over, and, once enrolled as cadets, become members of the armed forces. Cadets receive monthly payments and various allowances to cover the cost of uniforms, books, meals and other incidental expenses.⁷

Treatment of children involved in clashes with government forces

Children who surrendered or were rescued from armed opposition groups were reportedly used by the military as spies and informants.⁸ Children, including possible child soldiers, were killed during military operations against opposition

forces, particularly members of the MILF. In March 2003, the Minister for Social Welfare and Development urged government forces to rescue child soldiers rather than engage them in battle.⁹ In November 2003 a 15 year old was charged with rebellion for alleged involvement in an armed clash with government forces.¹⁰

Armed political groups

In 2002 the International Labour Organization (ILO) carried out an assessment of child soldiers in Central and Western Mindanao, interviewing children from three armed groups: the NPA, the MILF, and the Abu Sayyaf Group. Their ages ranged from 14 to 17, but some of them reported that children as young as 11 were admitted as members. The study found that there were more male than female child soldiers, and that most of the children remained in formal education. They came from “poor, economically marginalized families whose parents [were] involved in the armed struggle themselves”. Their duties were most commonly to act as guards, platoon or squadron leaders, combatants, cooks and, for the girls only, medical team members.¹¹

New People’s Army (NPA)

In January 2003 military sources reported that testimonies of former NPA members revealed “massive recruitment” of children aged 13 to 17 years from the ranks of urban students and out-of-school peasants. An NPA spokesperson denied the accusation, saying their units followed a clear prohibition on recruiting under-18s and that underage volunteers who wanted to join up were not given weapons or directly involved in combat operations. “Most of them perform menial assignments, running errands, courier jobs and the likes”, he said.¹² A 16 year old arrested by the military reportedly served as a tax collector for the NPA.¹³

However, government forces continued to report NPA recruitment and training of children in several areas.¹⁴ School students were among NPA members involved in firefights with the armed forces.¹⁵ Combatants captured during such encounters included 16 year olds.¹⁶ Military records showed a total of 122 boys and 50 girls captured while working with the NPA as “combatants, courier, guides, medics or spies” between January 1997 and June 2003.¹⁷ On 30 September 2003 a CPP spokesperson said that “more and more youth join the revolutionary movement and the NPA in areas where the US-Arroyo regime’s all-out terrorism has wrought immense militarization”.¹⁸

The NPA told the Child Soldiers Coalition in March 2004 that “not a single combatant under the age of 18 remained in the ranks of the NPA” and that under-18s wanting to enlist were assigned non-combat tasks in children and youth

mass organizations, production and other socio-economic cooperatives, cultural development and teaching.¹⁹

Moro Islamic Liberation Front (MILF) and Abu Sayyaf Group

The MILF has engaged in guerrilla warfare against the government in areas of Mindanao since 1978. In 2002 government sources estimated its armed strength at up to 10,000, while the MILF claimed a membership of about 120,000. Ten to 15 per cent of its members were estimated to be below 18 years of age.²⁰

In May 2003 children aged 14 and 15, alleged to be MILF members, were killed in clashes with government forces.²¹ In the same month the Department of Social Welfare and Development noted that half the 98 MILF members who surrendered to government forces were teenagers.²² MILF members captured by government forces have included children as young as 11.²³ The military reported finding photos of children in uniform and carrying firearms at one MILF camp.²⁴

The MILF told the Child Soldiers Coalition in March 2004 that “as a matter of policy and practice, [the MILF] does not recruit children under the age of 15 to be engaged as combatants”.²⁵ The MILF said that children were sometimes involved in skirmishes between the armed forces and the Bangsamoro Islamic Armed Forces, an armed group with links to the MILF, because they were defending their villages or were carrying food and medicine to combatants and evacuees fleeing military action.

The Abu Sayyaf Group, a Muslim separatist group that has been responsible for taking hostages for ransom, was estimated by government sources to comprise about 500 armed members. Between 15 and 30 per cent of them were reportedly under 18 years old.²⁶ At least two under-18s were among a group prosecuted in August 2002 for kidnapping schoolchildren and teachers on 20 March 2000. The trials were continuing in March 2004.²⁷

In 2002 Abu Sayyaf and the MILF were reported to be recruiting secondary school and college students in Zamboanga city. City officials ordered police to monitor the schools where recruitment was allegedly taking place. One police officer said that most of those being recruited were fraternity members who were asked to undergo “test missions” as a condition of membership. However, the MILF said that it had no need to recruit new members and no program in place to do so.²⁸

Disarmament, demobilization and reintegration (DDR)

Armed forces guidelines on the treatment of children in armed conflict specify that military units responsible for the surrender or rescue of children are required to release them to the custody of the Department of Social Welfare and Development within 24 hours, or within a maximum of 72 hours if conditions prevent earlier release. Units must inform the children of their rights, provide necessary medical treatment and protect them from further exploitation and trauma, conduct crisis intervention stress debriefing and satisfy their basic subsistence needs. Units also must maintain a database on children involved in armed conflict.²⁹ There were reports that some children were not released from military custody within the prescribed time limits.³⁰

On 26 November 2001 the government adopted a Comprehensive Program Framework for Children in Armed Conflict, under presidential Executive Order No. 56. The Office of the Presidential Adviser on the Peace Process was to coordinate and monitor implementation of the program, whose objectives included the rescue, rehabilitation and reintegration of children involved in armed conflict. In 2003 the Office of the Presidential Adviser on the Peace Process and the Commission on Higher Education made study grants available to eligible former members of the NPA, MILF and the closely linked Moro National Liberation Front. The government’s peace efforts were supported by a US government commitment to finance livelihood projects for MILF members once a peace agreement was signed.³¹ It was not clear whether child soldiers were eligible for the program.

Other developments

The Philippines ratified the Optional Protocol on 26 August 2003, and made a declaration that “The minimum age for recruitment into the Armed Forces ... is 18 years, except for training purposes whose duration shall have the students/cadets/trainees attain the majority age at the completion date. ... There is no compulsory, forced or coerced recruitment ... [and] recruitment is exclusively on a voluntary basis.”³²

In 2003 the Government passed the Anti-Trafficking in Persons Act, Republic Act No. 9208, which prohibits the recruitment, transport or adoption of a child to engage in armed activities in the Philippines or abroad. Republic Act No. 9231 was passed in the same year. It provides for the elimination of the worst forms of child labour and provides protection for working children. The act also prohibits the recruitment of children for use in armed conflict and provides penalties for its violation.³³

* see glossary for information about internet sources

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 AFP, "Two shot dead by Reds as peace talks end", 15 February 2004.
- 3 Constitution of the Republic of the Philippines, <http://www.comelec.gov.ph/laws/consti.html>.
- 4 Carnelian International, *Philippines: Vigilantes*, <http://www.carnelian-international.com/Philippines/Vigilantes.htm>.
- 5 Child Soldiers Coalition Philippines, interviews with members of child rights NGOs and others working in communities where paramilitaries were operating, 2003.
- 6 An Act Establishing National Service Training Program for Tertiary Level Students Amending for the Purpose Republic Act No. 7077 and Presidential Decree No. 1706, and For Other Purposes.
- 7 Philippine Military Academy, <http://www.pma.ph>, and at <http://www.angelfire.com/trek/nevcal/mainpage.html>.
- 8 Information from Southeast Asia Regional Child Soldiers Coalition, 2003 and 2004.
- 9 *Philippine Daily Inquirer*, "Military urged to rescue child soldiers", 18 February 2003.
- 10 Chito A. Fuentes, "Army files case of rebellion vs. 2 youths in Bohol", *Philippine Daily Inquirer*, 4 December 2003.
- 11 Rufa Cagaco-Guiam, *Child soldiers in Central and Western Mindanao: A rapid assessment*, International Labour Organization (ILO), February 2002.
- 12 Jr. Mallari, T. Delfin, "NPA assailed on child warriors", *Inquirer News Service*, 4 January 2003.
- 13 Aquiles Zonio, "Army seeks amnesty for minor rebel", *Philippine Daily Inquirer*, 22 January 2003.
- 14 Harley Palangchao and Thom S. Picana, "Rebs training new recruits in Nueva Vizcaya", *Manila Times*, 5 February 2003.
- 15 Gilbert Bayoran, "NPA still recruiting minors", *Visayan Daily Star*, 29 March 2003.
- 16 Aquiles Zonio, "Army captures another teen NPA rebel after clash", *Inquirer News Service*, 21 January 2003; Aquiles Zonio, "Army seeks amnesty for minor rebel", *Philippine Daily Inquirer*, 22 January 2003.
- 17 *Philippine Daily Inquirer*, "172 NPA child rebels captured", 9 October 2003.
- 18 Jr. Mallari, T. Delfin, "NPA: Gov't pushing youth to join rebels", *Philippine Daily Inquirer*, 30 September 2003.
- 19 Communication from NPA, 14 March 2004.
- 20 Rufa Cagaco-Guiam/ILO, op. cit.
- 21 Edwin Fernandez et al., "Military says MILF terror plan uncovered", *Inquirer News Service*, 21 May 2003.
- 22 Julie S. Alipala and Jeffrey P. Maningo, "Don't steal the childhood of our youth", *Philippine Daily Inquirer*, 24 May 2003.
- 23 Philippine Army, "MILF children rebels captured in Maguindanao", Press Release 103-03, 2 June 2003.
- 24 Julie S. Alipala, "Military urged to rescue child-soldiers", *Inquirer News Service*, 18 February 2003.
- 25 Communication from MILF, 29 March 2004.
- 26 Rufa Cagaco-Guiam/ILO, op. cit.
- 27 Information from Southeast Asia Regional Coalition, January 2004.
- 28 MindaNews, "AbuSayyaf, MILF recruiting students", 30 October 2002, <http://www.mindanews.com>.
- 29 Guidelines on Handling and Treatment of Children in Armed Conflict, issued by the Chief of Staff to the Armed Forces of the Philippines, 11 May 2000.
- 30 Information from Child Soldiers Coalition Philippines, Cagayan De Oro City, 10-12 November 2003.
- 31 Reuters, "Philippine government hurries MILF Peace Talks", 30 July 2003.
- 32 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).
- 33 Information from Southeast Asia Regional Coalition, June 2004.

SINGAPORE

Republic of Singapore

Population: 4.2 million (1.0 million under 18)

Government armed forces: 72,500

Compulsory recruitment age: 18

Voluntary recruitment age: 16½

Voting age: 21

Optional Protocol: signed 7 September 2000

Other treaties ratified (see glossary):

CRC, ILO 182

Recruits could volunteer for national service or regular service in the armed forces from the age of 16½ years.

Context

General elections in November 2001 brought a landslide victory for the governing People's Action Party, which has dominated politics in Singapore since independence in 1959, and which secured all but two of the 84 seats in the legislature. The government continued its crackdown on individuals alleged to be linked to "terrorist" organizations. In 2002, 31 men alleged to be linked to *Jemaah Islamiah* were ordered to be detained without charge or trial for two years under the Internal Security Act (ISA); five others were released conditionally. Singapore has one of the highest execution rates in the world relative to its population. The death penalty is mandatory for murder, drug trafficking, treason and certain firearms offences. More than 400 people are known to have been executed between 1991 and 2003. The majority of them are believed to have been convicted of drug trafficking offences.¹

Government

National recruitment legislation

Under the 1970 Enlistment Act, citizens and permanent residents between the ages of 16 and 40 years may be called upon "from time to time" to register for national service and to have a fitness examination. Only those aged 18 and over are liable to perform military service. Full-time service is for two to two and a half years, according to rank attained during service.² Individuals over the age of 16½ may volunteer under the Voluntary Early Enlistment Scheme. Parental consent is required and the volunteers must undergo a series of tests to prove they are medically and physically fit for service.³

The Enlistment Act also permits "any person" to apply for regular service in the armed forces. The 1990 Enlistment Regulations specify that voluntary recruits under the age of 18 must have parental consent.⁴ No minimum age is

specified in the act or the regulations, although "administratively, only those above the age of 16½ are allowed to be enlisted".⁵ The Enlistment Act allows for regular service recruits to be called for active service by presidential proclamation "where the interests of Singapore so require" (Part IV), in theory including under-18s.

Military training and military schools

As of 2000, trainees over the age of 16½ could enlist in the Learn as You Earn Scheme (LAYE), which provided opportunities for voluntary recruits to improve their secondary school qualifications. LAYE trainees were considered part of the military.⁶ It was not known if this practice continued in 2004.

Developments

Singapore does not support a "straight-18" position for military recruitment. In October 2003, the UN Committee on the Rights of the Child recommended that Singapore ratify the Optional Protocol.⁷

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Enlistment Act 1970 (Chapter 93), at Ministry of Defence, <http://www.mindef.gov.sg> (Defence Management Group, Legal Services, Legislation).
- 3 Ministry of Defence, <http://content.miw.com.sg/Mindef/Static/NSRegistration/Pdf/VEES.pdf>.
- 4 Singapore Armed Forces (Volunteers) Regulations, 1990.
- 5 Permanent Mission of the Republic of Singapore to the UN at Geneva, Letter to Child Soldiers Coalition, 25 February 2000.
- 6 Permanent Mission of Singapore to the UN at Geneva, op. cit.
- 7 UN Committee on the Rights of the Child, Concluding observations: Singapore, UN Doc. CRC/C/15/Add. 220, 27 October 2003, <http://www.ohchr.org>.

SOLOMON ISLANDS

Solomon Islands

Population: 463,000 (230,000 under 18)

Government armed forces: no armed forces

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II

The minimum age for recruitment to a border force made up of police officers was 18. Children reportedly fought alongside village militias and other armed groups during civil conflict between 1998 and 2003.

Context

Prolonged civil conflict from 1998 to 2003 led to a sharp economic decline, high unemployment, lack of basic services for the majority of the population and the forced displacement of nearly 30,000 people. A renewed campaign of intimidation of settlers and villagers by the Guadalcanal Liberation Front (GLF) displaced up to 2,500 people during 2003.¹ Despite peace agreements since 2000, illegally held guns continued to lead to insecurity and instability. In 2002 ethnic violence escalated against a background of impunity for police officers and former members of rebel groups and of government corruption.²

In July 2003 the intervention of the Australian-led Regional Assistance Mission for the Solomon Islands (RAMSI), also known as Operation "Helpem Fren" (Helping a Friend), and the first regional intervention outside a UN mandate, ended five years of conflict and lawlessness.³ The original force consisted of 2,225 police, military and development advisers from Australia, Cook Islands, Fiji, Kiribati, New Zealand, Papua New Guinea, Samoa and Tonga.⁴

Following parliamentary elections in December 2001, the new parliament elected Allan Kemakeza as Prime Minister. Alex Bartlett, a former leader of the disbanded paramilitary Malaita Eagle Force (MEF), an ethnically-based armed group, was appointed Foreign Minister.⁵

Government

National recruitment legislation and practice

There are no armed forces. The minimum age for recruitment to border reconnaissance forces,

drawn from the domestic police force, is 18 years.⁶

During 2001 hundreds of former rebel combatants received training and were recruited as police Special Constables.⁷ They had not been properly demobilized. Many had refused to give up their guns and were accused of using them to commit human rights abuses.⁸ However, as Special Constables, they did not receive appropriate training and became a drain on limited governmental resources. Many remained beyond the control of the authorities, and failed to maintain order or protect the civilian population.⁹

Government-linked militias

In June 2002, ten mostly Malaita gunmen, including a police officer, were sent by the authorities on a secret operation to capture GLF leader Harold Keke. Nine of them were killed. By the end of the year 3,000 villagers displaced by the manhunt were living without proper shelter and suffering acute shortages of food and medical care. In October 2002 commanders of the disbanded MEF said that Prime Minister Allan Kemakeza had advised them not to give up their guns, a requirement under a UN-supported disarmament project.¹⁰

The UN Committee on the Rights of the Child expressed concern that "[the] recruitment of children under the age of 18 by militias occurred during the recent armed conflict in the State party and that other cases of alleged war crimes affecting children have not been duly investigated". It recommended that the government ensure an end to further recruitment by militias and bring to justice those responsible for war crimes.¹¹

Armed political groups

In February 2001 the government and members of rebel groups signed the Marau Peace Agreement, which covered areas excluded from previous agreements. However, in the weeks preceding the December 2001 elections, civilians in Guadalcanal, Malaita and Western provinces continued to be threatened by former combatants who had refused to give up their weapons.¹² Throughout 2002 villagers from the Weathercoast area of the island of Guadalcanal increasingly accused GLF members of carrying out gross human rights abuses, including killings of suspected dissidents and rapes.¹³ A few days before the arrival of RAMSI, Harold Keke declared a ceasefire and in August gave himself up. He was detained to await trial.¹⁴ In early 2004, court proceedings were still pending.

Amnesty International estimated that at least a hundred children between the ages of 12 and 17 had been active participants in the conflict.¹⁵ Another report suggested that there could

have been several hundred youth combatants in political armed groups at the height of the conflict, about half of them recruited at the age of 15. Girls were said to have been forcibly recruited, many to provide sexual services, often after their families had been intimidated. Children from different areas told human rights monitors in October 2003 how they became involved in the conflict. In one case, in 1998 three boys had joined the Isatabu Freedom Movement (IFM), an armed opposition group from Guadalcanal, to defend their village from MEF raids. Until the arrival of RAMSI they had refused to give up their weapons, which included home-made guns and hunting rifles, for fear that hostilities would resume.¹⁶

The IFM recruited secondary school students and unemployed teenagers, usually against their will. They were often put on the front lines and suffered heavy casualties as a result. The opposing MEF reportedly sometimes refused to fire on them because they believed the young fighters were being used as “cannon fodder” by their own leaders.¹⁷

Disarmament, demobilization and reintegration (DDR)

A UN human rights office was established in 2001 to carry out training, advisory and awareness-raising activities. This included organizing debates on human rights issues, attended by former child soldiers, police officers, village elders, women’s groups, and religious and youth leaders.¹⁸

The UN Development Programme began a DDR and Small Arms Collection support program aimed at demobilizing Special Constables in July 2002.¹⁹ Half of the 1,000 Special Constables registered in the program had indicated a willingness to demobilize.²⁰ However, there appeared to be no special measures for identifying and demobilizing former child soldiers.

Nearly 4,000 guns were destroyed between August 2003 and March 2004 by RAMSI forces in weapon destruction ceremonies.²¹

The UN Committee on the Rights of the Child expressed concern that, in the initial report by the Solomon Islands to the Committee, “there are no reports of the measures taken to rehabilitate child soldiers”. It recommended that the government “take immediate measures to rehabilitate child soldiers and other child victims of armed conflicts and provide them with access to educational opportunities and health care”.²²

- 3 *Amnesty International Report 2004*.
- 4 *The Age* (Melbourne), “War-torn country returns from the brink”, 8 May 2004, <http://www.theage.com.au>; Australian Federal Police, “Operation Helpem Fren”, 17 May 2004, <http://www.afp.gov.au> (International).
- 5 *Pacific Islands Report*, “Police assure security as Solomons votes”, 5 December 2001, “Sir Allan Kemakeza elected new Solomon Islands Prime Minister”, 17 December 2001, <http://pidp.eastwestcenter.org/pireport>; *Amnesty International Report 2002*.
- 6 Initial report of the Solomon Islands to UN Committee on the Rights of the Child, UN Doc. CRC/C/51/Add. 6, 28 February 2001, <http://www.ohchr.org>.
- 7 Philip Alpers and Conor Twyford, *Small arms in the Pacific*, Occasional Paper No. 8, Small Arms Survey, March 2003, <http://www.smallarmssurvey.org> (Publications); UN Development Programme (UNDP), *Support to DDR and small arms collection in the Solomon Islands*, 24 February 2003.
- 8 *Amnesty International Report 2002*.
- 9 UNDP, *Support to DDR*, op. cit.
- 10 *Amnesty International Report 2003*.
- 11 UN Committee on the Rights of the Child, Concluding Observations: Solomon Islands, UN Doc. CRC/C/15/Add.208, 2 July 2003.
- 12 *Amnesty International Report 2002*.
- 13 *Amnesty International Report 2003*.
- 14 *Amnesty International Report 2004*.
- 15 Amnesty International, *Solomon Islands: A forgotten conflict*, 7 September 2000.
- 16 Confidential source, October 2003.
- 17 Communication from the Church of Melanesia, Solomon Islands, 10 June 2004.
- 18 *Amnesty International Report 2003*.
- 19 UNDP, *Support to DDR*, op. cit.
- 20 UNDP, *Solomon Islands: Support to demobilization of Special Constables*, Current Projects - SOI/02/001.
- 21 Amnesty International, “Updates: Solomon Islands”, *The Wire*, March 2004.
- 22 UN Committee on the Rights of the Child, Concluding observations, op. cit.

1 Global IDP Database, *Profile of Internal Displacement: Solomon Islands*, 18 March 2004, <http://www.idpproject.org>.

2 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.

SRI LANKA

Democratic Socialist Republic of Sri Lanka

Population: 18.9 million (5.8 million under 18)

Government armed forces: 152,300

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 8 September 2000

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

The armed opposition group, the Liberation Tigers of Tamil Eelam (LTTE), continued to recruit and use child soldiers. The average age on recruitment was 15. Some 650 children had been released by March 2004, but hundreds, possibly thousands, remained. Abductions and recruitment drives continued in the north and east. There were no reports of government forces using under-18s.

Context

The opposition LTTE, in conflict with government forces since 1983, declared a unilateral ceasefire in late 2001. A formal ceasefire agreement between the government and the LTTE followed in February 2002. Peace talks and negotiations took place in Norway, Germany and Thailand in 2002 and 2003, and a Sri Lanka Monitoring Mission of representatives of five Nordic countries was set up to monitor implementation of the ceasefire. In April 2003 the talks broke down, according to the LTTE because of lack of progress in dismantling army High Security Zones, in resettling the internally displaced Tamil population and in addressing poverty in the north and east.¹ The ceasefire held. In July 2003 the government and the LTTE signed an Action Plan, developed with UNICEF, to address the needs of war-affected children in the north and east.

Government

National recruitment legislation and practice

In its declaration made on ratification of the Optional Protocol in September 2000, the government 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 18.² There were no reports of children being recruited into government forces.

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. According to the 1985 Mobilization and Supplementary Forces Act, the National Cadet Corps is open to those over 16 (Sections 40 and 51). 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).³

Government-linked paramilitary groups

The government-linked paramilitary People's Liberation Organization of Tamil Eelam (PLOTE) reportedly recruited children as young as 12 in the Vavuniya area in early 2001. An inquiry by the police found three children being trained at one of the group's camps. They were returned to their parents, but other child recruits remained unaccounted for.⁴ In July 2001, 15 children allegedly being trained at the "Lucky House" camp were transferred to another, unidentified, camp run by the group.⁵ There were no reports of underage recruitment by PLOTE since the February 2002 ceasefire agreement.

Armed political groups

In February 2003, following peace talks in Berlin, an LTTE spokesperson said "The LTTE has made a solemn pledge to UNICEF to cease all recruitment of underage children ... where children want to join we will now check their ages". He also said that senior LTTE military leaders had been discharged following investigations into child recruitment.⁶

Reports of abduction, forcible and voluntary recruitment of children by the LTTE continued, however, despite this pledge.⁷ UNICEF documented the recruitment of 709 further children, at the same time as more than 200 children were released under an agreed demobilization plan (see below).⁸ The news media also reported continued abductions during demobilization.⁹ In February 2004 some 1,250 children were known to remain in the LTTE, and local organizations believed the true figure to be far higher.¹⁰ According to UNICEF, the average age of children when recruited was 15 years and, of those children recruited in 2003, 43 per cent were girls and 57 per cent boys.¹¹

The LTTE reportedly continued to order families to hand over a child as part of a "quota" system. In May 2002 an LTTE political official allegedly called parents for a meeting at a temple near the eastern town of Batticaloa and demanded a child from each family. Later, 12 children were forcibly removed.¹² In a speech to expatriates in Switzerland in December 2002 an LTTE regional commander was quoted as saying

"The Batticaloa people are giving their children, you must give your money".¹³ In February 2003 a woman reportedly complained to the police in Ampara that the LTTE had threatened to kill her if she did not hand over her son, who had recently escaped from an LTTE camp.¹⁴

Many children were simply abducted. The February 2002 ceasefire agreement allowed unarmed LTTE members to enter government-controlled territory, reportedly enabling child kidnappings to take place. In early 2003 both the National Child Protection Agency and opposition parties criticized the government for its failure to protect children from LTTE abductions.¹⁵ One study found that most kidnappings occurred while children, many under 15, were returning from school in both government and LTTE-controlled territories.¹⁶ In February 2003 the LTTE ordered a general strike in parts of the Trincomalee district to protest at the arrest of two female members charged with abducting two schoolgirls.¹⁷ Some children were taken from their homes, but Batticaloa residents said the LTTE also picked up children in the street or on the way home from school.¹⁸ Recruitment drives were reportedly renewed in October 2003, with the LTTE demanding one child from each family in several eastern districts and aggressively recruiting in the north.¹⁹ Such drives appeared to follow a cyclical pattern, depending on the levels of international scrutiny and the need to supplement recruitment by family quotas.²⁰ Many families fled to safer places to protect their children from the LTTE, and others did not report abductions for fear of LTTE reprisals.²¹

Voluntary recruitment continued to be reported, sometimes in response to campaigns of speeches, videos and heroic songs in which war paraphernalia and posters of heroes were displayed.²² Children sometimes enlisted to escape domestic violence or sexual abuse, or as a means to escape caste discrimination and to achieve social recognition and mobility.²³

Once in the camps, strict discipline was imposed and links with families were broken. Children who said they missed home were reportedly beaten, and other infringements of the rules were punished by whipping. At the Trincomalee camp, children were warned not to try to escape as they were surrounded by crocodile-infested waters. It was alleged that children had been killed during live firing exercises and their bodies summarily buried.²⁴ On 20 March 2003 a child soldier died from gunshot wounds received during training at an LTTE camp in northwest Sri Lanka.²⁵

Disarmament, demobilization and reintegration (DDR)

Following peace talks in 2002 and 2003, the LTTE agreed to work with UNICEF and the government

to develop a program for war-affected children. The resulting Action Plan for Children Affected by War aimed to address the needs of 50,000 children in the north and east. It was signed by the governmental Secretariat for Coordinating the Peace Process and the LTTE in July 2003 for immediate implementation. Members of the steering committee for the Action Plan are representatives from the Ministry of Social Welfare, UNICEF and the Tamil Rehabilitation Organization (TRO), an organization closely linked to the LTTE. Technical agencies responsible for implementing the plan are UNICEF, the International Labour Organization (ILO), the UN Development Programme (UNDP), the UN High Commissioner for Refugees (UNHCR), the government's Ministry of Social Welfare, TRO and the international non-governmental organization, Save the Children.²⁶

By mid-2003 a formal mechanism to assist the release and reintegration of child soldiers was in place. On 3 October 2003, 49 child soldiers were the first to be formally released by the LTTE and handed over to UNICEF in the northern town of Kilinochchi.²⁷ By March 2004 a total of 649 former child soldiers had been formally released.²⁸

Some of those released were sent to a newly opened transit centre in Kilinochchi. The centre possessed facilities for sheltering up to one hundred children for three months. Children arriving at the centre are assessed individually by UNICEF and TRO and a family assessment is carried out by TRO and Save the Children. Findings from the assessments are discussed at childcare review meetings, and recommendations from the meetings are discussed with the children concerned. Once the former child soldiers have been reunified with their families, follow-up and reintegration services are the responsibility of Save the Children.²⁹

The opening of two other such centres in the eastern towns of Trincomalee and Batticaloa was suspended as of March 2004. UNICEF and other implementing organizations called on the LTTE to renew its commitment to accelerate the rate of releases and for an end to re-recruitment of all under-18s.³⁰

* see glossary for information about internet sources

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

3 Information from UNICEF, 1999.

4 Amnesty International (AI), *Sri Lanka: LTTE recruitment drive for child soldiers must stop*, 11 October 2001, <http://web.amnesty.org/library/engindex>.

5 AI, *Sri Lanka: Government must investigate paramilitary group violations*, 4 July 2001.

6 *The Scotsman*, "Tamil Tigers will stop using child soldiers", 10 February 2003.

- 7 Human Rights Watch, *Sri Lanka: Human rights and the peace process*, Briefing Paper, July 2002, <http://www.hrw.org>.
- 8 UNICEF, *Action plan for children affected by war: Progress report 2003*.
- 9 A. Jayasinghe, "Tamil Tigers abduct 23 students after freeing child soldiers", AFP, 6 October 2003.
- 10 Confidential source, 10 March 2004.
- 11 UNICEF, *Action plan*, op. cit., and *End of year gender analysis*, 2003.
- 12 University Teachers for Human Rights (UTHR) (Jaffna), *The plight of child conscripts, social degradation and anti-Muslim frenzy*, Special Report No. 14, 20 July 2002, <http://www.uthr.org>.
- 13 UTHR, *Child conscription and peace: A tragedy of contradictions*, Special Report No. 16, 18 March 2003.
- 14 *The Island*, "Hand over son or face death, LTTE threatens mother", 19 February 2003.
- 15 *Asia Child Rights Weekly Newsletter*, "Sri Lanka: LTTE continues to build its child army unperturbed by peace talks", Vol. 2 No. 17, 23 April 2003, <http://acr.hrschool.org/index.php>.
- 16 UTHR, *Child conscription and peace*, op. cit.
- 17 AFP, "Strike grips northeast Sri Lanka after child conscription charge", 17 February 2003.
- 18 L. Beck, "Child abductions haunt Sri Lanka's mothers", *Reuters/Dawn* (Pakistan), 23 July 2003, <http://www.dawn.com/2003/07/23/int15.htm>.
- 19 UTHR, *Rewarding tyranny: Undermining the democratic potential for peace*, Special Report No. 17, 7 October 2003.
- 20 Confidential source, 8 February 2004.
- 21 Confidential source, March 2004.
- 22 C. Liyanarachchi, "Sri Lankan rebels still recruit child soldiers", *One World South Asia*, 20 January 2003, posted at <http://www.uthr.org> (Bulletin No. 31, Press clippings).
- 23 Confidential source, 29 March 2004.
- 24 UTHR, *The plight of child conscripts*, op. cit.
- 25 *Asia Child Rights Weekly Newsletter*, "Sri Lanka: Child Soldier Dies in LTTE Camp (News)", Vol. 2 No. 13, 26 March 2003.
- 26 UNICEF, *Action plan*, op. cit.
- 27 A. Jayasinghe, "Tamil Tiger child soldiers begin landmark demobilization", AFP, 3 October 2003, posted at <http://www.reliefweb.int>.
- 28 Confidential source, 10 March 2004.
- 29 UNICEF, *Action plan*, op. cit..
- 30 UNICEF press release, "UNICEF opens transit centre for child soldiers freed by LTTE", 3 October 2003; Communication with UNICEF, June 2004.

TAIWAN

Taiwan

Population: 22.4 million¹

Government armed forces: 290,000 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: not known

Voting age: 20

Treaties ratified: not applicable

There were no reports of under-18s serving in the armed forces.

Context

Relations between Taiwan and China remained strained.² Taiwan maintained a sizeable military establishment, accounting for nearly 17 per cent of its 2003 budget.³ During 2002 steps were taken to limit the scope and application of the death penalty. However, no moves were taken to introduce a moratorium. At least 100 prisoners reportedly remained on death row in 2002 and at least seven people were executed in 2003. In November the cabinet proposed a draft anti-terrorism law which provides for the death penalty for acts causing loss of life and lesser penalties for participation in or assistance to "terrorist" groups or activities.⁴

Government

National recruitment legislation

According to the 1946 Constitution, "people shall have the duty of performing military service in accordance with the law" (Article 20).⁵

The Military Service Law requires that all males are liable for military service from 1 January of the year after they are 18 until 31 December of the year they are 40 (Article 3). Generally, conscripts undergo 22 months of training. Exemption on health grounds and deferment for school and college students are allowed. Under Implementation Regulations for Substitutive Conscript, dated 2 February 2000, conscripts may choose non-military national service, including in the police, fire, social, medical and educational services. In 2001 nearly 8,300 conscripts performed this alternative service, and in 2002 more than 10,000.⁶

The National Defense Mobilization Reserve Act replaced the 60-year-old National Mobilization Act in November 2001. It established a people's defence mobilization system, and provided the legal basis for declaring full or partial mobilization of a citizens' reserve in national emergencies in peacetime and at times of war. The Ministry of National Defense is responsible for recruitment and training

of reserve forces.⁷ The minimum voluntary recruitment age was not known.

Military training and military schools

The Chung-cheng Armed Forces Preparatory School, founded in 1976, provides senior high school education and basic military training for students who wish to continue in one of the armed forces academies or the college for political warfare training. The minimum age for enrolment in the school appeared to be about 15 years.⁸

- 1 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.
- 2 BBC News, "Q & A: Taiwan's ties with China", 3 February 2004, <http://news.bbc.co.uk>.
- 3 US Department of State, *Background note: Taiwan*, December 2003, <http://www.state.gov/r/pa/ei/bgn/2813.htm>.
- 4 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 5 Constitution, at Government Information Office, Republic of China (Taiwan), <http://www.gio.gov.tw> (About Taiwan, Government).
- 6 *Taiwan Yearbook 2003*, Government Information Office, <http://www.gio.gov.tw> (About Taiwan, National Defense).
- 7 *China Times*, "New national mobilization rules to take effect", 15 November 2001, Government Information Office (Taiwan headlines), http://th.gio.gov.tw/show.cfm?news_id=11890.
- 8 *Taiwan Yearbook 2003*, op. cit.

THAILAND

Kingdom of Thailand

Population: 62.2 million (19.3 million under 18)

Government armed forces: 314,200 (estimate)

Compulsory recruitment age: 20

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces. Refugees from Myanmar continued to arrive in Thailand. They included former child soldiers recruited by the Myanmar armed forces and armed political groups in Myanmar. They lived in camps or as "illegal immigrants" along the border. The children were at risk of being returned to Myanmar.

Context

In May 2002 Myanmar closed its border with Thailand after the Thai army fired shells across the border during fighting between the Myanmar armed forces and ethnic Shan rebels.¹

In 2001 and 2002 there were several small-scale attacks that the authorities claimed were the work of separatist groups in the impoverished and predominantly Muslim provinces of southern Thailand.² Reports in early 2004 indicated that the armed groups had several hundred supporters.³ In January 2004, after a wave of violence in southern Thailand in which an army camp and government schools were attacked, the government declared martial law in Pattani and the provinces of Yala and Narathiwat bordering Malaysia.⁴ A Muslim leader suspected of links with the attackers was subsequently captured and killed, possibly by the armed forces.

Government

National recruitment legislation and practice

The 1997 constitution states that "Every person shall have a duty to defend the country, serve in armed forces ... as provided by law" (Section 69).⁵ Men who have reached the age of 20 are required to serve in the armed forces for two years. Up to 80,000 men were expected to have been drafted in 2003.⁶

The Labour Protection Act of 1998 prohibits the employment of children under the age of 15, and employers hiring under-18s are required

to notify a labour inspector. The minimum age for employment in work involving explosives or inflammable material is 18 (Section 49), and the Ministry of Labour and Social Welfare prohibits a child under 18 from performing dangerous work (Ministerial Regulation No. 6).⁷

Military training and military schools

The Armed Forces Academies Preparatory School offers secondary education to students before they join the Chulachomklao Royal Military Academy, the Naval Academy, the Air Force Academy or the Police Cadet Academy. The school aims to enhance the knowledge and efficiency of pre-cadets before further military training. Pre-cadets are divided into four battalions directly controlled by platoon commanders, and their military education and training is provided by the Regiment of Cadets. Applicants to the school must be unmarried boys between 14 and 17 years of age, who have educational qualifications to the level of Grade Ten and meet the health and height qualifications required by the armed forces or police.⁸

Armed political groups

Little information was available on the recruitment practices of the armed groups operating in southern Thailand. After the January 2004 attacks, the government launched an investigation of *ponohs* (Islamic schools) in the region. According to the Education Ministry, there were more than 100 *ponohs* with 8,600 students in Pattani, Narathiwat and Yala. The army said that there were almost 500 in the same area and in Satun province. It said it had “blacklisted” 30 of them for alleged links with armed opposition groups. The evidence for the army’s accusations was not made public.⁹

Other developments

Former child soldiers were among refugees from neighbouring Myanmar who continued to arrive in significant numbers during 2002 and 2003. They stayed in camps along the border, although the government refused to register them. In December 2002 the National Security Council Chief announced that Thailand would begin forcibly returning asylum seekers from neighbouring countries to their country of origin.¹⁰ The Thai government had not signed or ratified the UN Convention relating to the Status of Refugees or its Protocol.

- 3 Marwaan Macan-Markar, “Thailand: Violence mars ethnic harmony”, *IPS/The Manila Times*, 14 January 2004, <http://www.manilatimes.net>.
- 4 Asian Centre for Human Rights, *Education and conflicts in Southern Thailand*, 21 January 2004, <http://www.achrweb.org> (Features).
- 5 Constitution, at International Constitutional Law, <http://www.oefre.unibe.ch/law/icl/index.html>.
- 6 Government and politics, Armed forces, at Sunsite Thailand <http://sunsite.au.ac.th>.
- 7 International Labour Organization (ILO), *The effective abolition of child labour*, from *Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Compilation of annual reports by the ILO*, March 2003, <http://www.ilo.org> (ILO Declaration on fundamental principles and rights at work, Publications, Annual Review database).
- 8 Armed Forces Academies Preparatory School, <http://www.afaps.ac.th/engindex.html>; Armed Forces Academies, http://www.geocities.com/Athens/Acropolis/5522/T_T_HE.HTM.
- 9 Asian Centre for Human Rights, op. cit.
- 10 See *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>; Human Rights Watch, “My gun was as tall as me”: *Child soldiers in Burma*, October 2002, <http://www.hrw.org>; Myanmar entry of this report.

1 BBC News, “Timeline: Thailand”, 23 February 2004, <http://news.bbc.co.uk>.

2 Chawadee Nualkhair, “Thaksin vows help for violence-hit south Thailand”, Reuters, 10 January 2004.

TIMOR-LESTE

Democratic Republic of Timor-Leste

(until 20 May 2002 East Timor)

Population: 739,000 (358,000 under 18)

Government armed forces: 650

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 17

Optional Protocol: acceded 2 August 2004

Other treaties ratified (see glossary):

CRC, ICC

There were no reports of under-18s in the armed forces.

Context

The head of state appointed following the first presidential elections on 14 April 2002 was Xanana Gusmão, former Commander in Chief of *Falintil*, the armed group that resisted the Indonesian occupation. Independence was declared on 20 May 2002 and Timor-Leste was admitted to the UN on 27 September 2002. The UN peacekeeping mission in East Timor (UNMISET) continued to provide interim law enforcement.¹

Government

National recruitment legislation and practice

The constitution states “Every citizen has the right and the duty to contribute towards the defence of independence, sovereignty and territorial integrity of the country” (Section 49). “The State shall promote and encourage youth initiatives towards the consolidation of national unity, reconstruction, defence and development of the country” (Section 19). The Superior Council for Defence and Security functions as the consultative organ for the President on matters relating to defence and sovereignty (Section 148).²

There is no conscription in Timor-Leste. The recruitment and selection process for the first 600-member battalion of the newly-formed Timor-Leste armed forces was completed in January 2001.³ The minimum age for voluntary recruitment is 18.⁴

Military training and military schools

The first recruits to the new armed forces completed basic training in 2001. Australia, the Republic of Korea, New Zealand, Portugal and the USA were involved in training the first battalion. A training complex at Metinaro, built by Australia,

was formally handed over to the Timorese armed forces on 6 July 2001. A second battalion of 261 was recruited in January 2002, and began training in February.⁵

Disarmament, demobilization and reintegration (DDR)

According to the constitution, “The State shall ensure special protection to the war-disabled, orphans and other dependants of those who dedicated their lives to the struggle for independence and national sovereignty, and shall protect all those who participated in the resistance against the foreign occupation, in accordance with the law” (Section 11).

The International Organization for Migration (IOM), with funding from the World Bank and USAID, implemented the *Falintil* Reinsertion Assistance Program from January to December 2001. Social and economic reintegration assistance was provided to 1,300 former *Falintil* members, including start-up cash and material support for crop and livestock farming, fishing and micro-enterprises.⁶

The International Rescue Committee, which ran a project with 13 community groups in five districts to support women and girls who had experienced gender-based violence, also traced children and reunited over 1,100 of them with their families. In March 2004 it was handing over to local partner organizations the responsibility for identifying children who had been separated from their families.⁷

Other developments

International standards

Timor-Leste acceded to the Optional Protocol in August 2004. Its declaration on accession confirmed that the minimum age for voluntary recruitment into the national armed forces is 18 years, as specified by domestic law.⁸

1 *Amnesty International Reports 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution of Timor-Leste, at Government website (in Portuguese), <http://www.gov.east-timor.org>, at Law Library of Congress (in English), <http://www.loc.gov/law/guide/easttimor.html>.

3 UN Transitional Administration in East Timor (UNTAET), Daily briefing 3 December 2001, <http://www.un.org/peace/etimor/etimor.htm> (News and developments, daily press briefings).

4 UNTAET, Daily briefing 1 February 2001, *Transition of Falintil into the East Timor Defence Force*.

5 UNTAET, Daily briefing, 3 December 2001, op. cit.; *Fact Sheet 16: East Timor Defence Force*, April 2002.

- 6 John McCarthy, *Falintil reinsertion assistance program: Final evaluation report*, IOM, June 2002, at <http://www.worldbank.org>.
- 7 International Rescue Committee, *IRC Programs in East Timor Close*, 15 September 2003.
- 8 Declaration of Timor-Leste on accession to the Optional Protocol, <http://untreaty.un.org> (subscription required).

TONGA

Kingdom of Tonga

Population: 103,000 (45,000 under 18)

Government armed forces: not known

Compulsory recruitment age: no conscription

Voluntary recruitment age: not known

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC API and II

There were no reports of under-18s in the armed forces.

Government

National recruitment legislation and practice

There is no conscription.¹ However, under the 1988 constitution, "It shall be lawful for the King to command any taxpayer to join the militia for the purpose of instruction or for parade on public occasions should he think fit and also in time of war to call out all those capable of bearing arms and to make orders and regulations for their control and provisioning" (Article 22).² No minimum age of recruitment is specified, although the constitution also states that "Every Tongan subject of twenty-one years of age or more who being a male and not a noble pays taxes" (Article 64).

The armed forces comprise the Royal Marines, Royal Guards and a Maritime Force. An Air Wing is being planned.³ There is little information available about the military. A request by Tonga to the USA to upgrade its weapons with the purchase of 300 rifles was reportedly turned down after consultations with Australia and New Zealand.⁴ Tongan police officers have participated in the Australian-led International Peace Monitoring Team in the Solomon Islands since it was established by the Townsville Peace Agreement of October 2000.⁵

1 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.

2 Constitution, at Pacific Islands Legal Information Institute, <http://www.pacilii.org>.

3 Central Intelligence Agency (CIA), *World Factbook 2003*, 18 December 2003, <http://www.cia.gov/cia/publications/factbook>.

- 4 *Pacific Magazine*, "The Pacific's Gun Problems – Why there are so many available", March 2003, <http://www.pacificmagazine.net>.
- 5 Philip Alpers and Conor Twyford, *Small arms in the Pacific*, Occasional Paper No. 8, Small Arms Survey, March 2003, <http://www.smallarmssurvey.org> (Publications); Global IDP Database, *Profile of Internal Displacement: Solomon Islands*, 18 March 2004, <http://www.idpproject.org>.

VIET NAM

Socialist Republic of Viet Nam

Population: 80.3 million (30.8 million under 18)

Government armed forces: 484,000 (estimate)

Compulsory recruitment age: unclear (no conscription in practice)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 20 December 2001

Other treaties ratified (see glossary):

CRC, GC AP I, ILO 138, ILO 182

The government stated that no under-18s could be recruited into the armed forces.

Compulsory military service was not enforced but the law appeared to allow 16-year-old boys to be conscripted. It was not known whether under-18s were serving in the armed forces. The government said that under-18s would not be used in direct hostilities except if there was an urgent threat to territorial integrity or national sovereignty.

Context

National Assembly elections in 2002 returned the ruling Communist Party to power. No opposition parties contested the poll. International and domestic human rights monitoring was not permitted, and accurate information about recruitment laws and practice in relation to children was difficult to obtain.¹

Government

National recruitment legislation and practice

The 1992 constitution states that "It is the sacred duty and the noble right of the citizen to defend his motherland. The citizen must fulfil his military obligation and join in the all-people national defence" (Article 77), and "The entire people shall endeavour to defend the socialist Vietnamese motherland and ensure national security" (Article 44).²

In its declaration on ratifying the Optional Protocol in December 2001, the government stated that by law only male citizens over the age of 18 would be recruited for military service and that under-18s would not be directly involved in hostilities. However, under-18s could be recruited in the case of "an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity".³

In February 2004 the government told the Child Soldiers Coalition that “to ensure that children under the age of 18 are not obliged to join the armed forces, Article 69 of the 1981 Conscription Law stipulates that anyone who abuses power or responsibilities to act in contrary to provisions and regulations on military registration, recruitment and mobilization for military exercises be punished or sentenced for up to 3 months in prison”.⁴

Legal provision exists for compulsory military service, but this was not enforced and there was no military service in practice.⁵ The 1981 Law on Military Service Duty, as amended in 1994, provides the legal basis for conscription. It requires state agencies and various economic and social organizations, including schools and families, to encourage citizens to carry out military service (Article 10). Every January, People’s Committee and other officials, including directors of vocational and secondary schools, must submit a list of the boys who will turn 17 that year to the regional military commander (Article 19). The call-up takes place “once or twice” a year and “the time frame ... and the number of citizens to be called up ... shall be decided by the Government” (Article 19).⁶

Military training and military schools

On ratifying the Optional Protocol, the government declared that male citizens “up to the age of 17” who wished to join the army could be admitted to military schools. Applicants are required to submit their birth certificates and educational records, as well as undergoing health checks to ensure they are physically able to serve in the armed forces.⁷

The 1981 Law on Military Service Duty provides for wide-ranging military training programs for boys who have not reached military service age. A general program, to be formulated by the defence and education ministries for students in state schools, was to include political education as well as physical and military training. The law provides for similar programs to be organized by People’s Committees for boys not in school.⁸ Little was known about whether the programs had been set up or how many under-18s were participating in such training.

Disarmament, demobilization and reintegration (DDR)

In February 2004 the government told the Child Soldiers Coalition that, since reunification in 1975, Viet Nam has carried out several demobilization programs as part of its peacetime reconstruction.⁹ No details were provided.

In its 2002 report to the UN Committee on the Rights of the Child, Viet Nam said that, although there were no children involved in armed conflicts, it “still suffers heavily from the

consequences of the long wars. Thousands of children, whose fathers or mothers were exposed to defoliants and toxic chemicals, including Agent Orange, during the war suffer disability, deformity, or other long-term health problems.”¹⁰

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, <http://www.vietnambass-ua.org/learn/gov-constitution4.php3>.
- 3 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 4 Communication from Vietnamese embassy in the United Kingdom (UK), 26 February 2004.
- 5 Information from Amnesty International, April 2004.
- 6 Law on Amendments and Supplements to a Number of Articles of the Law on Military Service Duty, 22 June 1994, <http://hannover.park.org/Thailand/MoreAboutAsia/vninfo/docs/t344.html>.
- 7 Declarations and reservations, op. cit.
- 8 Law on Amendments and Supplements, op. cit.
- 9 Communication from Vietnamese embassy, op. cit.
- 10 Periodic report of Viet Nam to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.20, 5 July 2002, <http://www.ohchr.org>.



Young conscript in army truck just before his unit leaves for Grozny, capital of the Chechen Republic, at the beginning of the Russian offensive to retake the city in 2000.

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Europe and Eurasia

Regional overview

Under-18s were involved in the continuing conflict in Chechnya. In the rest of the region most states made commitments not to deploy child soldiers in combat, and a majority had ratified the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict. However, children were still recruited to government armed forces at the age of 16 in several countries, some of which reserved the right to deploy children in combat. In others, homeless children were admitted to military schools from a young age or “adopted” by military units, often in the absence of state welfare provision. Former child soldiers had little chance of being granted asylum in some countries and some were returned to countries where they faced possible human rights violations.

At war in Chechnya

Child soldiers continued to be involved in conflict in the Chechen Republic of the **Russian Federation**. Children from the age of 14 reportedly enlisted in armed groups opposing Russian rule and fought in factional groups to protect territory from rival armed groups and the Russian forces. A few under-18s, including boys and girls, were reportedly involved in suicide bombings and other incidents in which explosives were strapped to their bodies. These included an incident in October 2002 in which about 50 people, allegedly linked to Chechen rebel groups, took more than 800 people hostage at a Moscow theatre. The numbers of under-18s involved in the conflict were impossible to calculate, given

severe restrictions on media reporting and access to the territory.

Russian troops targeted young people in “cleansing” operations to round up suspected opposition supporters. Scores were reported to have been tortured by Russian forces and to have “disappeared” in custody in 2001 and 2002. Corruption in the enforcement of the draft increased fears that under-18s were being conscripted into the Russian armed forces and the possibility of some being deployed to conflict in Chechnya could not be ruled out. Russia had signed but not ratified the Optional Protocol.

Underage recruitment

In **Azerbaijan, Belarus, Georgia, Moldova** and **Russia**, students attending military schools from the age of 16 or 17 were reportedly considered to be on active military service. Orphans and other homeless children were said to be enrolled in military schools from the age of ten or eleven in **Kazakhstan**, Russia and **Ukraine**. In the absence of functioning social services, tens of thousands of such children aged 14 to 16 were “adopted” or sponsored by military units in Russia. They attended school, received military training and in some cases lived in army barracks. The practice raised concerns about their exposure to harsh conditions, bullying and other forms of abuse, as well as to hazardous activities such as weapons training. There were no reports of such children being deployed in combat.

Public concern over the treatment of young recruits in the **United Kingdom** (UK)

was heightened following the shooting deaths of two 17-year-old soldiers in 2001 and 2002 at a military barracks. While an open verdict was recorded on the first death and an inquest was yet to be held on the second, a police investigation expressed concern over bullying and intimidation of young recruits and called for better supervision. Police and the army were criticized by the dead soldiers' families for flawed initial investigations and excessive secrecy throughout the inquiries as well as failure to establish the cause of death. Alone among European governments which had ratified the Optional Protocol, the UK and **Serbia and Montenegro** permitted recruits to enlist at 16, although in **Ireland** 16-year-old volunteers could sign up for apprenticeships to the armed forces. Up to 7,000 under-18s were serving in the UK armed forces in any given year. Underage recruits could sign up for 22-year contracts, with an option to leave after four years from the age of 18. The youngest recruits could therefore find themselves contractually bound to serve until they were at least 22. The UK reserved the right to deploy under-18s in hostilities in urgent situations. One 17-year-old girl was on board a British ship sent to the theatre of conflict during the Afghanistan war, but there were no other known deployments of under-18s to Afghanistan or Iraq during the US-led interventions in 2001 and 2003.

A few countries which had ratified the Optional Protocol allowed voluntary recruitment at 17. They included **Austria, France and Italy**. In practice most young recruits remained in training until they had reached 18. Other states, such as **Germany, Hungary** and the **Netherlands**, had yet to ratify the Optional Protocol but did not allow under-18s to be deployed in combat.

Throughout the region a trend continued to professionalize armies and abolish conscription. However, compulsory military service continued in 13 countries:

Armenia, Belarus, Bulgaria, Cyprus, Greece, Kyrgyzstan, Moldova, Poland, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. There were reports of forcible recruitment in **Armenia**, of ethnic Armenian refugees from Azerbaijan, and in Tajikistan, although it was unclear to what extent under-18s were involved. Bucking regional trends, Turkmenistan lowered both the voluntary recruitment and conscription ages to 17 in 2001 and 2003 respectively, with no option for conscientious objection or alternative service. Some conscripts were apparently employed in public sector activities. Provision continued for the wartime conscription of 16 year olds in **Estonia** and of 17 year olds in Greece.

Child soldiers denied asylum

Former child soldiers were believed to be living in numerous western European countries. Among them were an estimated three to five hundred in **Germany**. The immigration authorities stated that child recruitment would not be considered as a form of "child specific persecution" and former child soldiers had little chance of being granted asylum. In **Norway** the immigration authorities refused asylum to two youths in early 2004. The two said they had been child soldiers in Eritrea where children are reported to serve in the armed forces illegally and are subjected to torture, arbitrary detention and forced labour for fleeing forcible recruitment and military service.

Human rights law and standards

International laws to protect children from involvement in armed conflict continued to be adopted by governments across the region. By June 2004, 32 out of 53 states had ratified the Optional Protocol and only **Albania, Belarus, Cyprus, Georgia, Turkmenistan** and **Uzbekistan** had yet to sign it.

The Vatican urged governments to end the use of child soldiers on several occasions. Pope John Paul II devoted his 2004 Lent message to children and referred to “children forced to work or enlisted for combat”. In October 2001 the Permanent Observer of the Holy See to the UN encouraged other states to further the legal protection of children by ratifying the Optional Protocol.

At the regional level, in December 2003 the European Union (EU) adopted “Guidelines on children and armed conflict”. The guidelines set out the EU’s objectives of influencing countries and non-state bodies to implement international and regional human rights and humanitarian standards, and “to protect children from the effects of armed conflict, to end the use of children in armies and armed groups, and to end impunity”. The guidelines propose that EU representatives in conflict zones should increase their monitoring and reporting of human rights abuses against children. They also say that the EU will strengthen its actions on behalf of war-affected children, including by engaging in political dialogue and funding child demobilization and reintegration programs.

In February 2004 the Child Soldiers Coalition and other international non-

governmental organizations proposed the appointment of an EU Special Representative with a mandate and resources to implement the guidelines. They pressed for any EU programs to specifically address the needs of girls, for responsibility for child soldier issues to be at ministerial level and for effective coordination between the UN and the EU.

Optional Protocol: ratifications and signatures

Acceded/ratified: Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Greece, Holy See, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Lithuania, Luxembourg, Macedonia (Former Yugoslav Republic of), Malta, Monaco, Portugal, Moldova (Republic of), Romania, Serbia and Montenegro, Spain, Sweden, Switzerland, Tajikistan, Turkey, United Kingdom. **Signed:** Armenia, Estonia, Germany, Hungary, Latvia, Liechtenstein, Netherlands, Norway, Poland, Russian Federation, San Marino, Slovakia, Slovenia, Ukraine. **Not signed:** Albania, Belarus, Cyprus, Georgia, Turkmenistan, Uzbekistan.

ALBANIA

Republic of Albania

Population: 3.1 million (1.1 million under 18)
Government armed forces: 22,000 (estimate)
Compulsory recruitment age: 19
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces.

Context

One of the poorest countries in Europe, Albania continued to suffer from weak government, widespread corruption, high unemployment and little public confidence in the independence of the judiciary. Violent organized crime was widespread and persistent. Detainees, including children, were frequently ill-treated and sometimes tortured during arrest and in police custody, where detention conditions were often poor, with severe overcrowding. Some police officers were dismissed or suspended, and in a few cases prosecuted and convicted, after allegations of ill-treatment were made against them.¹

Government

National recruitment legislation and practice

According to the constitution, “Albanian citizens have [a] duty to participate in the defence of the Republic of Albania, as provided by law” (Article 166). In a state of war or emergency, the President may decree extraordinary measures (Article 170).²

In its initial report to the UN Committee on the Rights of the Child, the government said that the minimum age for conscription was 19, under the 1991 Law No. 7527 on Military Service in the Armed Forces, as amended.³ Conscripts must serve for 12 months and exemptions are permitted on the grounds of ill health, although are reportedly difficult to obtain in practice. Higher education students may postpone their service until completion of their studies.⁴

In May 2003, President Alfred Moisiu vetoed an amendment to the Law on Military Service that would have exempted students from service if they completed their higher education by 31 December 2005, on the grounds that it violated constitutional guarantees of equality before the law.⁵ Subsequently an amendment was approved

that required graduates to complete one month of compulsory military service.⁶

The minimum age for voluntary service in the armed forces is 18.⁷

Military training and military schools

Albania has an Academy of Defence and a Defence University, which itself has four constituent academies for non-commissioned officers and for the air, naval and land services.⁸ The minimum entrance age is 18 in accordance with the minimum age for voluntary military service. There is no military or patriotic training within the general education system, and no dedicated military educational establishment for under-18s or youth organizations with a military orientation.⁹ In schools, students take classes in citizenship and, following the violence and upheaval of the 1990s, in peace studies.¹⁰

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, <http://www.president.al/english/pub/kushtetuta.asp>.
- 3 Also known as the Law on Compulsory Military Service. Initial report of Albania to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.27, <http://www.ohchr.org> (to be considered by the Committee in January 2005).
- 4 Immigration and Nationality Directorate, United Kingdom (UK) Home Office, *Republic of Albania Country Report*, April 2004, <http://www.ind.homeoffice.gov.uk>.
- 5 *Southeast European Times* quoting *Albanian Daily News, Shekulli*, 20 May 2003, <http://www.setimes.com>.
- 6 Albanian Radio, “Albanian parliament approves amended law on military service”, 10 July 2003, reported in South East European Security Monitor, Centre for South East European Studies, <http://www.csees.net> (SEE Security Monitor).
- 7 Communication from embassy of Albania, London, June 2004.
- 8 Ministry of Defence, <http://www.mod.gov.al/eng> (Military Education).
- 9 Communication from embassy of Albania, op. cit.
- 10 Centre for the Study of Balkan Societies and Cultures, *Education and Media in South East Europe*, 1999, http://www.gewi.kfunigraz.ac.at/csbsc/country_reports/Education_Albania.htm.

ANDORRA

Principality of Andorra

Population: 69,000 (13,000 under 18)

Government armed forces: none

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 18

Optional Protocol: ratified 30 April 2001

Other treaties ratified (see glossary):

CRC, ICC

The defence of Andorra is the responsibility of France and Spain. Andorra has no armed forces and no recruits.

Government

National recruitment legislation and practice

Under the constitution, "The state may create by law types of community service to pursue tasks of general interest" (Article 38).¹ France and Spain have responsibility for external security and the national police force for internal security.² Police recruits must be Andorran nationals aged between 19 and 35 who have completed secondary school education.³

Developments

International standards

In April 2001 Andorra became the fourth country to ratify the Optional Protocol. In its declaration upon ratification, the government reiterated "its disagreement with the content of article 2, in that that article permits the voluntary recruitment of children under the age of 18 years".⁴

1 Constitution, Article 38, Chapter VI, information from Council of Europe Legal Affairs department, <http://www.coe.int>.

2 Information on Andorran security in France and Spain entries, US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

3 Andorran police website, www.policia.ad/cat/ingre.html.

4 Declarations and reservations to Optional Protocol, <http://www.ohchr.org>.

ARMENIA

Republic of Armenia

Population: 3.1 million (0.8 million under 18)

Government armed forces: 44,660

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 24 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II

Under-18s in the ethnic Armenian refugee community may have been forcibly and illegally recruited into the army. The recruitment of children from the age of 15 appeared to be allowed in times of war or national emergency.

Context

Peace negotiations continued between Armenia and Azerbaijan, brokered by the Organization for Security and Co-operation in Europe (OSCE), to end the conflict over the disputed status of Nagorno-Karabakh.¹ Breaches of the ceasefire occurred throughout the second half of 2003, with cross-border shelling and exchanges of gunfire resulting in some casualties.² Military conscripts were treated brutally by their superior officers or with their complicity.³ Dozens of people were sentenced to imprisonment for conscientious objection to compulsory military service. In December 2003 parliament adopted a law providing for unarmed military service or alternative civilian service but both, at almost double the length of ordinary military service, were of punitive length.⁴ By the end of 2002 around 40 people were under sentence of death but there was a moratorium on executions. In 2003 Armenia abolished the death penalty in peacetime.

Government

National recruitment legislation and practice

Under the constitution, "Every citizen shall participate in the defence of the Republic of Armenia in a manner prescribed by law" (Article 47).⁵ Conscription and voluntary military service are regulated by the Law on Military Service, as amended in 2002, and the 1998 Law on Conscription.⁶

In July 2003 Armenia reported to the UN Committee on the Rights of the Child that boys are registered for conscription at 16 and that men between the ages of 18 and 27 who meet the required health standards are liable for

conscription, in accordance with the Law on Conscription (Articles 5 and 11). The minimum age for voluntary recruitment is 18. Men who have completed their compulsory military service and women may sign an agreement to serve on a voluntary basis. The report said that there had been no underage recruitment since the Nagorno-Karabakh conflict ended in 1994.⁷

However, forced conscription of ethnic Armenian refugees from Azerbaijan reportedly continued, in violation of the 1999 Law on Refugees, which exempts them from military service. The parents of such refugees were said to be reluctant to complain for fear of reprisals against their sons.⁸ Most had reached conscription age. However, one 16 year old was called to register for conscription and at the same time given a call-up notice for two years later. Another student, in the tenth grade where most are aged 15 or 16, was reported to have been seized from his schoolroom and conscripted into the army.⁹

The 1999 Law on Mobilization Preparation and Mobilization, which provides for military recruitment during war or national emergency, makes no explicit reference to the minimum age of recruits, but sets out the conditions under which citizens will not serve (including women and children).¹⁰ In its report to the Committee on the Rights of the Child, the government stated that "It is forbidden for children aged under 15 to participate in military activities", which appeared to indicate that the recruitment of 15 to 18 year olds is permitted in some circumstances.¹¹

Military training and military schools

Officers are trained at the Vazgen Sarkisyan Military Institute but the minimum age of admission for cadets was not clear.¹² The Law on Conscription provides for pre-conscription training in schools and specialized secondary education institutions (Article 8).¹³ The training reportedly consists of civil defence classes and weapons training for one hour a week.¹⁴ It was unclear to what extent the training is provided in schools across the country. The government provided no specific information in response to questions about the "use of extra-curricular activities and the inculcation of patriotism" in children when the Committee on the Rights of the Child was reviewing Armenia's January 2004 periodic report.¹⁵

- 3 Sometimes known as "hazing" – an institutionalized system of extreme physical abuse and psychological humiliation inflicted over an extended period on the most recent or junior conscripts by longer-serving conscripts or senior soldiers. While not formally condoned, lack of supervision allows the practice to continue unchecked. The precise form it takes may vary from one army to another, but its essential features are that it is systematic, continual, status-related, and usually carried out by those who have previously been its victims.
- 4 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 5 Constitution, at National Assembly of the Republic of Armenia, <http://www.parliament.am>.
- 6 Aghasy Yenokian, *Armenia: Civilians in national security policy*, Conference Paper, November 2002, Geneva Centre for Democratic Control of the Armed Forces, <http://www.dcaf.ch>; Second periodic report of Armenia to UN Committee on the Rights of the Child, UN Doc. CRC/C/93/Add 6, 17 July 2003, <http://www.ohchr.org>.
- 7 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 8 US Department of State, op. cit.
- 9 Armenian Refugees Supporting League and Armenian Constitutional Right Protective Center, *Monitoring of implementation of rights of refugees in relation to military conscription and army service in the Republic of Armenia*, Yerevan 2001, http://www.osce.org/documents/oy/2001/01/145_en.pdf.
- 10 *Zakon o mobilizatsionnoi podgotovke i mobilizatsii* (Law on Mobilization Preparation and Mobilization) (in Russian), March 1999, at National Assembly of the Republic of Armenia, <http://www.parliament.am>.
- 11 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 12 Armenian Public TV, "Strong army guarantees peace in region – Armenian leader", 16 March 2004, posted 18 March 2004 at *Armenia Daily Digest*, <http://www.eurasianet.org>.
- 13 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 14 Child Soldiers Coalition interview with defence spokesperson, Armenian embassy, United Kingdom (UK), 7 March 2004.
- 15 UN news release, "Committee on rights of child reviews second periodic report of Armenia", 15 January 2004, <http://www.unog.ch/news2/documents/newsen/crc0405e.htm>.

1 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, October 2003.

2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>; Institute for War and Peace Reporting (IWPR), *Caucasus Reporting Service*, No. 190, 7 August 2003, <http://www.iwpr.net>.

AUSTRIA

Republic of Austria

Population: 8.1 million (1.6 million under 18)

Government armed forces: 34,600 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: ratified 1 February 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Under-18s were possibly serving in the armed forces, as voluntary recruitment was allowed for 17 year olds. Legislation ruled out participation of under-18s in hostilities.

Context

Allegations of police ill-treatment and excessive use of force continued throughout the period under review. Parliament adopted a controversial asylum law in October 2003 which was heavily criticized by refugee and human rights organizations.¹

Government

National recruitment legislation and practice

The constitution states that “Every male Austrian national is liable for military service. Conscientious objectors who refuse the fulfilment of compulsory military service and are exonerated therefrom must perform an alternative service. The details are settled by law” (Article 9a).²

The legal basis for conscription, the 1990 Military Service Act (*Wehrgesetz*) states that all men between 17 and 50 are liable for military service, and that they may be called up only when they are 18 (Articles 15 and 16). The Act prohibits the compulsory recruitment of children for participation in armed hostilities. Military service may be undertaken early, at the age of 17, with parental approval.³ Each year about ten recruits volunteer to perform military service early.⁴ The period of service is eight months.⁵ Women may apply to join at 17, but do not begin training until they are 18.⁶

Voluntary recruitment can commence from the age of 17 but under-18s may be recruited only with the approval of the child’s legal guardians and cannot participate directly in military action, under an amendment to the Military Service Act of 1 January 2001 (Article 65c).

In its second periodic report to the UN Committee on the Rights of the Child, Austria

said that around 430 under-18s volunteered to join the armed forces each year. The report said “all areas of military training can also be completed before a child turns 18, and be used in operations without the risk of direct hostilities”.⁷ Applicants to military schools for training as non-commissioned officers must be 18.⁸

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, Legal Information System of the Republic of Austria (RIS), http://www.ris.bka.gv.at/info/bvg_eng.pdf.
- 3 1990 Military Service Act (*Wehrgesetz*) BGBl. Nr. 305/1990, with amendments, <http://zoom.mediaweb.at/material/wg.html>; Second periodic report of Austria to UN Committee on the Rights of the Child, UN Doc. CRC/C/83/Add.8, 8 July 2004, <http://www.ohchr.org>; Declaration made by Austria on ratification of the Optional Protocol, February 2002, <http://www.ohchr.org>.
- 4 Communication from Ministry of Defence, 8 May 2004.
- 5 Ministry of Defence, http://www.bmlv.gv.at/rekrut/stellung_einberufung/index.shtml.
- 6 Ministry of Defence, <http://www.bmlv.gv.at/karriere/frauen/treffpunkt.shtml>.
- 7 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 8 Ministry of Defence, <http://www.bmlv.gv.at/karriere/unteroffizier/englisch/allgemein.shtml>.

AZERBAIJAN

Republic of Azerbaijan

Population: 8.3 million (3.0 million under 18)

Government armed forces: 66,490

Compulsory recruitment age: 18

Voluntary recruitment age: 17 (training only)

Voting age: 18

Optional Protocol: ratified 3 July 2002

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

Under-18s could enlist voluntarily for active service in the Azerbaijan armed forces as cadets at military school. In the self-proclaimed Nagorno-Karabakh Republic (NKR) children reportedly received some military training at school but were not recruited into the NKR armed forces.

Context

Peace negotiations continued between Armenia and Azerbaijan, brokered by the Organization for Security and Co-operation in Europe (OSCE), to end the conflict over the disputed status of Nagorno-Karabakh.¹ Breaches of the ceasefire occurred throughout the second half of 2003, with cross-border shelling and exchanges of gunfire resulting in a number of casualties.² In March 2004 the Minister of Defence said that the “liberation of our lands from enemy occupation” was the highest priority for the armed forces.³

Allegations of excessive use of force, torture and ill-treatment by law enforcement officials persisted. Harassment and threats were made against human rights activists, government critics and journalists. An August 2002 referendum approved constitutional changes to the electoral system. The following year the president appointed as prime minister his son, who was in turn elected president in an October 2003 election where there were widespread electoral irregularities, intimidation of opposition supporters, harassment of the media, and excessive use of force by police in breaking up peaceful opposition demonstrations. After the election hundreds of opposition activists were arrested and subjected to short-term administrative detention or faced further proceedings.

The amendments to the constitution approved in August 2002 included amendments providing for the introduction of a civilian alternative to military service, but implementing legislation would be required to bring this into effect.⁴

Government

National recruitment legislation and practice

When ratifying the Optional Protocol in July 2002, Azerbaijan declared that youths may volunteer for “active military service” as cadets at military school once they were 17, in accordance with the Law on Military Service of November 1992.⁵ No official minimum age for voluntary recruitment exists for other recruits.⁶

The 1995 constitution provides for conscription, stating that “Defence of the Homeland shall be the duty of every citizen” (Article 76).⁷ Compulsory military service is carried out in accordance with the Law on Military Service and the Law on the Foundations of Conscription. Boys are registered for the draft when they turn 17 and conscripted service begins once they are 18. The draft takes place at least twice a year and the term of service is 17 months, although this may be extended in a national emergency.⁸

Conditions in the military remained poor, with 15 conscript deaths reported in the press in 2002.⁹ Unofficial figures are far higher. In February 2002 a former defence official estimated that since 1994 more than 5,000 soldiers had died as a result of malnutrition, disease, accidents and bullying.¹⁰ In September 2002 some 3,000 cadets at Baku’s Higher Military Academy protested at the living conditions, poor food and alleged mistreatment.¹¹

Military training and military schools

Children in ordinary secondary schools receive “integrated military-patriotic training” and military education lessons as part of the national curriculum. There are two Supreme Military Schools for under-18s, in Baku and in the autonomous Nakhichevan region. The age of entry was unclear, reports varying from 14 to 16.¹² After a “full military education” for three years, students may go on to Higher Military Schools.¹³ There were no known youth organizations with a military orientation.¹⁴

Nagorno-Karabakh Republic (NKR)

The NKR had its own laws, economy and armed forces, but remained unrecognized internationally. The capabilities of its armed forces were secret, although troop strength was estimated at between 18 and 22 thousand, with 30 to 40 thousand reservists receiving periodic training. Troops were locally conscripted or employed on contract from within the Karabakhi population or the Armenian diaspora of the Caucasus.¹⁵

There is no voluntary recruitment system. Conscription is regulated by the NKR Law on Military Service of 27 December 2001 and a law on conscription. The minimum age for conscription is 18, including in a state of emergency, and military service is for two years.¹⁶ In 2001 at least three conscientious objectors were convicted for evading call-up. Two were given custodial sentences but had reportedly been released by the end of the year.¹⁷

Children receive “military-patriotic” training, and several ordinary schools run “military-patriotic” clubs.¹⁸ In secondary schools, senior students take an “initial military training” course. There are no dedicated military schools for under-18s, but one “military-sports lyceum” provides both a general and “sports-military” education.¹⁹ In 2004 a journalist visiting a school in the NKR capital, Stepanakert, reported seeing 15 year olds in a compulsory military training program demonstrate assembling Kalashnikov assault rifles.²⁰

1 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, October 2003.

2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>; Institute for War and Peace Reporting (IWPR), *Caucasus Reporting Service*, No. 190, 7 August 2003, <http://www.iwpr.net>.

3 Radio Free Europe/Radio Liberty (RFE/RL), *Newsline*, 10 March 2004, <http://www.rferl.org>.

4 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

5 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

6 Correspondence from Reliable Future, a non-governmental organization (NGO), and Azerbaijan NGO Alliance for Child Rights, 4 March 2004; Child Soldiers Coalition interview with defence spokesperson, embassy of Azerbaijan, United Kingdom (UK), 8 March 2004.

7 Constitution, http://confinder.richmond.edu/local_azerbaijan.html.

8 Defence spokesperson, embassy of Azerbaijan, op. cit.; Presidential decrees of December 2003 and 17 March 2004, at Azerbaijan Development Gateway, <http://www.gateway.az> (Legislation database); Presidential decree of 19 June 2000, reported in Azerbaijani TV, “Azeri president issues decree on conscription”, 21 June 2000, posted 22 June 2000 at <http://www.eurasianet.org>; IISS, *The Military Balance 2003-2004*, op. cit.

9 US Department of State, op. cit.

10 *Sarq* (Baku), 27 February 2002, posted at Post-Soviet Armies Newsletter, <http://www.psan.org>.

11 RFE/RL, *Newsline*, 4 September 2002.

12 Reliable Future and Azerbaijan NGO Alliance for Child Rights, op. cit.; Defence spokesperson, embassy of Azerbaijan, op. cit.

13 Reliable Future and Azerbaijan NGO Alliance for Child Rights, op. cit.

14 Defence spokesperson, embassy of Azerbaijan, op. cit.

15 IISS, *Armenia-Azerbaijan weapons overview*, Armed Conflict Database (subscribers only); IISS, *The Military Balance 2003-2004*, op. cit.; *Azat Artsakh*, “Karabakh Defence Minister Does Not Expect War”, 7 April 2001, *Azerbaijan International Magazine*, <http://www.azer.com> (Karabakh, Media).

16 Correspondence from NKR Ministry of Foreign Affairs, 23 and 30 March 2004; NKR, List of laws, Law on liability for military service, <http://nkr.am/eng/gov/zakon.htm>; *Azat Artsakh*, op. cit.

17 *Amnesty International Report 2002*.

18 *Azat Artsakh*, op. cit.

19 NKR Ministry of Foreign Affairs, op. cit.

20 Frank Viviano, “The rebirth of Armenia”, *National Geographic Magazine*, March 2004.

BELARUS

Republic of Belarus

Population: 9.9 million (2.2 million under 18)

Government armed forces: 72,940

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Seventeen year olds entering the National Military Academy were given the status of members of the armed forces after an initial induction period. The military school in Minsk admitted children from the age of 12, many of whom go on to military training.

Context

The authorities used repressive measures to stifle peaceful protest and the legitimate exercise of the right to freedom of expression. Critics of the government, human rights activists, journalists, trade unionists and lawyers faced harassment and intimidation by the authorities. In the first four months of 2002 more than 200 people were detained during anti-government demonstrations, and at least 50 were subsequently imprisoned for between three and 15 days. Such arrests continued throughout the period under review, though on a lesser scale. Death sentences continued to be imposed and carried out but no reliable figures were available because the matter was treated as a state secret.¹

Government

National recruitment legislation and practice

Volunteers may enter the National Military Academy from 17 years of age. Following a few weeks' induction, their status is "equal to that of a conscript" although they are unlikely to serve in military operations or peacekeeping duties during their five years at the Academy. Professional service in the armed forces generally starts at 20 years of age.²

Under the constitution (Article 57) and the Law on Military Duty and Military Service of July 2003, men are liable for conscription from the age of 18 to 27.³ At 14 they are registered as potential draftees. Conscription is for 18 months, or 12 months for graduates of higher education. College students may defer and exemptions in specified circumstances are permitted.⁴ In 2003

there were approximately 30,000 conscripts in the armed forces.⁵

Belarus reported to the UN Committee on the Rights of the Child that, under its Rights of the Child Act, "children may not be incited to participate in military activities or in armed conflicts, war and violence" or join "armed formations". However, the report also stated that "in wartime, the President of the Republic may lower the age of conscription".⁶

As a supplement to general conscription, from January 2004 a new Law on Reserve Service obliged those selected to undertake military training of up to 800 hours over a three-year period (two years for college graduates) and 250 hours a year subsequently. Participants would not have to leave their jobs.⁷ In March 2004 draft legislation to provide alternative national service was still before parliament.

The widespread hazing⁸ (*dedovshchina*) of new recruits by physical and demeaning abuse continued to be reported. The authorities took some action against this and in 2002 criminal charges were brought against 15 individuals and disciplinary action was taken against 160. However, investigations by families and human rights groups were blocked by the authorities.⁹ Unofficially, at least 27 suicides were reported in the military in 2002.¹⁰

Military training and military schools

The Suvorov Military School in Minsk admits children from the age of 12. They live in barracks, wear military uniforms and receive "extended military training" as well as a basic education.¹¹ Most students go on to the Belarus Military Academy and the "military and educational institutions of the Russian Federation".¹²

Voluntary classes on military history and patriotism are provided in some secondary schools. Students are also offered summer camps on military bases.¹³

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Correspondence with Belarusian Defence Attaché to the USA, 3 and 4 March 2004.

3 Constitution, <http://www.president.gov.by> (Republic of Belarus, Constitution).

4 Belarusian Defence Attaché to USA, op. cit.

5 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, October 2003.

6 Report of Belarus to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.15, 26 September 2001, <http://www.ohchr.org>.

7 Belarusian Defence Attaché to USA, op. cit.

- 8 An institutionalized system of extreme physical abuse and psychological humiliation inflicted over an extended period on the most recent or junior conscripts by longer-serving conscripts or senior soldiers. While not formally condoned, lack of supervision allows the practice to continue unchecked. The precise form it takes may vary from one army to another, but its essential features are that it is systematic, continual, status-related, and usually carried out by those who have previously been its victims.
- 9 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 10 Anastasiya Dorofeeva, "Army brutality claims young lives", Institute for War and Peace Reporting (IWPR), *Belarus Reporting Service*, 28 March 2003, <http://www.iwpr.net> (Programmes, past programmes).
- 11 Belarusian Defence Attaché to USA, op. cit.
- 12 Ministry of Defence news article, 20 June 2003, http://www.mod.mil.by/2003june_eng.html.
- 13 Belarusian Defence Attaché to USA, op. cit.

BELGIUM

Kingdom of Belgium

Population: 10.3 million (2.1 million under 18)

Government armed forces: 40,800

Compulsory recruitment age: Conscription suspended

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 6 May 2002

Other treaties ratified (see glossary): CRC, GC AP I and II, ICC, ILO 138, ILO 182

Belgium backed a "straight-18" position, but had yet to amend its national legislation to exclude the possibility of under-18s serving in the armed forces. Legislation ruled out the deployment of under-18s in hostilities at all times.

Context

Belgium is among the top 13 countries dominating the world trade in small arms. During the 1990s assault weapons produced in Belgium turned up in countries where the use of child soldiers was extensive, including Angola, the Democratic Republic of the Congo, Rwanda and Sierra Leone.¹ An amendment to a 1991 law regulating the small arms trade, adopted in March 2003, banned licences for exports to countries "where it has been established that child soldiers are aligned with the regular army". However, the law applies to child soldiers under the age of 16 only.² There were continuing allegations that criminal suspects, demonstrators, asylum-seekers and unauthorized immigrants were subjected to ill-treatment, excessive use of force and racist abuse by law enforcement officers.³

Government

National recruitment legislation and practice

The armed forces have been a professional volunteer force since 1995. Although conscription has been suspended since 1992, legislation regulating compulsory military service has not been repealed. Under the Acts on the Militia (1962), during peacetime conscripts must register during the year they turn 16 for the call-up in the year they are 19 (Article 4). In wartime "militiamen shall be part of the recruitment reserve from 1 January of the year in which they reach the age of 17 until the time when they are taken into the army or their military obligations come to an end. This reserve can only be called up in the event of war or a threat to the territory" (Article 2). As long as

these laws are not repealed, it remains possible for 16 year olds to be recruited at time of war.⁴

A law introduced on 22 March 2001 ruled out participation of under-18s in armed combat, stating: "In wartime, recruits undergoing training who have not reached 18 years cannot participate in armed combat operations" (Article 152).⁵

On its ratification of the Optional Protocol in May 2002 Belgium declared that the minimum age for voluntary recruitment into the armed forces is not lower than 18 years and that it is forbidden for anyone under the age of 18 "to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement". The declaration also stated that non-governmental militias were prohibited, regardless of the age of those involved.⁶

Military training and military schools

There are a number of military schools, including the Royal Military Academy, a university, the Royal Defence College for postgraduates, and French and Dutch language academies for non-commissioned officers.⁷

According to a Royal Order (*Arrete Royale*) of 11 August 1994, as amended on 21 June 2001, recruits may present themselves for training as non-commissioned officers (*sous-officiers*) once they have completed secondary education; the minimum age is not specified (Article 9). Candidates for training as regular soldiers must be 16 by the end of the year in which their training begins, so may be 15 years old when admitted (Article 9). All candidates are required to sign an oath stating that they will be subject to military regulations (Article 5).⁸ On 19 February 2002 the Defence Minister told parliament that recruits were permitted to start non-commissioned officer training at military schools at 16, but that they were not considered part of the armed forces and would "never be engaged" in military operations.⁹

1 *Small Arms Survey 2002*, Graduate Institute of International Studies, Geneva, 2002, <http://www.smallarmssurvey.org>.

2 Law of 16 January 2003, adopted in March 2003, Ministry of Justice, <http://www.just.fgov.be>.

3 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

4 Information from Child Soldiers Coalition Belgium, <http://www.enfant-soldat.be>; Initial report of Belgium to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add 4, 6 September 1994, <http://www.ohchr.org>.

5 Ministry of Justice, op. cit.

6 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

7 Ministry of Defence, <http://www.mil.be> (Departments, Training and Schools).

8 Ministry of Justice, op. cit.

9 Information from Child Soldiers Coalition Belgium, February 2004.

BOSNIA-HERZEGOVINA

Bosnia and Herzegovina

Population: 4.1 million (0.9 million under 18)

Government armed forces: Federation: 13,200 (estimate); Republika Srpska: 6,600 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 10 October 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces. In line with defence reforms the minimum age for voluntary recruitment was raised to 18.

Context

The country remained largely under the authority of the international community and the High Representative, nominated by the intergovernmental body responsible for implementing the 1995 Dayton Peace Agreement. By the end of 2003 nearly one million people displaced by the 1992-95 war had returned to their homes, although many continued to face discrimination and violence. Thousands of "disappearances" remained unresolved and a lack of cooperation by the authorities hindered efforts to bring those responsible to justice.¹ By June 2004 the NATO-led Stabilisation Force (SFOR) had been reduced to 7,000 troops from its initial 60,000 in 1996.²

Government

National recruitment legislation and practice

The state of Bosnia-Herzegovina consists of two "entities", the Federation of Bosnia and Herzegovina, and the Republika Srpska, each with its own constitution covering primarily domestic issues, as prescribed by the Dayton Agreement.³ Until reforms in 2003 and 2004, each had its own defence laws and armed forces, those of the Federation of Bosnia and Herzegovina divided into Bosniac and Bosnian Croat components.⁴

Fundamental constitutional and defence law reforms took place throughout the last quarter of 2003 and into 2004 to ease Bosnia-Herzegovina's entry into NATO's Partnership for Peace (PfP) program.⁵ These reforms harmonized the laws of both entities and unified the command structures

of both armed forces into a single, centralized system under a State Law on Defence in Bosnia-Herzegovina of December 2003.⁶

On ratification of the Optional Protocol in October 2003, Bosnia-Herzegovina made a declaration that, under the Law on Defence of the Federation of Bosnia and Herzegovina and the Law on the Army of Republika Srpska, it “will not permit voluntary recruitment into its national armed forces of any person under age of 18 ... in compliance with the Optional Protocol”.⁷

Federation of Bosnia-Herzegovina

The Federation parliament amended the constitution and defence laws in October and December 2003 to transfer military authority from entity to state level.⁸

The constitution contains no specific provision for mandatory military service.⁹ The legal basis for military service is provided by the Defence Law and the Law on Serving in the Bosnia-Herzegovina Federation Army, as amended by parliament in May 2004 to bring the military service procedures of the Bosnian Croat component into line with the rest of the Federation army.¹⁰

Amendments to the Federation’s Defence Law aimed at the abolition of compulsory military service were proposed in February 2003.¹¹ However, conscription continues, with all citizens required to do 12 months’ military service from the age of 18. There is provision in law for conscientious objectors to perform alternative, non-military, service for 24 months. Previously, voluntary service was permitted from the age of 17, but legal amendments nullified that provision.¹²

Republika Srpska

As part of the defence reforms, in November 2003 the Bosnian Serb parliament adopted amendments to the constitution to amalgamate the entity forces with those of the state: “Republika Srpska shall have its army, which is part of the armed forces of Bosnia and Herzegovina” (Article 105). In other amendments, independent command of the armed forces and, crucially, the right to declare a state of war, was ceded to the Presidency of Bosnia-Herzegovina.¹³

The amended constitution states that “Any citizen has a right and duty to defend and protect the territory and the constitutional order of Bosnia and Herzegovina and the Republika Srpska” (Article 104). Conscription is effectively ended by amendment to Article 105, which states that “the army of Republika Srpska shall consist of professional and reserve forces”, and by related amendments to the Law on Defence and the Law on the Army of Republika Srpska.¹⁴ Over a period of 12 months from December 2003 military service is to be replaced by an obligatory four-month training period for those aged 18 and

over, to maintain the reserve corps.¹⁵ In March 2004 this four-month national service training was approved as a transitional measure until the end of 2005.¹⁶ Previously, the minimum voluntary recruitment age was 17, but this was raised to 18 under the defence reforms.¹⁷

Military training and military schools

The course on defence provided in schools during the war has been succeeded by a course on democracy and human rights.¹⁸ Sectarianism, however, continues to pervade schooling, with local authorities resisting the unification of the education system.

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 South East European (SEE) Security Monitor, “Weekly roundup for Bosnia-Herzegovina 21-27 May 04”, 28 May 2004, Centre for South East European Studies, <http://www.csees.net> (SEE Security Monitor).
- 3 Constitution of Bosnia and Herzegovina (Article I) (Annex 4 to the Dayton Agreement), at Office of the High Representative, <http://www.ohr.int/ohr-dept/legal/const>.
- 4 Sgt. Peter Fitzgerald, “The armed forces in Bosnia and Herzegovina”, *SFOR Informer* 127, SFOR Stabilisation Force, 28 November 2001, <http://www.nato.int/sfor/indexinf/127/po3a/chapter4.htm>.
- 5 SEE Security Monitor, “Reuters: PFP membership in sight for Bosnia after defence reform”, 2 December 2003.
- 6 SEE Security Monitor, “Bosnia’s lower house adopts defence law”, 1 December 2003.
- 7 Declaration made by Bosnia and Herzegovina on ratification of the Optional Protocol, <http://www.ohchr.org>.
- 8 SEE Security Monitor, “Bosnian government adopts draft defence law”, 10 October 2003; “Bosnian Federation upper house adopts defence amendments to constitution”, 3 December 2003.
- 9 Constitution of the Federation of Bosnia and Herzegovina, at Office of the High Representative, <http://www.ohr.int/ohr-dept/legal/const>.
- 10 SEE Security Monitor, “Bosnian Federation parliament adopts final text of draft defence bill”, 26 May 2004; “Bosnian defence reform commission stipulates defence budget for 2004”, 4 February 2004.
- 11 SEE Security Monitor, “Bosnian Party chairman presents changes to Federation Defence Law”, 27 February 2003.
- 12 South East European Refugee Assistance Network, *Military service and conscientious objection*, 25 April 2002, <http://www.see-ran.org/expanded/?id=00111>; Declaration, op. cit., citing legal amendments.

- 13 Constitution of Republika Srpska, Amendments CVI-CXIII, Official Gazette No. 98/03, at Office of the High Representative <http://www.ohr.int> (Legal Department, Laws of Bosnia and Herzegovina); SEE Security Monitor, "Bosnian Serb parliament adopts constitutional amendments on defence", 28 November 2003.
- 14 Constitution of Republika Srpska, Amendments, op. cit.; SEE Security Monitor, "Bosnian Serb defence minister says defence law abolishes military service", 11 December 2003.
- 15 SEE Security Monitor, "Bosnian Serb draft defence law gets mixed reaction in parliament", 10 December 2003; "Bosnian Serb defence minister says defence law abolishes military service", 11 December 2003.
- 16 SEE Security Monitor, "Bosnian Serb parliamentary committee approves four-month national service", 30 March 2004.
- 17 Declaration, op. cit., citing legal amendments.
- 18 Confidential source, May 2004.

BULGARIA

Republic of Bulgaria

Population: 8.0 million (1.5 million under 18)

Government armed forces: 51,000

Compulsory recruitment age: 18 (conscription to be phased out)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 12 February 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

There were no significant improvements in respect of basic human rights with police ill-treatment and torture of detainees, including some children of the Roma community, widely reported. However, two important new laws relating to the establishment of an Office of an Ombudsman and anti-discrimination offered future safeguards.¹ The Bulgarian government supported the US-led intervention in Iraq and permitted the use of a military airport near Bourgas, on the Black Sea, for Iraq operations. On 29 March 2004 Bulgaria became a member of NATO.²

Government

National recruitment legislation and practice

The 1991 constitution provides for conscription, stating that "To defend the country shall be a duty and a matter of honour of every Bulgarian citizen" (Article 59).³

Military service lasts nine months, six months for graduates. The present legal basis for conscription is believed to be the 1995 Law on Defence and Armed Forces of the Republic of Bulgaria, as amended in 1998. All Bulgarian men are liable for compulsory military service between the ages of 18 and 30. The minimum age for voluntary recruitment is also 18.⁴ Military service is governed by the 1996 Regulations on Regular Military Service and the 1998 Edict 265 on Civil Defence Regulations.⁵ Alternative non-military service is allowed, under the 1999 Law for the Replacement of Military Obligations with Alternative Service. A special commission under the Ministry of Labour handles applications for alternative service, which is for 24 months.⁶

The armed forces are currently undergoing reform. In 2002 the government approved an Updated Plan for the Build-Up and Organization

of the Armed Forces of the Republic of Bulgaria by 2004. This plan, which envisaged phasing out conscription by 2010, has since been incorporated into a defence modernization plan for the period 2002 to 2015.⁷

Military training and military schools

Applicants to military colleges must have a high school diploma but there are no specific age requirements. However, high school graduates under the age of 18 may enter military schools until they are old enough to perform military service. Students are also sent to military colleges in other countries.⁸

In its declaration on ratifying the Optional Protocol in February 2002 Bulgaria stated that “Persons who have not come of age shall be trained at military schools subject to the conclusion of a training agreement to be signed by them with the consent of their parents or guardians. Having come of age, the trainees shall sign a training agreement on a regular military duty”.⁹

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/eo329a.htm>.
- 3 Constitution, at Constitutional Court of the Republic of Bulgaria, <http://www.constcourt.bg/constcourt>.
- 4 Initial report of Bulgaria to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.29, 12 October 1995, <http://www.ohchr.org>; Communication from Ministry of Foreign Affairs, 18 May 2004.
- 5 Information from Ministry of Defence website, <http://www.md.government.bg>.
- 6 Communication from Ministry of Foreign Affairs, op. cit.
- 7 Ministry of Defence, <http://www.md.government.bg> (Reform of armed forces); NATO interview with head of mission of Republic of Bulgaria to NATO, 27 October 2003, <http://www.nato.int/docu/speech/2003/s031027a.htm>.
- 8 Communication from Ministry of Foreign Affairs, op. cit.
- 9 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

CROATIA

Republic of Croatia

Population: 4.4 million (0.9 million under 18)

Government armed forces: 20,800

Compulsory recruitment age: 18

Voluntary recruitment age: none

Voting age: 18

Optional Protocol: ratified 1 November 2002

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces.

Context

In February 2003 Croatia formally applied to join the European Union (EU) as a full member in 2008. During 2003 Serb and Croat war crimes suspects were transferred to the custody of the International Criminal Tribunal for the Former Yugoslavia. Suspects continued to evade arrest and other perpetrators remained unidentified.¹ The Croatian government continued to fail to take significant steps to facilitate the return of the pre-war Serb population, despite pledges following the election of Prime Minister Ivo Sanader in December 2003 and requests by the EU as part of accession talks.²

Government

National recruitment legislation and practice

In accordance with the constitution, “Military service and the defence of the Republic of Croatia shall be the duty of every capable citizen” (Article 47).³ On ratifying the Optional Protocol in November 2002, Croatia declared that under-18s were prevented by law from joining the armed forces. Recruits register for conscription in the year in which they turn 18, and are sent to do military service after they are 18, normally in the calendar year in which they turn 19.⁴ The period of obligatory service is six months.⁵ There is no provision for voluntary recruitment.⁶

Before the 2002 Defence Act came into force, it was possible to be a conscript or volunteer before the age of 18, although the authorities said that the provision allowing 16 year olds to be conscripted in a state of emergency had not been used during the war with Yugoslavia of 1991-95.⁷

Military training and military schools

There are no military educational establishments or youth organizations with a military orientation for under-18s in Croatia, and no form of either military or patriotic training in Croatian schools.⁸

UNICEF, in cooperation with the government, provides educational programs in schools including on landmine protection, peace and human rights and the peaceful resolution of conflicts.⁹ To be accepted into higher military schools, the applicant must have served in the armed forces for a minimum of three years and reached the rank of lieutenant.¹⁰

Rehabilitation

Approximately one million children were exposed to the war of 1991-95, and between two and four hundred thousand were directly affected by the fighting. In its report of November 2003 to the UN Committee on the Rights of the Child, the government said it had established a National Programme for Psychological and Social Assistance to Independence War Victims in regional centres throughout Croatia. More immediate post-conflict concerns with humanitarian aid and assistance apparently delayed the implementation of rehabilitation programs, and a working group to carry out research into the assistance needed by children was not set up until 1999. Children were categorized according to whether they or their parents suffered directly as a result of the conflict, and profiled on the basis of their recollections of the war to determine the treatment they needed. Continued analyses were undertaken during treatment to measure their recovery and rehabilitation within the family.¹¹

Psychosocial support for children was provided through individual and group therapy, support from field teams and a children's hotline for psychological assistance. Among the most common problems noted by field workers were behavioural and adaptation disorders, poor school performance, insecurity and aggression. The Ministry of Labour and Social Welfare has, in cooperation with organizations such as UNICEF, implemented projects for children and young people in four of the regions exposed to the heaviest fighting. These were focused on improving the training of local professionals to improve their response to the post-war "psychological crises of children and youth".¹²

- 5 HINA News Agency, "Croatian party collects signatures against army conscription", 7 April 2003, reported in South East European Security Monitor, Centre for South East European Studies, <http://www.csees.net> (SEE Security Monitor).
- 6 Communication from Gordana Starcevic, Croatian parliament, June 2004.
- 7 Second periodic report to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.23, 28 November 2003 and Initial report, UN Doc. CRC/C/8/Add.19, 7 December 1994, <http://www.ohchr.org>.
- 8 Communication from Gordana Starcevic, op. cit.
- 9 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 10 Communication from Gordana Starcevic, op. cit.
- 11 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 12 Second periodic report to UN Committee on the Rights of the Child, op. cit.

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Human Rights Watch, *Croatia: Progress Needed on Refugee Returns*, 14 May 2004, <http://www.hrw.org>; *Amnesty International Report 2004*.

3 Constitution, at Croatian parliament, <http://www.sabor.hr>.

4 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).

CYPRUS

Republic of Cyprus

Population: 796,000 (215,000 under 18)
Government armed forces: 10,000
Compulsory recruitment age: 18
Voluntary recruitment age: 17 (not confirmed)
Voting age: 21
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age was believed to be 17, but it was not known whether under-18s were serving in the armed forces.

Context

Cyprus has been divided since 1974. The northern part, named the Turkish Republic of Northern Cyprus, remains occupied by Turkish armed forces. It is not recognized internationally as a separate state from the Republic of Cyprus, the southern part. A buffer zone patrolled by the UN Peacekeeping Force in Cyprus (UNFICYP) separates the two parts.¹

Government

National recruitment legislation and practice

The constitution provides for conscription, stating that “No person shall be required to perform forced or compulsory labour”, but that this shall not include “any service of a military character if imposed or, in case of conscientious objectors, subject to their recognition by a law, service exacted instead of compulsory military service” (Article 10).²

The legal basis for conscription is the 1961 Military Service Law. Under legislation relating to the National Guard, all male citizens and persons of Cypriot descent on the male side (including all those who have a Cypriot father even if they do not themselves have Cypriot citizenship) are liable for military service between the ages of 18 and 50. The normal length of service is 26 months.³ Since 1990 women have been allowed to join the National Guard as volunteers. The minimum age for voluntary recruitment is believed to be 17.

Military training and military schools

No information was available on military training and schools.

Turkish Republic of Northern Cyprus

Population: 190,000⁴
Government armed forces: not known
Compulsory recruitment age: 19
Voluntary recruitment age: 17
Voting age: 18
Treaties ratified: not applicable

The minimum voluntary recruitment age was 17, but it was not known whether under-18s were serving in the armed forces.

Government

National recruitment legislation and practice

Under the constitution, all citizens are liable for military service: “National service in the armed forces shall be the right and sacred duty of every citizen” (Article 74).⁵

The legal basis for conscription is the Military Service Law (Law No. 59/2000). Under the law, all citizens are liable for compulsory military service from the age of 19. The length of service ranges from eight months to 15 months. Those considered Turkish Cypriot citizens because of their parents’ origin and who reside abroad may qualify for shorter terms. Recruits planning to go into university education may defer or bring forward their service. The minimum age for voluntary recruitment is 17 provided that the recruit has parental consent (Article 18).

There are no military schools in the Turkish Republic of Northern Cyprus.⁶

- 1 From US Department of State, *Background Note: Cyprus*, May 2004, <http://www.state.gov/r/pa/ei/bgn/5376.htm>.
- 2 Constitution of the Republic of Cyprus, <http://www.kypros.org/Constitution>.
- 3 Information from Ministry of Foreign Affairs, <http://www.mfa.gov.cy> (Army Recruitment Matters).
- 4 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.
- 5 Constitution of the Turkish Republic of Northern Cyprus, <http://www.trncpresidency.org/constitution.htm>.
- 6 Information from Office of the Representative of the Turkish Republic of Northern Cyprus, London, 2004.

CZECH REPUBLIC

Czech Republic

Population: 10.2 million (2.0 million under 18)

Government armed forces: 57,050

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 30 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 182

There were no reports of under-18s in the armed forces.

Context

There were reports of ill-treatment of members of the Roma community. In January 2003 the UN Committee on the Rights of the Child expressed regret that some of its recommendations had not been sufficiently addressed. These included the development of awareness-raising campaigns aimed at reducing discriminatory practices against the Roma and the implementation of special programs to improve the standard of living, education and health of Roma children.¹

Government

National recruitment legislation and practice

The 1992 Charter on Fundamental Rights and Freedoms, which is part of the Constitutional Order of the Czech Republic, states that “Nobody shall be subject to forced labour or services” but also that this provision shall not apply to “military service or to any other service established by law in place of military service” (Article 9).²

The 1993 Law on Military Service states that all men between the age of 19 and 28 are liable for compulsory military service.³ The government reported to the Committee on the Rights of the Child in 2002 that military service legislation, which came into force on 1 December 1999, specifies that military service duty “does not apply to a child”, who therefore “does not become a soldier and cannot participate in armed conflict”. The report, which defined 18 as the age of majority, stated that a child “cannot accept military service voluntarily”.⁴ On ratifying the Optional Protocol the government declared that the minimum voluntary recruitment age, as prescribed in law, is 18 years.⁵

Military training and military schools

The minimum age for enrolment in military secondary school is 15, and the minimum age

for enrolment in military university is 18. In 2004 around 800 students under 18 were attending military secondary schools. Students at military university receive weapons training; such training is not given at secondary schools. As part of plans to professionalize the armed forces, the Defence Ministry developed new recruitment programs for these institutions and was targeting 15 to 25-year-olds.⁶

Developments

International standards

On 30 November 2001 the Czech Republic ratified the Optional Protocol and specified in its declaration “that the minimum age at which voluntary recruitment into its armed forces is permitted is 18 years. This age limit is prescribed by law.”⁷

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Charter of Fundamental Rights and Freedoms, at Parliament of the Czech Republic (in English), <http://www.psp.cz/cgi-bin/eng/docs/laws/listina.html>.

3 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.

4 Second periodic report of Czech Republic to UN Committee on the Rights of the Child, UN Doc. CRC/C/83 Add 4, 17 June 2002, <http://www.ohchr.org>.

5 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

6 Communication from Defence Ministry, 20 April 2004; Geneva Centre for the Democratic Control of the Armed Forces, report by Working Group on Military and Society, 15-19 November 2002, <http://www.dcaf.ch/news/miso/presentations>.

7 Declarations to the Optional Protocol, op. cit.

DENMARK

Kingdom of Denmark

Population: 5.4 million (1.2 million under 18)

Government armed forces: 22,880

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 27 August 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

Legislation was introduced in 2002 limiting the right to seek asylum and the rights of foreign nationals resident in Denmark. The scope of anti-terrorist legislation was broadened in the wake of the 11 September 2001 attacks in the USA.¹

Government

National recruitment legislation and practice

The constitution states that "Every male person able to bear arms shall be liable with his person to contribute to the defence of his country under such rules as are laid down by Statute" (Article 81).²

The legal basis for conscription is the 1980 National Service Act, as amended: "Conscripts who are residents of or living in this country shall appear before the medical draft in the year before they reach 18" (Section 13).³ The minimum age for compulsory recruitment is 18. The term of service depends on the conscript's duties: for example, four months for certain medical duties, eight to nine months for ordinary military service, and 12 months to serve in the Royal Lifeguard.⁴ Conditions for alternative service, outlined in Legal Order No. 1089 of 1998, were similar to those for military service.⁵

Traditionally, compulsory service was for men only. A statute of 19 February 1998 allowed women to enrol voluntarily on the same terms as men. There were around 870 women in the armed forces, making up five per cent of the force.⁶

The Home Guard is a locally-based unpaid force comprising about 65,000 volunteers under joint military and civilian leadership, whose task is to reinforce and support the work of the armed forces.⁷ An amendment to the Home Guard Act in 2001 increased the age of recruitment from 17 to 18.⁸

Military training and military schools

A recruit may present himself before the medical board when he is 17 but may only enrol for military training from the age of 18.⁹

Territories

The National Service Act does not cover the self-governing territories of the Faroe Islands and Greenland. If a young Danish man moves to mainland Denmark after living in one of those territories for ten years or more, he is not liable for military service.

Developments

Within the framework of the Danish Defence Agreement 2000-2004, the defence forces' strength was being cut and ending conscription was under discussion.¹⁰ While some opposition groups supported ending conscription altogether, the coalition government favoured scaling it down to a three-month term, with a focus on training, including in first aid, responding to national emergencies and security against "terrorism".

International standards

Denmark ratified the Optional Protocol in August 2002, stating that Danish legislation "does not permit the recruitment of any person below 18 in the armed forces".¹¹

- 1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 2 Constitutional Act of Denmark, www.folketinget.dk/pdf/constitution.pdf.
- 3 Amended by the Consolidating Act No. 190 of 2 April 1993 and Consolidating Act No. 1088 of 23 December 1998.
- 4 National Service Act, at Ministry of Interior, <http://www.im.dk>.
- 5 Civil and political rights, including the question of conscientious objection to military service, Report of the UN Secretary-General to UN Commission on Human Rights, UN Doc. E/CN.4/2000/55, 17 December 1999, <http://www.ohchr.org>.
- 6 Royal Danish Ministry of Foreign Affairs, <http://www.um.dk>; Committee on Women in the NATO Forces http://www.nato.int/issues/women_nato.
- 7 Danish Home Guard, <http://www.hjv.dk>.
- 8 Amended by Parliamentary Act No. 123 of 17 February 2001, Ministry of Defence, <http://www.fmn.dk>.
- 9 Correspondence from the Danish Defence Command, 3 March 2004.
- 10 Royal Danish Ministry of Foreign Affairs, op. cit., (Defence and Military).
- 11 Declaration made by Denmark on ratification of the Optional Protocol, <http://www.ohchr.org>.

ESTONIA

Republic of Estonia

Population: 1.3 million (0.3 million under 18)

Government armed forces: 5,510

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 24 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 182

Seventeen year olds were probably serving in the armed forces. The law stated that the minimum voluntary recruitment age was 18, but government officials indicated that in practice 17 year olds could enlist. Under-18s were serving in the Defence League which is classed, in law, as part of the armed forces.

Context

In 2002 and 2003 Estonia came under the scrutiny of several international human rights treaty bodies as well as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Council of Europe's Commissioner for Human Rights. These bodies raised a number of issues of concern, particularly ill-treatment and excessive use of force by the police, poor conditions in prisons and detention centres, and violence against women and children.¹ On 29 March 2004 Estonia became a member of NATO.² Estonian forces participated in the NATO-led Stabilisation Force (SFOR) in Bosnia, the Kosovo Force (KFOR), and US-led operations in Iraq.³

Government

National recruitment legislation and practice

Volunteers could join the armed forces at the age of 17, according to some officials.⁴ Another official said that the authorities were working with international organizations on the issue of child soldiers and that the voluntary recruitment age of 17 no longer applied.⁵ However, no statistics were available to show whether 17 year olds were still serving in the forces. The Defence Forces Service Act of 2000 clearly prohibits recruits from volunteering for service unless "he or she has attained at least 18 years of age".⁶ In practice, the law appeared to have been ignored in recent years.

The constitution states that "Estonian citizens have a duty to participate in national defence on the bases of and pursuant to procedure provided by law" (Article 124).⁷ Out of about 5,500 active service personnel, some 1,300 are conscripts.⁸

In 2002 Estonia told the UN Committee on the Rights of the Child that men registered for conscription at 18 and were conscripted from the age of 19.⁹ However, the Defence Forces Service Act requires that, in the year they are 17, boys must register with a national defence department before 1 December, and the Ministry of Defence website said that conscripted service started at the age of 18. Most conscripts serve for eight months, or 11 months for specialized training.¹⁰ Alternative service, for those who refuse to serve in the Defence Forces for religious or moral reasons, lasts between 16 and 24 months. In times of war or national emergency 16 to 18 year olds are included in the requirement that "every male Estonian citizen between 16 and 60 years of age is liable to service in the Defence Forces".¹¹

The Defence League (*Kaitseliit*) is a paramilitary organization, defined in the Defence League Act of 1999 as "a voluntary military national defence organization which is a part of the Defence Forces". It has more than 8,000 members, and a similar number in women's and youth wings, who engage in military exercises and supplement the police, border guard and rescue services.¹² The Young Eagles wing admits boys aged between eight and 18, who take part in fitness and military training, including weapons handling and shooting drills.¹³ In wartime, "units of territorial forces called defence districts will be formed of the members of the Defence League", and mobilized to assist the armed forces.¹⁴

Military training and military schools

There are no military educational establishments for under-18s, but a voluntary course entitled "Education in State Defence" may be taken in secondary school.¹⁵

1 Amnesty International Reports 2003 and 2004, <http://web.amnesty.org/library/engindex>.

2 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/e0329a.htm>.

3 Information from Ministry of Defence, <http://www.mod.gov.ee>.

4 Child Soldiers Coalition interview with Estonian Defence Attaché to the United Kingdom (UK), 5 March 2004, and Estonian mission to NATO, 8 March 2004.

5 Child Soldiers Coalition interview with Ministry of Defence, 8 March 2004.

6 Defence Forces Service Act (Article 79), at Estonian Legal Language Centre, <http://www.legaltext.ee>.

7 Constitution, at President of Estonia website, <http://www.president.ee>.

- 8 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, October 2003.
- 9 Initial report of Estonia to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add 45, July 2002, <http://www.ohchr.org>.
- 10 Defence Forces Service Act, op. cit. (Articles 45 and 51); Ministry of Defence, *Basic Facts on the Defence Forces*, November 2003, at Ministry of Foreign Affairs, http://www.vm.ee/eng/nato/aken_prindi/1003.html.
- 11 Defence Forces Service Act, op. cit. (Articles 3 and 74); Estonian mission to NATO, op. cit.
- 12 Estonian Defence Forces, <http://www.mil.ee> (Defence League).
- 13 Correspondence with Estonian Defence Attaché to the USA, 4 March 2004; Estonian Defence Attaché to the UK, op. cit.
- 14 National Defence System, <http://www.estonica.org> (State, National defence system).
- 15 Estonian Defence Attaché to the USA, op. cit.

FINLAND

Republic of Finland

Population: 5.2 million (1.1 million under 18)

Government armed forces: 27,000

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 10 April 2002

Other treaties ratified (see glossary):
CRC, GC API and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

The length of alternative civilian service remained punitive at 395 days, compared with 180 days in most cases for regular military service. During 2001-2003, over 20 conscientious objectors who refused to carry out alternative service were imprisoned, in most cases sentenced to 197 days' imprisonment.¹

Government

National recruitment legislation and practice

Conscription is provided for under the 2000 constitution, along with provisions on the right to exemption on grounds of conscience (section 127).² Men are liable for compulsory military service from the beginning of the year they are 18 until the end of the year they turn 60. Women have been able to volunteer for military service from the age of 18 since 1995. In general, military service is done within two years following call-up at the age of 19 or 20.³

Entry into the armed forces below the age of 18, including on a voluntary basis, is prohibited under a 2000 amendment to the Conscription Act, which also made the use of under-18s in hostilities a possible war crime under the Penal Code.⁴

Territories

Under section 120 of the constitution, the Ahvenanmaa (Åland) Islands are a self-governing area. Citizens of this area are exempt from military service.

Military training

Voluntary national defence training is organized by the National Defence Training Association, established in 1999. It trains volunteer men and women for skills needed in times of war or crisis, and complements the training of conscripts.⁵

Developments

Government proposals for reforms to the armed forces were approved by parliament in December 2001. The wartime strength of the army is to be reduced from around 490,000 men and women to 350,000 by 2009.⁶

International standards

Finland ratified the Optional Protocol on 10 April 2002. The accompanying declaration confirmed that “the minimum age for any recruitment of persons into its national armed forces is 18 years”.⁷

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution (731/1999), at Ministry of Justice, <http://www.om.fi/21910.htm>.
- 3 *Facts about the Finnish Defence Forces 2003*, <http://www.mil.fi>.
- 4 Law 364/2000, Amendment to Conscription Act, according to a communication from the Information Division of Defence Command, 16 March 2004.
- 5 Finnish Defence Forces, Training portal, <http://www.milnet.fi>.
- 6 *Finnish Security and Defence Policy 2001*, VNS 2/2001 vp, Government report to parliament, 13 June 2001, <http://www.defmin.fi>.
- 7 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

FRANCE

French Republic

Population: 59.9 million (13.5 million under 18)

Government armed forces: 259,050

Compulsory recruitment age: 18 until January 2003 (conscription now suspended)

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: ratified 5 February 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age was 17 for government armed forces, although recruits could not enlist until 1 October of the year in which they reached the age of 18 years and parental consent was required. The minimum voluntary recruitment age for the Foreign Legion was 17 but it was not known whether under-18s were serving.

Context

Traditionally, France has had a large military presence abroad. In 2004 French troops were taking part in UN peacekeeping operations overseas, including in Afghanistan, Côte d'Ivoire, Haiti and Kosovo. Since 1998 France has been involved in the RECAP program (Reinforcement of African Peacekeeping Capacities), in which French, United Kingdom (UK) and US troops support the defence capabilities of government forces in Africa.⁴

Government

National recruitment legislation and practice

The 1997-2002 Military Planning Act provides for the suspension of conscription as part of a reform program to professionalize and reorganize the armed forces that has reduced the number of troops and closed 80 out of 160 defence establishments.² Conscription was suspended from 1 January 2003 under the Law on National Service Reform, Law No. 97-1019 of 28 October 1997, which amended the 1972 National Service Code. President Jacques Chirac announced on 29 June 2001 that, in practice, compulsory military service would be suspended at the end of 2001. Law No. 97-1019 allows the government to reinstate conscription at any time (Article L112-2) and the legislation providing for national service has not been repealed. The minimum age for

compulsory recruitment is 18, under Law No. 72-662 of 13 July 1972 (Article 88).³

The 1997 Law on National Service Reform granted exemption from military service to men born after 31 December 1978 and women born after 31 December 1982 (Article L112-1). During the 1997-2002 transition period outlined by the reform plan, men born before January 1979 were still required to perform ten months of service. Instead of national service, French boys and girls are required to attend a “call-up day for defence preparedness” (*journée d’appel de préparation à la défense*), where they are informed about the benefits of a military career. They must register for the one-day program before they are 16 and attend one before they are 18 (Articles L113-1, L114-2). After the program, they may volunteer for civilian or military service, join the armed forces or undergo training. The 1997 law also provides for all school students to take a compulsory course on defence as part of the school curriculum.⁴

Under the 1997 law, the minimum age for voluntary recruitment is 18 (Article L121-1). Service is for 12 months and may be renewed every year for up to five years. The National Service Code specifies that volunteers may enlist from 1 October of the year in which they turn 18 (Book II, Article L5). Volunteers under 18 may enlist with parental consent under Law No 72-662 of 13 July 1972 (Article 88).

Voluntary recruits to the Foreign Legion must be between 17 and 40. Under-18s must have parental consent to enlist. Selected candidates sign a five-year unconditional contract to serve anywhere in the world. They are trained for four months at the Fourth Foreign Regiment in Castelnaudray before being posted.⁵

Military training and military schools

Military schools in France include four for the army (*Prytanée nationale militaire*, *Lycée Militaire de Saint-Cyr*, *Lycée Militaire d’Aix-en-Provence*, and *Lycée Militaire d’Autun*) and one for the navy (*Lycée Naval de Brest*). Students are admitted to the air force school, the *Ecole d’Enseignement Technique de l’Armée de L’Air de Saintes*, from the age of 16. There is also a Polytechnic School (*Ecole Polytechnique*). Under Law No 70-631 of July 1970, as amended by Law 94-577 of July 1994, candidates for the Polytechnic School must be 17 to sit admission exams and may enter the school during the year in which they turn 18.⁶

Developments

International standards

At a special UN Security Council session on Children in Armed Conflict on 20 January 2004, the Permanent Representative of France to the UN backed international mechanisms to combat the use of child soldiers, and said France had

presented a draft resolution to Security Council members, the main aim of which was close monitoring of the recruitment and use of child soldiers by armed groups.⁷

- 1 Permanent Mission of France to the UN, <http://www.un.int/france>.
- 2 French embassy, UK, *Reform of French national defence*, <http://ambafrance-uk.org/asp/hp.asp?LNG=en>.
- 3 *Loi no 97-1019 du 28 octobre 1997 portant réforme du service national* (Law No. 97-1019 of 28 October 1997 on National Service Reform), <http://www.legifrance.gouv.fr> (Les lois et règlements).
- 4 Ministry of Defence, National Service, http://www.defense.gouv.fr/sga/sga_sup_4/servicenat_s4/index.html.
- 5 French embassy, USA, <http://ambafrance-us.org> (Foreign Legion).
- 6 Ministry of Defence, <http://www.defense.gouv.fr/actualites/dossier/index.html> (Lycées militaires), and <http://www.defense.gouv.fr/air/index.html> (Les formations).
- 7 Children in armed conflicts, Statement made by the Permanent Representative of France to the UN Security Council, 20 January 2004, <http://www.un.int/france>.

GEORGIA

Georgia

Population: 5.2 million (1.2 million under 18)

Government armed forces: 17,500

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Military departments in secondary schools are integrated into the structure of the armed forces. In 2003 the death of a 16 year old and injury of five others during a compulsory military training class was reported.

Context

The Public Defender (Ombudsman) highlighted concern over reports of torture and ill-treatment in police custody and attacks on members of minority faiths in reports issued in 2002 and 2003. Russian warplanes reportedly bombed the Pankisi Gorge, near the Chechen border, where Russia alleged that Chechen fighters were sheltering. Under Russian pressure the Georgian government carried out operations in 2002 to clear Chechen fighters from the gorge. In 2002 US officials called on Georgia to rid the area of “Afghan militants” and suspected members of *al-Qaeda*. In February 2002 it was announced that US troops would be deployed in Georgia to provide training and equipment.¹

Elections held in late 2003 were judged by the Organization for Security and Co-operation in Europe (OSCE) to have fallen short of international standards. The flawed elections triggered mass demonstrations leading to the resignation of President Eduard Shevardnadze. One of the demonstration's leaders, Mikhail Saakashvili, was elected president in January 2004. He vowed to establish central government control over the autonomous republic of Ajaria and the unrecognized breakaway republics of Abkhazia and South Ossetia.² In March 2004 President Saakashvili attempted to enter the autonomous republic of Ajaria, but was blocked by militiamen loyal to its leader, Aslan Abashidze. The authorities in Ajaria reportedly distributed weapons to the civilian population.³

Government

National recruitment legislation and practice

Under the constitution, “The defence of the country and the fulfilment of military duties is obligatory for every eligible citizen” (Article 101).⁴ Men between the ages of 18 and 27 are eligible for the draft under the 1997 Law on Military Service and Duties. Amendments to the law were proposed in mid-2002 relating to military training in universities. Conscription takes place twice a year and those drafted must serve for 18 months.⁵ The minimum age for voluntary enlistment in the armed forces and participation in military actions is 18 years.⁶

In October 2003 the UN Committee on the Rights of the Child recommended Georgia to ratify the Optional Protocol.⁷

Military training and military schools

Many high schools in Georgia have military departments, which oversee “military preparedness” courses as part of the national curriculum for pupils from grades 9 to 11, aged 14 to 17. The costs involved in weapons training for children preclude full implementation of the program.⁸ One day a year is reportedly devoted to “mass defence activities”.⁹

Military departments in schools are integrated into the structure of the armed forces.¹⁰ Graduates are awarded the rank of sergeant in the reserve forces. Those who go on to the Joint Military Academy are promoted to the rank of junior lieutenant after one year.¹¹ Students may enter the Academy upon the completion of secondary education, which generally occurs at 17 years of age.¹² In late 2003 a 16-year-old boy died and five others were injured during a compulsory military training class in Tbilisi when a live hand grenade exploded. An official said dummy grenades were supposed to be used for school training.¹³ In May 2000, in the Mtskheta-Mtianeti region, a three-day Boy Scout military exercise was carried out under the auspices of a commando unit.¹⁴

Three military schools similar to Russia's Suvorov schools, which admit children in their early teens, reportedly operate in Georgia.¹⁵ There are also three Higher Military Schools, the Police Academy, the Joint Military Academy and the Security Ministry's Academy. In line with other Georgian higher educational institutions, pupils are permitted entry on completing secondary education, which generally occurs at 17 years of age.¹⁶

Abkhazia and South Ossetia

Official details of the armed forces in the unrecognized self-proclaimed republics of

Abkhazia and South Ossetia were not available, and it was not possible to determine whether they contained child soldiers.

There was intermittent skirmishing between the armed forces of Georgia and Abkhazia.¹⁷ Abkhazia strictly enforces conscription and its troops reportedly number about 5,000.¹⁸ However, in December 2003 the Defence Minister of Abkhazia declared that its armed forces would become fully professional under a reform program to be completed by 2007.¹⁹

The authorities in South Ossetia maintained armed forces numbering around 6,000, which they said were fully professional.²⁰

Disarmament, demobilization and reintegration (DDR)

The peace processes in Abkhazia and South Ossetia, following conflicts which took place in the early and mid-1990s, continued, with the UN Mission in Georgia (UNOMIG), the Organization for Security and Co-operation in Europe and Russia playing mediating roles. In its April 2003 report to the UN Committee on the Rights of the Child, Georgia highlighted the provision of summer camps and holidays abroad among measures to rehabilitate children affected by armed conflict. Information provided on such children in the autonomous and breakaway regions was limited.²¹ Psychosocial rehabilitation programs in South Ossetia were reported to be poor, with few projects for vulnerable children.²²

- 11 *Army and Society in Georgia*, March-April 2001 and September-October 2000, Centre for Civil-Military Relations and Security Studies, Caucasus Institute for Peace, Democracy and Development (CIPDD), <http://www.cipdd.org> (Research and publications, Periodicals).
- 12 Emil Adelkhanov, op. cit.
- 13 Civil Georgia, *One Child Dies in a Hand-Grenade Explosion at School*, 9 December 2003, <http://www.civil.ge>.
- 14 *Army and Society in Georgia*, op. cit., May 2000.
- 15 Confidential source, 2004.
- 16 Emil Adelkhanov, op. cit.
- 17 ITAR-TASS News Agency, 27 January 2004.
- 18 War Resisters International, "Impressions from a journey through the South Caucasus", *Peace News*, September-November 2003, <http://www.peacenews.info>; International Institute for Strategic Studies (IISS), Armed Conflict Database, Georgia (Abkhazia) (subscribers only).
- 19 Interfax-Military News Agency, 29 December 2003.
- 20 Interfax, 9 August 2003.
- 21 Second periodic report of Georgia to UN Committee on the Rights of the Child, UN Doc. CRC/C/104/Add. 1, April 2003.
- 22 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Georgia: South Ossetia Briefing Note*, January 2004, <http://www.reliefweb.int>.

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 *Amnesty International Reports 2002, 2003 and 2004*.
- 3 *The Times* (London), 15 March 2004.
- 4 Constitution, <http://www.parliament.ge> (Legal acts).
- 5 Giorgi Kandelaki, *Reserve officer training system in Georgia serves as indicator of military corruption*, 23 July 2002, <http://www.eurasianet.org>; Information from Human Rights Information and Documentation Centre, Georgia, March 2004; Information from Amnesty International, June 2004.
- 6 Initial report of Georgia to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.4/Rev.1, 6 October 1998, <http://www.ohchr.org>.
- 7 UN Committee on the Rights of the Child, Concluding observations: Georgia, UN Doc. CRC/C/15/Add.222, 27 October 2003.
- 8 Confidential source, 2004.
- 9 International Campaign to Ban Landmines, *Landmine Monitor Report 2003*, Georgia, <http://www.icbl.org/lm>.
- 10 Communication with Emil Adelkhanov, Caucasian Institute for Peace, Democracy and Development, Tbilisi, 23 June 2004.

GERMANY

Federal Republic of Germany

Population: 82.4 million (15.4 million under 18)

Government armed forces: 284,500

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 6 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Germany had yet to ratify the Optional Protocol. The minimum voluntary recruitment age was 17. Three to five hundred former child soldiers from other countries were living as “separated children” in Germany. They had little chance of being granted asylum and were denied protection under the Youth Welfare Act.

Context

Throughout 2001-2003 there were continuing allegations that police officers had ill-treated and used excessive force against detainees. In 2003 a report that officials had countenanced the use of force on a suspect to elicit information from him led to intense public debate about the circumstances in which torture was permissible.¹

Government

National recruitment legislation and practice

The 1949 Basic Law (constitution) states that “Men who have reached the age of 18 may be required to serve in the Armed Forces, the Federal Border Guard or civil defence organization” and guarantees the right to refuse military service on the grounds of conscience.² The legal basis for conscription is the 1956 Military Service Law, which requires all men from the age of 18 to undertake compulsory military service. Recruits are usually called up in the year after they are 18.

Volunteers may join the armed forces in the year after they are 17, with parental permission. In January 2002 the length of basic military service was cut from ten to nine months, and could be completed in stages within a three-year period: training in military skills and knowledge in the first six months, and the remaining three months in two six-week blocks. The option of volunteering to stay on for 23 months was still available.³

According to the Defence Ministry, the number of 17 year olds undergoing basic training

in the armed forces was 73 in 2001 and 27 in 2002. No figures were available for 2003. Recruits received no training with weapons until they reached 18 years of age.⁴

International standards

Germany had yet to ratify the Optional Protocol. At the time of its ratification of the Convention on the Rights of the Child in 1992, the government expressed regret that “under Article 38(2) of the Convention even fifteen year olds may take a part in hostilities as soldiers, because this age limit is incompatible with the consideration of the child’s best interest (Article 3 of the Convention)”. It declared that it would not “make any use of the possibility afforded by the Convention of fixing this age limit at 15 years”.⁵

In its July 2003 report to the UN Committee on the Rights of the Child, the government welcomed the Optional Protocol because it represented clear progress over the original provisions of the Convention in specifying 18 as the minimum age for direct participation in fighting.⁶ In January 2004 the Committee acknowledged “[Germany’s] support to the ‘straight 18’ position for the Optional Protocol” and encouraged the government to ratify and implement the protocol. The Committee also welcomed Germany’s ratification of International Labour Organization (ILO) Convention 182 in April 2002.⁷

Developments

In recent years there have been several proposals in parliament (*Bundestag*) to raise the minimum age of recruitment to 18. These included a motion by the Christian Democratic Union/Christian Social Union (*Christlich-Demokratische Union/Christlich Soziale Union*) faction on 27 May 2003 which proposed ratification of the Optional Protocol.⁸ Reporting on the motion, the press department of parliament said the Optional Protocol had still not been ratified because of “the conflict of interest between two government ministries. While the justice ministry insists on full adult rights and a minimum age of 18, the defence ministry wants [the minimum age] to remain at 17 to reach young men who would otherwise go into border control”.⁹

Three to five hundred former child soldiers from other countries, mostly separated from their families, were reported to be living in Germany. The Federal Office for the Recognition of Foreign Refugees (*Bundesamt für die Anerkennung von ausländischen Flüchtlingen*) stated that “the recruitment of children as soldiers is not accepted as a child specific persecution in the asylum procedure”.¹⁰ In January 2004 the Committee on the Rights of the Child expressed concern that “refugee children between 16 and 18 years do not benefit from the rights included in the Youth Welfare Act”.¹¹

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Basic Law, Article 12a (1 and 2), <http://www.bundestag.de> (information courier).
- 3 *Wehrpflichtgesetz* (Military Service Law) BGBl. 1995 1 1756, 1757. Article 5, 1a, <http://www.deutsches-wehrrecht.de>.
- 4 Correspondence from Defence Ministry press department, 1 April 2004.
- 5 Declaration on ratification of UN Convention on the Rights of the Child, 6 March 1992, <http://www.ohchr.org>.
- 6 Second periodic report to UN Committee on the Rights of the Child, UN Doc. CRC/C/83/Add.7, 24 July 2003, <http://www.ohchr.org>.
- 7 UN Committee on the Rights of the Child, Concluding observations: Germany, UN Doc. CRC/C/15/Add.226, 26 February 2004.
- 8 CDU/CSU Antrag, 15/1016 (parliamentary motion).
- 9 Press release no. 114, 27 May 2003, <http://www.bundestag.de/bic/presse/index.html>.
- 10 Quaker UN Office, *Former child soldiers as refugees in Germany*, project study by Michaela Ludwig for Terre des Hommes Germany, 2004, <http://www.quno.ch>.
- 11 UN Committee on the Rights of the Child, Concluding observations, op. cit.

GREECE

Hellenic Republic

Population: 11.0 million (2.0 million under 18)

Government armed forces: 177,600

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 22 October 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum legal age for voluntary recruitment was officially 18, but the law allowed 17 year olds to be called up in times of war or increased mobilization.

Context

The law on conscription to military service fell short of international standards; alternative civilian service was of discriminatory and punitive length. A number of applicants were denied conscientious objector status or had their conscientious objector status withdrawn.¹ Greece has remained in a state of permanent mobilization since 1976 because of the conflict in Cyprus.

Government

National recruitment legislation and practice

The constitution states that "Every Greek capable of bearing arms is obliged to contribute to the defence of the Fatherland as provided by law" (Article 4).²

The legal basis for conscription, Law No. 2510 of 1997, states that all Greek men are liable for military service from the beginning of the year they turn 19 until the end of the year they are 50, and that at times of increased mobilization, they may be called up from the beginning of the year in which they turn 18 (Article 1). Article 14 states further that "during a general mobilization or war period, it may be permitted, by decision of the Minister of National Defence not published in the Government Gazette, the voluntary enlistment, as volunteers, of conscripts or reservists who belong to the age-group or category which has not been called up for enlistment, as well as of fellow countrymen, who have completed their seventeenth year of age and not exceeded their fiftieth one". As of January 2003, military service was for 12 months for the army, 15 months for the navy and 14 months for the air force.³

On ratifying the Optional Protocol in October 2003, Greece declared that "the minimum age at

which voluntary recruitment in the Greek armed forces is permitted by national law is 18 years”.⁴ It was not clear whether Greece planned to amend legislation to exclude the possibility of under-18s serving in the armed forces.

Depending on the route of entry into the armed forces, military recruits are divided into career, volunteer and enlisted personnel: career personnel have come through military academies; volunteer personnel have enlisted voluntarily and are obliged to serve for a specific time period; and enlisted personnel are performing compulsory military service.

Military training and military schools

Military educational institutions include the Hellenic Military Academy, the Hellenic National Defence College and the Non-Commissioned Officer Army School. Military academies enjoy the same status as universities and entrance is conditional on completion of high school education. Students also train abroad at institutions of other NATO member countries.⁵ There was no information available about the minimum age of entry to these institutions.

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, <http://www.hri.org/MFA/syntagma>.
- 3 Government Gazette, First Bulletin, Issue No. 136/27, June 1997, http://www.mod.gr/english/recruit/n_2510.htm; White Paper on Defence, Organisation and Operation of the Armed Forces, http://www.hri.org/mod/fylladia/bible/e_k4_7.htm.
- 4 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).
- 5 White Paper on Defence, op. cit.

HOLY SEE

Holy See

Population: 1,000

Government armed forces: 100 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 19

Voting age: not applicable

Optional Protocol: ratified 24 October 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II

There were no under-18s in the armed forces.

Government

National recruitment legislation and practice

The Swiss Guard is the world's smallest and oldest army, consisting of about 100 men, five officers and a chaplain, and dating back to 1506. There is no conscription. Soldiers can volunteer between the ages of 19 and 30. Most serve for two years, but may extend their service to up to 25 years. Among the required qualifications are that candidates must have completed basic military training in Switzerland. Their main duties are guarding the Pope and the Vatican.¹

International standards

The Holy See supports the “straight-18” position. When ratifying the Optional Protocol on 24 October 2001, it declared that the minimum age for recruitment to the Swiss Guard was 19.²

Developments

The Holy See expressed concern on many occasions about the exploitation of children in armed conflict. In May 2001 Pope John Paul II sent a message of solidarity to a forthcoming UN symposium on children in armed conflict.³ On 23 October 2001 Archbishop Renato R. Martino, Permanent Observer of the Holy See to the UN, urged other states to ratify the Optional Protocol and “to join in furthering the legal protection of children ... Unfortunately, too many of the world's children are affected by war and conflict every day of their lives. They all bear the physical and psychological scars which might be the result of direct involvement as combatants and child soldiers or through abduction, abuse, separation from family, malnutrition and lost educational opportunities.”⁴ In a 2004 message devoted to children, marking the Christian holy season of Lent, the Pope made reference to those “young people who have been profoundly hurt

by the violence of adults: ... [including] children ... enlisted for combat".⁵

- 1 Vatican News Service, http://www.vatican.va/roman_curia/swiss_guard/swissguard/storia.
- 2 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 3 Message from John Paul II to UN Under-Secretary-General Olara A. Otunnu, Special Representative of the Secretary General for children and armed conflict, 30 May 2001, http://www.vatican.va/holy_father/john_paul_ii/speeches/2001.
- 4 Statement by Permanent Observer of Holy See to the UN, Third Committee of the 56th General Assembly, Item 115: The Promotion and the Protection of the Rights of Children, <http://www.holyseemission.org/23oct2001.html>.
- 5 Papal Lent message 2004, http://www.vatican.va/holy_father/john_paul_ii/messages/lenet.

HUNGARY

Republic of Hungary

Population: 9.9 million (2.0 million under 18)

Government armed forces: 33,400

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 11 March 2002

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age was 17 with parental consent but it was not known whether under-18s were serving in the armed forces.

Context

There was continued concern about ill-treatment of detainees, particularly members of the Roma community, by police. Roma continued to be subjected to widespread discrimination, and the police reportedly failed to protect them from racist violence. Large numbers of asylum seekers were held in detention, leading to concerns that their need for protection would not be recognized.¹

Government

National recruitment legislation and practice

The constitution states that "Subject to their general defence obligations, citizens are expected to undergo military service, armed or unarmed, or civil service in terms specified by law" (Article 70).²

The legal basis for conscription is the 1993 Statute on Home Defence, as amended: "Conscription obligation starts at the completion of age 17 and ends on December 31 of the year the conscript turns 50" (Article 69). A conscript must register by 1 January of the year he is 18. Regular military service, armed or unarmed, is for six months, with obligations for reserve service of up to five months. Alternative civilian service is for 11 months, and may be carried out in hospitals, schools or other public services. Volunteers for military service may be enlisted between the ages of 18 and 25, or from 17 with parental consent. A conscript may commit a criminal offence if he fails to appear in person before the recruiting authorities, to notify them of his circumstances, or to enlist.³

The rights and obligations of contracted soldiers are defined by the Statute No. XCV on the Legal Status of Professional and Contracted

Soldiers of the Hungarian Armed Forces (Article V).⁴ The Ministry of Defence stated that the minimum age for voluntary recruitment was 18.⁵

The armed forces have been reformed and gradually professionalized in recent years, the number of enlisted soldiers growing as the number of conscripts fell. Between six and seven thousand soldiers are enrolled four times a year for military service. Since 1996 the armed forces have taken part in NATO-led peacekeeping operations.⁶

Military training and military schools

Hungary has several military educational institutions, including the Beri Balogh Adam Secondary School and Dormitory for Home Defence for students below the age of 17. Students aged between 18 and 23 may attend the Kinizsi Pál Professional Non-Commissioned Officers Training School (KTSZ) or the Zrínyi Miklós National Defence University for officers.⁷

Developments

International standards

In May 2002 Hungary's representative told the UN General Assembly Special Session on Children that the constitutional process for ratifying the Optional Protocol was under way.⁸ No date had been set for ratification by early 2004.⁹

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, at Ministry of Foreign Affairs, <http://www.kum.hu/Archivum/Torvenytar/law/const.htm>.
- 3 Ministry of Defence, <http://www.honvedelem.hu> (Recruitment, General conscription).
- 4 Ministry of Defence, op. cit. (Recruitment, Contracted military service).
- 5 Communication from the Ministry of Defence to Child Soldiers Coalition, 3 May 2004.
- 6 Permanent Mission of Hungary to the UN, <http://www.un.int/hungary> (Hungarian defence forces).
- 7 Communication from Ministry of Defence to Child Soldiers Coalition, op. cit.
- 8 Statement by State Secretary Imre Szakacs, 8 May 2002, Permanent Mission of Hungary to the UN, op. cit. (Selected statements in the UN).
- 9 Communication from Ministry of Defence to Child Soldiers Coalition, op. cit.

ICELAND

Republic of Iceland

Population: 287,000 (79,000 under 18)

Government armed forces: none

Compulsory recruitment age: not applicable

Voluntary recruitment age: not applicable

Voting age: 18

Optional Protocol: ratified 1 October 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There are no armed forces in Iceland and no evidence of child recruitment or use.

Government

National recruitment legislation and practice

Iceland has no armed forces and maintains only a small coast guard. Iceland's security rests on its membership of NATO and on the 1951 joint Defence Agreement with the USA that established the Keflavik base.¹ The police, under the control of the civilian authorities, are responsible for internal security.² The constitution states that "No one shall be required to perform compulsory labour" (Article 68).

International standards

Iceland ratified the Optional Protocol in October 2001, in its accompanying declaration confirming that a minimum age of recruitment is not applicable since it has no armed forces.³

- 1 Security and defence policy, <http://www.iceland.org/nato>.
- 2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 3 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

IRELAND

Ireland

Population: 3.9 million (1.0 million under 18)

Government armed forces: 10,460 (estimate)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17 (16 for apprentices)

Voting age: 18

Optional Protocol: ratified 18 November 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age was 17. The government said that the few under-18s serving in the armed forces were unlikely to be deployed in hostilities because of training requirements.

Context

In 2001 the national Human Rights Commission was established in law and the constitution was amended to remove the death penalty. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its report in September 2003 following its visit to Ireland in May 2002. The CPT found inhuman conditions for prisoners suffering from mental illness, and received reports of ill-treatment by prison and police officers. Legislation was introduced to incorporate the European Convention on Human Rights into domestic law.¹

Government

National recruitment legislation and practice

There is no conscription into the Irish Defence Forces. The Permanent Defence Force, comprising army, naval and air services, and the Reserve Defence Force are recruited on a voluntary basis.² The 1954 Defence Act states that enlistment, including of under-18s, may be for up to 12 years and that “where a boy is enlisted ... before attaining the age of eighteen years, the period of twelve years ... shall be reckoned from the day on which he attains the age of eighteen years” (Article 53). The Act also allows boys under 18 “during a period of emergency [to] be enlisted as a man of the Permanent Defence Force” (Article 54).³

The usual methods of entry to the Permanent Defence Force are as an officer cadet, recruit or apprentice. The minimum age for boys and girls to become cadets is 17, although the Defence Forces said that most applicants were 18. The upper age limit is 25. Applicants under the age of 18 must have parental consent. In 2002, six

recruits joined the Cadet School at 17; in 2003 the number was two. Recruits join the Permanent Defence Force for five years and then spend seven years in the Reserve Defence Force. The minimum age to become an apprentice, before enlistment, is 16.⁴

The Defence Forces said it was unlikely, because of training requirements, that under-18s would be deployed on combat operations. Recruits undergo a minimum training of six months, cadets 24 months and apprentices for up to 36 months, depending on the apprenticeship. After training, newly qualified personnel must spend a minimum of 12 months in their unit before they may be deployed overseas. There were no plans to raise the minimum age of recruitment.⁵

Developments

International standards

Ireland ratified the Optional Protocol in November 2002. Its accompanying declaration stated that “In general, the minimum age for recruitment into the Irish armed forces is 17. An exception is made in the case of apprentices, who may be recruited at the age of 16. However, apprentices are not assigned to any military duties until they have completed up to four years apprenticeship trade training, by which time all would have attained the age of 18”. The declaration stressed that recruitment of under-18s is not forced or coerced, that all applicants are required to provide proof of age, and that unmarried applicants under the age of 18 must have parental consent.⁶

In international forums Ireland has backed efforts to combat the use of child soldiers. During a UN Security Council meeting on children and armed conflict in November 2001, Ireland’s representative said that “the issue of children in armed conflict is of particular concern to the Irish Government and Ireland strongly supports international efforts to strengthen the level of protection available to children affected by armed conflict”.⁷

- 1 *Amnesty International Reports 2002 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 General information on armed forces, European Union Presidency 2004 website, <http://www.eu2004.ie>.
- 3 1954 Defence Act, <http://www.irishstatutebook.ie>.
- 4 The Irish Defence Forces, information on recruitment, <http://www.military.ie/careers/index.html>; Communication from Lt. Cdr. Anthony A. Geraghty, Irish Defence Forces, 27 April 2004.
- 5 Communication from Cmdt. Brian Cleary, Irish Defence Forces press office, 27 April 2004.
- 6 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).
- 7 Statement of the Permanent Mission of Ireland, 20 November 2001, <http://www.un.int/ireland/scstatements/sc51.htm>.

ITALY

Italian Republic

Population: 57.5 million (9.8 million under 18)

Government armed forces: 200,000

Compulsory recruitment age: 18 (conscription being phased out)

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: ratified 9 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The law permits voluntary recruitment at 17, with parental consent, but prohibits the participation of under-18s in hostilities.

Context

The functioning of the justice system fell short of international standards. There were allegations of excessive use of force and ill-treatment, sometimes amounting to torture, by law enforcement and prison officers. In 2001 hundreds of people suffered human rights violations during policing operations surrounding mass demonstrations. In July 2001 at demonstrations in Genoa a protester was shot dead by a law enforcement officer performing his military service in the *carabinieri* (paramilitary police) force.¹

Government

National recruitment legislation and practice

The constitution states that "The defence of the country is the sacred duty of every citizen. Military service is compulsory within the limits and the manner laid down by the law" (Article 52).²

The Italian armed forces were undergoing reforms to professionalize and phase out conscription. Previously, all men over 18 were liable for military service, which they could perform in the armed forces, *carabinieri*, fire brigade or police. Conscription was due to be suspended on 1 January 2005: men born after 1985 would not be liable for military service.³ Law No. 331 of 14 November 2000 provides for the phasing out of conscription, while allowing compulsory military service to be reintroduced in the event of war or national emergency in accordance with the constitution. The law permits military service to begin early, on request and with parental consent, from the age of 17, but prohibits participation of under-18s in armed hostilities.⁴

The minimum age for voluntary recruitment is 17, but recruits are not deployed until they are at least 18 because of training requirements.⁵ The legal basis for the recruitment of volunteers is Law No. 215 of 8 May 2001.⁶ Women may volunteer for military service under Legislative Decree No. 24 of 31 January 1998.⁷

Military training and military schools

Admission to military schools is between the ages of 15 and 17. Recruits to these schools are likely to apply subsequently to attend the Military Academy. The minimum age of admission to schools for non-commissioned officers and for the Military Academy is 17.⁸

Developments

International standards

On ratifying the Optional Protocol in May 2002 Italy declared that "legislation on voluntary recruitment provides that a minimum age of 17 years shall be required with respect to requests for early recruitment for compulsory military service or voluntary recruitment" and that parental consent was obligatory for voluntary recruitment of under-18s, in compliance with the Optional Protocol.⁹

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution, <http://www.senato.it/funz/cost/home.htm> (Coalition translation).

3 Information on end of conscription, at Italian Presidency of the Council of the European Union, <http://www.ueitalia2003.it/EN/Italia/paeseltalia/Difesa.html>.

4 *Norme per l'istituzione del servizio militare professionale*, Law No. 331 of 14 November 2000, Official Gazette, No. 269, 17 November 2000, at Ministry of Defence, <http://www.difesa.it> (Legislazione).

5 Communication from Ministry of Defence to Child Soldiers Coalition, 3 May 2004.

6 Official Gazette, No. 133, 11 June 2001, Supplemento Ordinario No. 142.

7 Committee on Women in the NATO Forces, *Year in Review 2001*, <http://www.nato.int/ims/2001/win/italy.html>.

8 Communication from Ministry of Defence, op. cit.; Recruitment information on army website, <http://www.esercito.difesa.it>.

9 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

KAZAKHSTAN

Republic of Kazakhstan

Population: 15.5 million (5.0 million under 18)

Government armed forces: 65,800

Compulsory recruitment age: 18

Voluntary recruitment age: 19 (possibly 17 for military training)

Voting age: 18

Optional Protocol: ratified 10 April 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces. The law was unclear as to whether 17 year olds could sign up for voluntary military service in military schools. The law provided for 16 year olds to be called for military service in an emergency. Disadvantaged children and orphans could be admitted to special schools from the age of ten, where they received some military training. Many reportedly went on to enlist in the armed forces.

Context

In December 2003 the president signed into law a moratorium on executions. Dozens of people were executed during the previous two years. Torture and ill-treatment of criminal suspects was widespread. There were reports that courts admitted evidence based on false confessions and based convictions primarily on such evidence. Members of the secular opposition and independent journalists faced harassment and repression by the authorities. Members of the Uighur ethnic minority who were accused of sympathizing with and supporting banned Islamist opposition movements were arrested and faced ill-treatment and torture. In September 2002 the president established the position of Human Rights Commissioner.¹

Government

National recruitment legislation and practice

Under the 1993 Law on Universal Military Duty and Military Service, the minimum age for obligatory and voluntary military service is 18.² In September 2002 Kazakhstan told the UN Committee on the Rights of the Child that this law had been amended in March 2001 to annul the provision that had allowed 17 year olds to enrol for military service in military academies (Article

18).³ The 2001 Law on Military Service on a Contract, passed at the same time, states that the minimum voluntary recruitment age is 19 years, but that boys and girls may sign up for voluntary military service to study in military academies at the age of 17 (Article 17).⁴

Voluntary service in the armed forces increased to between 10,000 and 12,000 personnel.

However, plans to professionalize the forces were constrained by the low pay offered.⁵ The military therefore remained largely conscripted.

The constitution provides for conscription: "Defence of the Republic of Kazakhstan shall be a sacred duty and responsibility of every citizen" (Article 36).⁶ Males register for conscription when they are 17. All those between the ages of 18 and 27 are liable for service. Under the 1993 Law on Universal Military Duty and Military Service, as amended, service is for 24 months, 12 months for higher education graduates, and 30 months for naval conscripts. Exemptions are allowed. In the event of mobilization, all male nationals aged from 16 to 55 will receive military training.⁷ A draft law reportedly adopted in 2000 to introduce an alternative, non-military, service had not come into force by early 2004.⁸

Some of those eligible for conscription reportedly bribe their way into the armed forces to escape poverty after they fail health checks.⁹ Conditions in the armed forces are harsh. In the first nine months of 2003, 128 investigations into hazing¹⁰ of new recruits by physical and mental abuse were opened, and "close to 100 suicides" of recruits were reported in the same year. An anti-hazing training program was introduced.¹¹

Military training and military schools

Under the Law on Universal Military Duty and Military Service, the preparation of children for military service begins when they are 15 and includes training within the general education system and in specialist institutions.¹² Plans to revive such training, which was provided in schools until recently, were said to be in formation.¹³

Children are admitted from as young as ten years old to *Zhas Ulan* (Young Guardsmen) military schools in Almaty, Astana and Semipalatinsk where they receive physical and other training to promote their interest in the military. First established in 1999, these schools are similar to Suvorov schools in the Russian Federation in their curriculum and in the enrolment of disadvantaged children such as orphans.¹⁴ The commander of the school in Astana said that all school staff "should encourage the cadets to join the armed forces" and estimated that around 50 per cent of them did take up military careers.¹⁵

Students aged between 15 and 17 at three military boarding schools, in Almaty, Shymkent and Karaganda, receive training in military and technical skills from the Cadet Corps of the

Ministry of Defence. By the time they graduate, most at the age of 18, they are qualified as non-commissioned officers in the armed forces. At three higher military academies, 17 year olds can begin service in the armed forces. In addition, students attending over 20 institutions providing higher education can receive officer training.¹⁶

- 1 *Amnesty International Reports 2002, 2003, and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Initial report of Kazakhstan to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add 13, September 2002, <http://www.ohchr.org>.
- 3 Initial report to UN Committee on the Rights of the Child, op. cit.
- 4 *Zakon o voennoi sluzhbe po kontraku* (Law on Military Service on a Contract) (in Russian), March 2001, at Ministry of Defence, <http://www.mod.kz>.
- 5 Roger N. McDermott, *Kazakhstan's armed forces: Reform or decay?*, Conflict Studies Research Centre, June 2002, <http://www.da.mod.uk/CSRC/documents>.
- 6 Constitution, at official Kazakhstan website, <http://www.president.kz>.
- 7 *Zakon o vseobshchei voinskoi obiazannosti i voennoi sluzhbe* (Law on Universal Military Duty and Military Service) (in Russian) at Ministry of Defence, <http://www.mod.kz>.
- 8 Child Soldiers Coalition interview with the Kazakh Defence Attaché to the United Kingdom (UK), 8 March 2004; Letter to Coalition from Kazakh Permanent Mission to the UN, Geneva, 8 March 2001.
- 9 Institute for War and Peace Reporting (IWPR), *Reporting Central Asia*, No. 180, 6 February 2003, <http://www.iwpr.net>.
- 10 An institutionalized system of extreme physical abuse and psychological humiliation inflicted over an extended period on the most recent or junior conscripts by longer-serving conscripts or senior soldiers. While not formally condoned, lack of supervision allows the practice to continue unchecked. The precise form it takes may vary from one army to another, but its essential features are that it is systematic, continual, status-related, and usually carried out by those who have previously been its victims.
- 11 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 12 Law on Universal Military Duty and Military Service, op. cit.
- 13 See Child Soldiers Coalition Global Report 2001; Kazakh Defence Attaché to UK, op. cit.
- 14 Kazakh Defence Attaché to UK, op. cit.; *Voennoe obrazovanie* (Military education) (in Russian), Ministry of Defence, <http://www.mod.kz>.
- 15 Interview with Colonel Kuangaliev, reported in British Council, *Peacekeeping English Project (PEP) Newsletter*, 4 September 2001, www.britishcouncil.org/english/pep/newsletter/pep4anin.htm.
- 16 Military education, op. cit.

KYRGYZSTAN

Kyrgyz Republic

Population: 5.1 million (2.0 million under 18)

Government armed forces: 10,900

Compulsory recruitment age: 18

Voluntary recruitment age: 17 (for military training)

Voting age: 18

Optional Protocol: acceded 13 August 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Kyrgyzstan set the minimum voluntary recruitment age at 18 but 17-year-old trainees were apparently considered to be on active military service. The law provided for 16 year olds to be called for military service in an emergency.

Context

Detentions of suspected members of banned Islamist organizations increased and ethnic tensions intensified following heightened security measures in the wake of the 11 September 2001 attacks in the USA. Members of the opposition and independent journalists faced harassment, repression, detention and politically motivated imprisonment. In May 2002, following the government's resignation, a Council for Constitutional Reforms was established and a people's rights defender (Ombudsman) was elected in November that year. A moratorium on the death penalty in place since 1998 was extended to the end of 2004.¹

Government

National recruitment legislation

On acceding to the Optional Protocol in August 2003, Kyrgyzstan declared that "the minimum age for recruitment of its citizens (men) to ... active military service is limited by the age of 18 years".² However, under the Law on the Universal Military Duty of the Citizens of the Kyrgyz Republic, as amended in December 2003, boys may volunteer for military schools from the age of 17 and, as cadets, are on active military duty (Article 11).³ In a national emergency, those aged over 16 are considered eligible for military service under the 1998 Law on Mobilization Preparation and Mobilization in the Kyrgyz Republic (Article 20), and all members of the armed forces will be put on standby, under the Law on Universal Military Duty (Article 108).⁴

The constitution provides for conscription: "Citizens of the Kyrgyz Republic have the right and duty to defend the country ... The grounds and procedure of exemption from military service or its replacement by alternative service are established by law" (Article 24).⁵ Under the Law on the Universal Military Duty, all males between the ages of 18 and 27 are liable for military service for 18 months, or 12 months for those with higher education.⁶ Parliament approved a draft law in late 2002 to shorten the term of service to 12 months and offer conscripts the possibility of paying not to be enlisted, but the government opposed the move and the law was not enacted.⁷

Exemptions from conscription are allowed in specified cases.⁸ The Law on Alternative (Non-Military) Service was signed into law in June 2002. It provides for 24 months' service, or 18 months for higher education graduates, for conscripts who oppose military service on religious grounds or whose family status or health condition are not conducive to military service. Alternative service is carried out in enterprises and state emergency bodies such as disaster relief.⁹

There is no explicit law on voluntary military service.

Military training and military schools

The Law on the Universal Military Duty provides for boys to receive pre-conscription training, including physical training and technical skills, before they are called up for military service (Articles 17 to 23). This pre-conscription training is available in schools and in professional and higher educational establishments (Article 19).¹⁰ In schools, boys in the final two years of secondary education may take a course entitled "elementary military training", which includes weapons handling, shooting exercises, military theory and aspects of civil defence.¹¹

There are two military schools for officer cadets, the Kyrgyz State National Military Lycée, which admits boys from the age of 16, and Bishkek Higher Military School, for "young people with a military inclination".¹²

- 4 *Zakon o mobilizatsionnoi podgotovke i mobilizatsii v Kyrgyzskoi Respublike* (Law on Mobilization Preparation and Mobilization in the Kyrgyz Republic) (in Russian), at Ministry of Defence, <http://www.mil.kg>.
- 5 Constitution (in Russian), at website of the President, <http://www.president.kg> (Coalition translation).
- 6 Law on the Universal Military Duty, Article 13 (in 2002 version), op. cit.
- 7 Bishkek Kyrgyz Radio One (in Russian), 4 December 2002, reported by BBC Monitoring Service; Prima News Agency, "Kyrgyz president not to let conscripts buy their way out of military service", 27 December 2002, <http://www.prima-news.ru>; Child Soldiers Coalition interview with Kyrgyz embassy, London, 5 March 2004.
- 8 Law on the Universal Military Duty, 2003, op. cit.
- 9 *Zakon ob al'ternativnoi (vnevoiskovoi) sluzhbe* (Law on Alternative (Non-Military) Service) (in Russian), June 2002, at Ministry of Defence, <http://www.mil.kg>.
- 10 Law on the Universal Military Duty, 2003, op. cit.
- 11 Information from Akipress News Agency, Kyrgyzstan, January 2004.
- 12 *Voennoe obrazovanie* (Military Education) (in Russian), Ministry of Defence, <http://www.mil.kg>.

1 *Amnesty International Reports 2002, 2003, and 2004*, <http://web.amnesty.org/library/engindex>; Information from Amnesty International, August 2004.

2 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).

3 Law on the Universal Military Duty of the Citizens of the Kyrgyz Republic, 2003; Correspondence with Anita Trimaylova, Uzbekistan. For the 2002 version of the Law (in Russian) see Ministry of Defence, <http://www.mil.kg>.

LATVIA

Republic of Latvia

Population: 2.3 million (0.5 million under 18)

Government armed forces: 4,880

Compulsory recruitment age: 19

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 1 February 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC

There were no reports of under-18s in the armed forces.

Context

In 2003 the UN Human Rights Committee and the UN Committee against Torture expressed concern about alleged police ill-treatment, conditions in places of detention and imprisonment, and the excessive length of pre-trial detention. The Committee against Torture in addition raised concern that detainees were often prevented from contacting lawyers or family members. In 2002 a new law on alternative military service came into effect, but, at twice as long as military service, alternative service for conscientious objectors was of punitive length.¹ On 29 March 2004 Latvia became a member of NATO.² Latvian forces participated in international operations including in Afghanistan, Bosnia, Iraq, and Kosovo.³

Government

National recruitment legislation and practice

The Mandatory Military Service Law and the Law on Conscript Service stipulate that all Latvian men are liable for conscription between the ages of 19 and 27. Male and female volunteers can enlist for military service from the age of 18. At 16, Latvian boys receive a draft notice.⁴ They must have health checks at a local conscription centre on the required date or before 31 January of the following year.⁵ Mandatory military service is for 12 months but exemption or deferment may be allowed in specified cases.⁶ Conscripts can also apply for alternative military service, of 24 months or 18 months for higher education graduates, under the Alternative Service Law, which came into effect on 1 July 2002.⁷

Approximately 1,600 service personnel are conscripted into the armed forces annually.⁸ The Ministry of Defence plans to phase out mandatory military service and move to an all-volunteer force by 2006.⁹ The paramilitary National Guard, which is a “militarized, public

self-defence formation”, accepts members on a voluntary basis from the age of 18.¹⁰

Military training and military schools

The minimum age for entering a military educational institution is 18.¹¹ As part of its plan to phase out conscription, the Ministry of Defence aims to interest young people in professional military service through education and pre-military service training.¹²

This will be provided by the Youth Guard (*Jaunsardze*), a voluntary organization based in secondary schools throughout the country and managed by the Ministry of Defence. In early 2004, the Youth Guard had nearly 10,000 members. Children can be members of the Youth Guard Junior Group between the ages of 12 and 15, and the Senior Group from 16 to 18. School students may take Youth Guard education courses on military history, the structure and functions of the armed forces, the basics of military training or specialized technical training. Members of the Senior Group receive training similar to that of soldiers in the armed forces, and can obtain a diploma that gives them an advantage in entering military educational establishments and professional military service.¹³

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/eo329a.htm>.

3 Information from Ministry of Defence, <http://www.mod.gov.lv>.

4 Mandatory Military Service Law, Chapter 1, Section 2, and Chapter 2, Section 18, at Ministry of Defence, op. cit. (Regulatory Acts, Legislation).

5 Conscript Service Registration, at Ministry of Defence, op. cit. (National Armed Forces).

6 Mandatory Military Service Law, op. cit., Chapter 1, Section 3 and the section on Drafting.

7 Alternative Service Law, at Ministry of Defence, op. cit. (Regulatory Acts, Legislation).

8 International Institute for Strategic Studies (IISS), *The Military Balance 2003-2004*, Oxford University Press, October 2003.

9 Defence Budget 2004, at Ministry of Defence, op. cit. (Budget).

10 Law on the National Guard of the Republic of Latvia, Section 1, Part 1, at Ministry of Defence, op. cit. (Regulatory Acts, Legislation).

11 Military Service Law, op. cit., Chapter 3, Section 18, Part 1.

12 Ministry of Defence, op. cit. (Public affairs, Premilitary service training).

13 Ministry of Defence, op. cit. (Public affairs, Premilitary service training, Youth Guard).

LIECHTENSTEIN

Principality of Liechtenstein

Population: 33,000¹

Government armed forces: no armed forces

Compulsory recruitment age: no conscription

Voluntary recruitment age: not applicable

Voting age: 20

Optional Protocol: signed 8 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC

Liechtenstein does not have standing armed forces. The government has the power to conscript in times of emergency but there was no information on the minimum age of recruitment in such cases.

Government

National recruitment legislation and practice

Liechtenstein has no conscription and no standing military force. The 1921 constitution, as amended in 2003, says that “every man fit to bear arms shall be liable, up to the completion of his sixtieth year, to serve in the defence of his country in the event of an emergency. Apart from this contingency, no armed units may be organized or maintained, except so far as may be necessary for the provision of the police force and the preservation of internal order. Detailed regulations regarding this matter may be laid down by law” (Article 44).² The regular and auxiliary police forces, under the control of the Interior Ministry, are responsible for internal and external security.³

International standards

Liechtenstein expressed support for UN measures to combat the use of child soldiers on a number of occasions⁴ and stated that it was in the process of ratifying the Optional Protocol.⁵

1 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.

2 Constitution, as amended by the Constitutional Act of 16 March 2003, Liechtenstein Legal Gazette 2003, No. 186.

3 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

4 Statement by First Secretary Pio Schurti to Third Committee of UN General Assembly, 21 October 2003, Permanent Mission of Liechtenstein to the UN, <http://www.un.int/liechtenstein>.

5 Speech by Ambassador Christian Wenaweser at UN Security Council debate on children and armed conflict, 14 January 2003, Permanent Mission of Liechtenstein to the UN, op. cit.

LITHUANIA

Republic of Lithuania

Population: 3.5 million (0.8 million under 18)

Government armed forces: 12,700

Compulsory recruitment age: 19

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 20 February 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

There were continuing concerns about ill-treatment of people in police detention. In 2003 the UN Committee against Torture stated that in some instances such ill-treatment may have amounted to torture. It recommended measures to ensure the basic rights of detainees. The committee also urged Lithuania to undertake investigations into reports of brutality against army conscripts.¹ On 29 March 2004 Lithuania became a member of NATO.² Lithuanian troops participated in a number of international operations, including the NATO-led Stabilisation Force (SFOR) in Bosnia and the Kosovo Force (KFOR), NATO-led and US-led operations in Afghanistan, and US-led operations in Iraq.³

Government

National recruitment legislation and practice

Under the constitution, defence of the state “shall be the right and duty of each citizen. Citizens must perform military or alternative national defence service in accordance with the procedure established by law” (Article 139).⁴ The Law on the Organization of the National Defence System and Military Service of 1999 and the Law on National Conscription, as amended in 2002, provide the legal basis for conscription.

At the age of 16 boys must register for the draft. Between the ages of 19 and 26 they are liable for conscription. They can volunteer to join the armed forces when they are 18. Military service is for 12 months.⁵ Exemptions are allowed, and only about 20 per cent of those eligible for conscription are enrolled. Alternative military service of 18 months is available. Women are not eligible for conscription but can serve in the military on a voluntary basis.⁶

At the time of its ratification of the Optional Protocol in February 2003 Lithuania declared

that under national law “citizens ... under the age of 18 years may not serve in the national armed forces”.⁷

Military training and education

There are no specialist secondary schools for the military education of under-18s. One school, supported by the Riflemen's Union (*Šaulių sąjunga*) provides volunteer pupils between the ages of 15 and 18 with programs in rifle training, military history and fitness for two hours a week and at summer camp. At the age of 18, school students can apply to attend the National Military Academy.⁸

Under the Law on the Basics of National Security, as amended, the Riflemen's Union is a “voluntary paramilitary organization, functioning in compliance with its own statutes. It shall be a civilian self-defence institution supported by the State”.⁹ Its Combat Riflemen, the active military reserve, are aged between 19 and 45, participate in joint exercises with the armed forces, and assist with border security, policing and preparation for mobilization. The Union accepts Young Riflemen between the ages of 12 and 18, who make up two thirds of its 6,000 youth members, and “prepares them for military service” through military, educational and sporting activities. In the event of war, its members take part in “armed and civil resistance” under the command of the armed forces. The role of Young Riflemen in wartime is not specified but, according to the Union, would not include military duties as soldiers because they are not 18 years old.¹⁰

1 *Amnesty International Reports 2002 and 2004*, <http://web.amnesty.org/library/engindex>.

2 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/eo329a.htm>.

3 Information from Ministry of National Defence, <http://www.kam.lt>.

4 Constitution, at Seimas of the Republic of Lithuania, <http://www3.lrs.lt>.

5 Law on National Conscription, Chapter 2 (Articles 5, 6 and 17), June 2002, at Seimas, op. cit (Legal Acts).

6 Child Soldiers Coalition interview with Lithuanian mission to NATO, 2 March 2004.

7 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).

8 Lithuanian mission to NATO, op. cit.; Correspondence with Riflemen's Union, 5 March 2004.

9 Law on the Basics of National Security, Chapter 24, at Seimas, op. cit (Legal Acts).

10 Riflemen's Union, <http://www.sauliusajunga.lt>; correspondence with Riflemen's Union, 8 March 2004.

LUXEMBOURG

Grand Duchy of Luxembourg

Population: 447,000 (100,000 under 18)

Government armed forces: 900

Compulsory recruitment age: no conscription

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: ratified 4 August 2004

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138, ILO 182

The minimum age of recruitment was 17. Twenty three recruits under the age of 18 were serving in the army at the end of 2003.

Government

National recruitment legislation and practice

The constitution states that “All matters connected with the armed forces are regulated by law” (Article 96).¹ Since conscription was abolished in 1967, Luxembourg has maintained a small volunteer army.

The legal basis for recruitment is the Grand Ducal Regulation of 22 September 1967, which defines the status of voluntary soldiers, and the Law of 2 August 1997, which reorganized the army.² Recruitment for both men and women, who must be single, is between the ages of 17 and 25. There were 23 recruits aged 17 at the end of 2003. Soldiers under 18 are not permitted to take part in peacekeeping operations, under a law of 27 July 1992.³ A 2002 law allows European Union citizens to join the army provided they have lived in Luxembourg for 36 months.⁴

Military training and military schools

Military training is provided at the Royal Non-Commissioned Officers School and the Infantry School in Belgium. A minimum age is not specified but students are required to have completed at least four months of basic training, by which time they are 18. Officer training is provided at the Royal Military Academy in Belgium or the military schools of Coetquidan in France. The minimum age is 17, but all candidates are required to have a high school diploma and in practice are at least 19. All students receive weapons training.⁵

Developments

Luxembourg ratified the Optional Protocol in August 2004.⁶

- 1 Constitution (chapter VII, Public Forces) (Coalition translation), at Luxembourg government website, <http://www.etat.lu> (Centre informatique de l'état).
- 2 Communication from Office of the Chief of Army Staff, 10 May 2004; Luxembourg army, <http://www.armee.lu> (Requirements for recruitment).
- 3 Ministry of Foreign Affairs, <http://www.mae.lu> (Defence information).
- 4 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 5 Communication from Office of the Chief of Army Staff, op. cit.
- 6 UN Treaty Collection, <http://untreaty.un.org> (subscription required).

MACEDONIA

Former Yugoslav Republic of Macedonia

Population: 2.0 million (0.5 million under 18)

Government armed forces: 12,850

Compulsory recruitment age: 19

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 12 January 2004

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces.

Context

The international community continued to support the peace process that followed the armed conflict in 2001 between the ethnic Albanian National Liberation Army and Macedonian government forces in the north and west. In March 2003 a European Union (EU) coalition of troops – EUFOR – replaced NATO forces in the protection of monitors from the EU and the Organization for Security and Co-operation in Europe (OSCE). In December 2003 an EU police force took over from EUFOR.¹

Government

National recruitment legislation and practice

Under the constitution, “The defence of the Republic of Macedonia is the right and duty of every citizen” (Article 24).²

In its declaration on signing the Optional Protocol in July 2001, Macedonia stated that the Defence Law does not allow under-18s to serve in the armed forces. To ensure that children do not join the armed forces, call-up notices are not sent to individuals until they are 19 years old. Those who volunteer to begin service earlier may start three months after their application, provided they have reached the age of 18.³

Although the Defence Law states that “all male citizens of the Republic, aged 17 to 55, are obligated to fulfil their military obligations” (Article 3), the obligations relate to potential draftees within this age bracket having their names registered in military records (Article 51). During a state of war or national emergency, the minimum age for participation in the Civil Protection Forces is 18 for both men and women, with military service in the armed forces subject to the same regulations as in peacetime (Articles 11-13).⁴

The period of conscription was reduced from nine to six months following an amendment

to the Defence Act in March 2003.⁵ The armed forces are undergoing reforms aimed at professionalizing the military and assisting its integration with NATO.⁶

Military training and military schools

Under the Law on the Military Academy and the Book of Rules, which regulate admissions to the Military Academy, entrants must have completed at least four years of secondary education.⁷ This could permit under-18s to enter the Academy. Under the Army Service Regulation Law, cadets in training at the Academy do not possess ranks but only “status marks” (Article 37), and are therefore not members of the armed forces. The Law additionally stipulates that service personnel must be “adults”, which by law is defined as 18 years old (Articles 24 and 25).⁸

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution, at Ministry of Defence, <http://www.morm.gov.mk/english/Constitution/constitution2.htm>.

3 Defence Law (Article 62), at Ministry of Defence, <http://www.morm.gov.mk>; Declaration of Macedonia on signing the Optional Protocol, July 2001, <http://untreaty.un.org> (subscription required).

4 Defence Law, op. cit.

5 MIA News Agency, “Macedonian Assembly’s security committee approves military service bill”, 13 March 2003, reported in South East European Security Monitor, Centre for South East European Studies, <http://www.csees.net> (SEE Security Monitor).

6 BBC Monitoring citing MIA News Agency, “Macedonian government adopts draft plan for defence restructuring”, 12 May 2004, reported in SEE Security Monitor, op. cit.

7 Military Academy of the Republic of Macedonia, <http://www.va.edu.mk> (Preface; Cadets).

8 Army Service Regulation Law, at Ministry of Defence, op. cit.; Initial report of Macedonia to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.36, 27 July 1997, <http://www.ohchr.org>.

MALTA

Republic of Malta

Population: 393,000 (93,000 under 18)

Government armed forces: 2,140

Compulsory recruitment age: not applicable

Voluntary recruitment age: 17½

Voting age: 18

Optional Protocol: ratified 9 May 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There was no evidence of under-18s being recruited into the armed forces.

Context

The automatic and excessively lengthy detention of asylum seekers and migrants, in conditions which fell short of international standards, was criticized by UNHCR and the Council of Europe’s Commissioner for Human Rights.¹ A group of over 200 Eritreans, including asylum seekers, deported in October 2002 were reportedly arrested and detained incommunicado on arrival in Eritrea. Some may have been released soon afterwards but the remainder were alleged to have remained in secret detention and to have been tortured; at least one was reportedly shot dead.²

Government

National recruitment legislation and practice

The constitution states that “Malta is a neutral state ... adhering to a policy of non-alignment and refusing to participate in any military alliance”.³ According to the Malta Armed Forces Act, “It shall be lawful for the President of Malta to raise by voluntary enlistment and maintain an armed force”. According to Title II, Chapter 220, it is not permissible to recruit a person under the appropriate minimum age to the armed forces without parental consent, or the consent of another appropriate person. The minimum age is defined as 17 years and 6 months.⁴ There has been no compulsory military service in Malta since the Second World War.

The armed forces consist of an infantry unit, air defence and a small naval unit. The police are responsible for internal security, with the support of the armed forces.⁵ Malta has a defence agreement with Italy.⁶

Developments

International standards

Malta ratified the Optional Protocol on 9 May 2002. In its accompanying declaration, Malta noted that recruits must present their official birth certificate when applying to join the armed forces and that the term of engagement of recruits under 18 must be renewed when they reach the age of 18. The declaration stated that in practice the armed forces had not recruited under-18s since 1970 and that, if they were in future recruited, they would not take part in hostilities.⁷

- 1 Amnesty International Report 2004, <http://web.amnesty.org/library/engindex>.
- 2 UNHCR, *UNHCR Position on Return of Rejected Asylum Seekers to Eritrea*, January 2004.
- 3 Constitution, at Ministry of Justice and Home Affairs, <http://docs.justice.gov.mt/lom/legislation/english/leg/vol-1>.
- 4 Malta Armed Forces Act (of 22 September 1970, last amended by Act XV of 2002), Part II, Title II, 3 and 4, at Ministry of Justice and Home Affairs, op. cit.
- 5 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 6 Government information centre on membership of European Union, <http://www.mic.org.mt>.
- 7 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

MOLDOVA

Republic of Moldova

Population: 4.3 million (1.2 million under 18)

Government armed forces: 6,910

Compulsory recruitment age: 18

Voluntary recruitment age: 17 (for officer trainees)

Voting age: 18

Optional Protocol: Ratified 7 April 2004

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Officer trainees were admitted to military training at the age of 17. In the self-proclaimed republic in Transdnistr the minimum age of conscription was 18 but could be lowered to 16 in the event of mobilization.

Context

Moldova is the poorest country in Europe with close to 80 per cent of its population living below the poverty line. Many criminal suspects in police detention were reportedly ill-treated, and in some cases tortured, in order to extract confessions. Victims often included children.¹ The political status of Transdnistr² remained unresolved, a decade after it declared its independence, and political negotiations remained slow.³ Russian military forces in the Transdnistr failed to meet a deadline set by the Organization for Security and Co-operation in Europe (OSCE) for their complete withdrawal by 31 December 2003.⁴

Government

National recruitment legislation and practice

In February 2004 parliament approved ratification of the Optional Protocol and confirmed that the minimum age for “full term military service” was 18 when it approved Law No.15-XV.3.⁵

Under the 1994 constitution, “Defence of the motherland ... is the right and sacred duty of every citizen” (Article 57).⁶ The armed forces consist primarily of conscripted personnel.⁷ Registration for conscription starts when boys reach 16.⁸ Under Law 1245-XV of 2002 the minimum age for conscription is 18 years and military service is full term (12 months) or short term (3 months) for higher education graduates. Military service is carried out exclusively in the national armed forces and not in government paramilitary formations. Exemptions are allowed in specified circumstances. Conscientious objectors undertake alternative civil service

for 24 months in state institutions and special units, in accordance with the Law on Alternative Service, No. 534-XIV of 1999.⁹

Law No. 1245-XV of July 2002, on “the training of citizens for the defence of the motherland”, contains no definition of voluntary recruitment.¹⁰ The Ministry of Defence confirmed that the minimum voluntary recruitment age was 18, but did not clarify the legal basis for it.¹¹ The minimum entrance age for the Alexandru cel Bun Military Institute of the Armed Forces is 17, although participation in hostilities is not permitted until the age of 18. The Institute trains officers for the armed forces and government paramilitary forces.¹²

Military training and military schools

Military-patriotic training courses are provided in secondary schools, but, because of lack of financial support and teaching staff, do not include practical training.¹³ The Moldovan mission to the UN said that there were no youth organizations with a military orientation in Moldova.¹⁴

Transdnestr

Transdnestr has its own laws, political structures and administration, but remains unrecognized internationally as a state. Its armed forces have up to 5,000 troops and 14,000 reserves, and the administration funds a number of unregulated Cossack paramilitary units.¹⁵

The constitution of the self-proclaimed republic states that “Defence of the Pridnestrovskaja Moldavskaia Respublica is a sacred duty for everybody” (Article 48).¹⁶ The Law on Universal Military Service of 2000 requires men over the age of 18 to undertake military service for 18 months. Voluntary officer training may start at the age of 17 and general voluntary contractual service at 19. In the event of mobilization, the minimum age for military service is 16. Boys of 16 may volunteer for basic military training organized by the administration in schools and training centres, or within patriotic “public youth organizations”. According to the self-proclaimed republic’s Ministry of Foreign Affairs, there are no explicitly military youth organizations.¹⁷

- 5 Correspondence with Ministry of Foreign Affairs, 10 March 2004.
- 6 Constitution, at Parliament of the Republic of Moldova, <http://www.parlament.md> (Coalition translation).
- 7 IISS, *The Military Balance 2003-2004*, Oxford University Press, October 2003.
- 8 Child Soldiers Coalition interview and correspondence with Moldovan military representative to the UN, New York, 8 March 2004.
- 9 Law 1245-XV, translated and supplied to Child Soldiers Coalition by Laws and Treaties Department of the Ministry of Foreign Affairs; Child Soldiers Coalition interview with Moldovan mission to NATO, 25 February 2004; Confidential source, March 2004.
- 10 Law 1245-XV, op. cit.; Moldovan military representative to the UN, op. cit.
- 11 Ministry of Defence in communication to Ministry of Foreign Affairs, March 2004.
- 12 Correspondence Ministry of Foreign Affairs, 10 March 2004; Initial report of Moldova to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.19, 3 May 2002, <http://www.ohchr.org>; Confidential source, op. cit.
- 13 Correspondence with Laws and Treaties Department of the Ministry of Foreign Affairs, 8 March 2004; Confidential source, op. cit.
- 14 Moldovan military representative to the UN, op. cit.
- 15 Correspondence with OSCE, op. cit.; IISS, *The Military Balance 2003-2004*, op. cit.
- 16 Constitution, at Ministry of Foreign Affairs of PMR, <http://www.mfa-pmr.idknet.com>.
- 17 Law on Universal Military Service (in Russian), supplied to Child Soldiers Coalition by PMR Ministry of Foreign Affairs; Correspondence with the Ministry, 8 March 2004.

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 “Transdnestr” is the term used by the Moldovan authorities, who do not recognize the self-styled Pridnestrovskaja Moldavskaia Respublica (PMR).

3 International Institute for Strategic Studies (IISS), Armed Conflict Database (subscribers only).

4 Correspondence with OSCE, Moldova, 8 March 2004.

MONACO

Principality of Monaco

Population: 32,000¹

Government armed forces: none

Compulsory recruitment age: not applicable

Voluntary recruitment age: 21 (to the security forces)

Voting age: 21

Optional Protocol: ratified 13 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II

The Principality of Monaco has no armed forces.

Government

National recruitment legislation and practice

The defence of Monaco, a constitutional monarchy, is the responsibility of France. There are no armed forces, and security is provided by a national police force (*Sûreté Publique*) and the paramilitary Prince's Guard (*carabinieri du prince*).² Monaco reported to the UN Committee on the Rights of the Child in 2000 that "minors are not admitted into the paramilitary police force (*carabinieri*) and fire brigade".³ Members of the only bodies with military status, the Prince's Guard and the Fire Brigade, must be at least 21 years of age, under Sovereign Ordinance No. 8017 of 1 June 1984 relating to the Police Code.⁴ The age of entry to the police force was unknown.

1 *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.

2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

3 Report of Monaco to UN Committee on the Rights of the Child, UN Doc. CRC/C28/Add.15, 17 July 2000, <http://www.ohchr.org>.

4 Declaration made by Monaco on ratification of the Optional Protocol, <http://www.ohchr.org>.

NETHERLANDS

Kingdom of the Netherlands

Population: 16.1 million (3.5 million under 18)

Government armed forces: 53,130

Compulsory recruitment age: conscription suspended

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 7 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum age for voluntary recruitment was 17. In 2004 around 340 recruits aged 17 were serving in the armed forces. Official policy specified that under-18s could not be deployed in overseas military operations where hostilities were taking place.

Context

In 2004 almost 2,000 Dutch military personnel were on foreign deployment, including over 1,300 in the US-led occupation forces in Iraq and around 450 in the NATO-led Stabilisation Force (SFOR) in Bosnia.¹

Government

National recruitment legislation and practice

The constitution states that "All Dutch nationals who are capable of doing so shall have a duty to cooperate in maintaining the independence of the state and defending its territory ... This duty may also be imposed on residents of the Netherlands who are not Dutch nationals" (Article 97). The constitution provides for conscription, stating that "To protect its interests, the State shall maintain armed forces which consist of volunteers and which can also consist of conscripts ... Compulsory service in the armed forces and the power to postpone the call-up in active service shall be regulated by an Act of Parliament" (Article 98).²

In its second periodic report to the UN Committee on the Rights of the Child in June 2003, the Netherlands stated, "Since 1997 the Dutch armed forces have consisted wholly of people joining of their own will. Compulsory military service does not exist".³ The Military Service Law (*Kaderwet Dienstplicht*) allows conscription for 18 year olds to be reinstated, either for training and education only but not for combat duties (Article 40) or, in an emergency

and by Royal Decree, for all purposes (Article 20).⁴

“The minimum age at which one can join the armed services is 17”, the Netherlands stated in June 2003, “and no military personnel under 18 years of age are deployed in peacekeeping or peace enforcement operations, or in other international operations in trouble spots”.⁵ Recruitment policy and the selection of personnel for service abroad were modified in 1996 to reflect the growing international consensus on the need to raise the minimum ages for recruitment and involvement in combat.⁶

The Ministry of Defence said in June 2004 that a minimum age of 17 for voluntary recruitment would be incorporated into the Military Personnel Law (*Militaire Ambtenarenwet*) in the near future. Under planned changes, 17 year olds would form a special category of “aspiring military personnel” (*aspirant-militair ambtenaar*), who would not be allowed to serve in any combat capacity at home or abroad, or to use weapons or live ammunition except on the shooting range. They would need to have written parental consent to join, would be able to terminate their service before reaching 18, and would not be formally admitted to the armed forces until they were 18. In 2004 around 340 members of the armed forces were 17 year olds.⁷

Military training and military schools

There are no military secondary schools. The minimum age of admission to military academies is 17. The Royal Military Academy and the Royal Institute for the Navy train future career officers and short-term officers. Their status is comparable to that of universities, and students must have completed secondary school to qualify for admission. The military academies are considered part of the armed forces, and are being modernized in line with reforms outlined in the Defence White Paper 2000.⁸

International standards

The Netherlands does not support a “straight-18” position and there were no plans to raise the age of voluntary recruitment from 17 to 18.⁹ In June 2003 the government outlined its position to the UN Committee on the Rights of the Child: “The Convention lays down a minimum age of 15 for recruitment to or membership of the armed forces and for participation in armed conflicts. In the Netherlands the minimum age for both membership of the armed forces and participation in armed conflicts is higher than 15”.¹⁰

- 3 Second periodic report of the Netherlands to UN Committee on the Rights of the Child, UN Doc. CRC/C/117/Add.1, 5 June 2003, <http://www.ohchr.org>.
- 4 Military Service Law, Staatsblad 1997, 139.
- 5 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 6 Initial report of the Netherlands to UN Committee on the Rights of the Child, UN Doc. CRC/C/51/Add. 1, 24 July 1997.
- 7 Communication from Ministry of Defence, 18 June 2004.
- 8 Communication from Ministry of Defence, op. cit.; Defence White Paper 2000 http://www.mindef.nl/nieuws/media/170701_whitepaper2000.html.
- 9 Communication from Ministry of Defence, op. cit.
- 10 Second periodic report to UN Committee on the Rights of the Child, op. cit.

1 Ministry of Defence, <http://www.defensie.nl> (Current Dutch participation in international operations abroad).

2 Constitution, at Ministry of Foreign Affairs, <http://www.minbuza.nl>.

NORWAY

Kingdom of Norway

Population: 4.5 million (1.1 million under 18)

Government armed forces: 26,600

Compulsory recruitment age: 18

Voluntary recruitment age: 18 (16 for Home Guard)

Voting age: 18

Optional Protocol: ratified 23 September 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Norway amended its laws to exclude the voluntary or compulsory recruitment of under-18s to the armed forces. The age of admission to the Home Guard was 16. Asylum requests by two youths who said they had been child soldiers were refused.

Context

A small contingent of Norwegian military personnel was present in the US-led occupation forces in Iraq; Norway also had a task force serving with KFOR in Kosovo and a force of just over 200 serving with the NATO operation in Afghanistan.¹

Government

National recruitment legislation and practice

According to the constitution, “as a general rule every citizen of the state is bound to serve in the defence of the country for a specific period, irrespective of birth or fortune” (Article 109).² The 1953 Military Service Act and the 1953 Home Guard Act, as amended, provide the legal basis for military service. Under the Military Service Act, every male national is liable for military service from the beginning of the year in which he reaches 19 until the end of the year in which he turns 44.

In 2002 both Acts were amended to ban the forced recruitment of under-18s to any form of service in the armed forces, whether in times of war or peace. Previously, in wartime boys were liable for military service from 1 January of the year they were 17. The amendments also prohibited the voluntary recruitment of under-18s for training and participation in combat-related activities, and included specific provision to exempt volunteers under the age of 18 from military service in the event of war or imminent war. The amendments entered into force on 1 July 2002.³

The age of admission to the Home Guard is 16 years. The Home Guard is responsible for territorial defence and providing support for armed forces operations and has a peacetime strength of around 600 including about 200 civilians.⁴ Such members “are not considered to be recruited”, according to the Defence Ministry. They are not enrolled as members of the armed forces, subject to military discipline or mobilization, or permitted to take part in combat activities.⁵

Developments

In early 2004 the immigration authorities refused asylum to two youths who said they had been child soldiers in Eritrea where children are reported to serve in the armed forces illegally and are subjected to torture, arbitrary detention and forced labour for fleeing military service.⁶ UNHCR recommended that states refrain from all forced returns of rejected asylum seekers to Eritrea until further notice.⁷

International standards

Norway ratified the Optional Protocol on 23 September 2003, and affirmed in its declaration that the minimum age for voluntary recruitment to the armed forces was 18.⁸

In 2003 Norway reported to the UN Committee on the Rights of the Child that amendments to the Compulsory Military Service Act and the Home Guard Act had ensured that children did not participate in armed conflict.⁹ On 20 January 2004 Norway’s representative to the UN told the UN Security Council that Norway supported the listing of parties to armed conflict that recruit or use children in combat, and proposed expanding the list to cover other abuses against children in armed conflicts.¹⁰

- 1 Ministry of Defence press releases, May 2004, <http://odin.dep.no/fd/engelsk>.
- 2 Constitution, <http://www.stortinget.no/english/constitution.html>.
- 3 Communication from Ministry of Defence, 1 April 2004.
- 4 Ministry of Defence, *Norwegian Defence Facts and Figures 2003*, <http://odin.dep.no/fd/engelsk>.
- 5 Communication from Ministry of Defence, op. cit.
- 6 Amnesty International, *Eritrea: Arbitrary detention of government critics and journalists*, 18 September 2002, <http://web.amnesty.org/library/engindex>.
- 7 UNHCR, *UNHCR Position on Return of Rejected Asylum Seekers to Eritrea*, January 2004.
- 8 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).
- 9 Third periodic report to UN Committee on the Rights of the Child, <http://www.ohchr.org>.

- 10 Ambassador Johan Lovald, speaking at UN Security Council debate, January 2004, on the report of the UN Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003.

POLAND

Republic of Poland

Population: 38.6 million (8.8 million under 18)

Government armed forces: 163,000

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 13 February 2002

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138, ILO 182

The minimum age for voluntary recruitment was 17, but it was not known whether 17 year olds were serving in the armed forces.

Context

Incidents of police ill-treatment were reported; prostitutes, the Roma community and victims of trafficking were the most vulnerable.¹ Poland had a significant military presence among the US-led occupation forces in Iraq, and had soldiers serving in Afghanistan. Poland also contributed almost 2,000 troops to a number of UN peacekeeping missions worldwide.²

Government

National recruitment legislation and practice

The constitution states that “It shall be the duty of every Polish citizen to defend the Homeland” and that “Any citizen whose religious convictions or moral principles do not allow him to perform military service may be obliged to perform substitute service” (Article 85).³

In February 2002 Poland reported to the UN Committee on the Rights of the Child that “A person who has attained 18 years of age may be called up for military service pursuant to the Law of 21 November 1967 on the Universal Obligation to Defend the Republic of Poland”.⁴ All male citizens between the ages of 18 and 28 are liable for military service (Article 58). The duration of military service is 12 months, or six months for higher education graduates and two months for graduates of medical academies. Conscripts may request service in the police, border guards or civil defence, which lasts for 18 months. Reservist obligations apply up to the age of 60 but in practice no one is called up for reservist training.⁵ Women aged between 18 and 40 who have skills required by the armed forces may be liable for compulsory military service.⁶

On ratifying the UN Convention on the Rights of the Child in 1991, Poland made a reservation concerning the application of Article 38 stating

that “The law of the Republic of Poland shall determine the age from which call-up to military or similar service and participation in military operations is permissible. That age limit may not be lower than the age limit set out in Article 38 of the Convention [15 years]”.⁷ Subsequently, Poland informed the UN Committee on the Rights of the Child in 1994 that an amendment was planned to the 1967 law providing for conscription, to remove the possibility of conscription of men who have not reached the age of 18 years.⁸ However, as Poland reported to the UN Committee on the Rights of the Child in 2002, that law set no age limits on voluntary recruitment.⁹ The 1970 Law on Regular Military Service specifies that voluntary recruitment may begin from the age of 17.¹⁰

Military training and military schools

In recent years Poland has been reforming its military education system. In 2004 there were four military academies, four military colleges, 11 warrant officers' colleges, 10 vocational schools for non-commissioned officers and 12 military high schools. Poland regularly sends recruits abroad for training, including by serving “on the job” within the defence structures of other countries.¹¹

Developments

Poland has been scaling down its armed forces as part of moves towards professionalization. The Ministry of Defence has announced that the armed forces will number 150,000 by 2006.¹²

- 7 Reservation made by Poland on ratification of the Convention on the Rights of the Child, <http://www.ohchr.org>.
- 8 Initial report of Poland to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.11, 31 January 1994.
- 9 Second periodic report to UN Committee on the Rights of the Child, op. cit.
- 10 Initial report to UN Committee on the Rights of the Child, op. cit.
- 11 Information from Ministry of Defence, op. cit.
- 12 US Department of State, *Background Note: Poland*, <http://www.state.gov/r/pa/ei/bgn/2875.htm>.

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 Information from Ministry of Defence, <http://www.wp.mil.pl>.

3 Constitution, at Sejm (lower house of parliament) website, <http://www.sejm.gov.pl/english/konstytucja/kon1.htm>.

4 Second periodic report of Poland to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.12, 6 February 2002, <http://www.ohchr.org>.

5 Immigration and Nationality Directorate, United Kingdom (UK) Home Office, *Poland Country Report*, October 2003, formerly at <http://www.ind.homeoffice.gov.uk> (now at European Country of Origin Information Network, <http://www.ecoi.net>), citing information from UK Foreign and Commonwealth Office/ British embassy in Warsaw, and B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.

6 Committee on Women in the NATO Forces, *Year in Review 2001*, <http://www.nato.int/ims/2001/win/poland.htm>.

PORTUGAL

Portuguese Republic

Population: 10.0 million (2.0 million under 18)

Government armed forces: 44,900

Compulsory recruitment age: 18 (conscription being phased out)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 19 August 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

In 2003 the UN Human Rights Committee and the Commissioner for Human Rights of the Council of Europe expressed concern about police use of firearms; reports about disproportionate use of force and ill-treatment by the police; the slow functioning of the justice system; and the excessive use and length of pre-trial detention.¹

Government

National recruitment legislation and practice

The constitution states that “Military service shall be regulated by law, which shall prescribe the forms, voluntary or compulsory nature, duration and content of the respective service” (Article 276).²

Conscription was being phased out and due to end in November 2004. The duration of service for remaining conscripts was six months.³ The Military Service Law, No. 174/1999, provided for the transition to a fully professional army and established 18 as the minimum age for voluntary recruits (Article 32). It instituted an annual Day of National Defence, when information would be made available to the public about joining the armed forces (Article 20).⁴ The law entered into force on 14 November 2000 and, on ratifying the Optional Protocol in August 2003, Portugal declared that “the minimum age for any recruitment – including voluntary – of persons into its armed forces is 18 years. The age limit is already contained in the Portuguese domestic legislation”.⁵ However, in May 2004 the Defence Ministry stated that recruitment information published on its website needed updating as it continued to state that the minimum age for recruitment was 17 years old.⁶

Government defence plans, published in a White Paper in 2001, outlined the new model of military service. Recruits may sign a contract for two to six years of service or volunteer for a 12-

month period. General recruitment (conscription) was being replaced by normal recruitment, in which recruits joined up for longer periods, or exceptional recruitment, in times of war or emergency.⁷

Military training and military schools

Portugal has several military higher education institutions, including the *Escola Superior Politécnica do Exército* and the Air Force Academy. Applicants are required to have completed secondary school rather than fulfil specific age requirements, but candidates for the Army Sergeant School must be 18 years old. Under-18s may apply to the Air Force Academy with parental consent. All military school students receive weapons training.⁸

International standards

Portugal supports the “straight-18” position and has spoken out about child soldiers at international forums. At the UN General Assembly Special Session on Children on 10 May 2002, Portuguese President Jorge Sampaio urged greater international solidarity to combat problems affecting children, including “the proliferation of armed conflicts and the growing, unacceptable victimization and instrumentalization of children”.⁹

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution, http://www.parlamento.pt/ingles/cons_leg/crp_ing/index.html.

3 Ministry of Defence news release, 22 March 2004, http://www.mdn.gov.pt/destaques/2004/conferencia_imprensa.htm.

4 *Lei do Serviço Militar*, No. 174/99, Military Service Law, Ministry of Defence, <http://www.mdn.gov.pt> (Defesa, Legislação).

5 Declaration on signature: Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>; Declaration on ratification: <http://untreaty.un.org> (subscription required).

6 Child Soldiers Coalition interview with Ministry of Defence, 8 May 2004.

7 White Paper on Defence, Ministry of Defence, <http://www.mdn.gov.pt> (Publicações) (As Características do Modelo / Characteristics of the Model of Military Service).

8 Child Soldiers Coalition interview with Ministry of Defence, op. cit.

9 Statement, <http://www.un.org/ga/children/portugalE.htm>.

ROMANIA

Romania

Population: 22.4 million (4.8 million under 18)

Government armed forces: 97,200

Compulsory recruitment age: 20 (conscription being phased out)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 10 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces. However, boys who were admitted for military training from the age of 15 were considered to be part of the armed forces.

Context

There were numerous reports of police torture and ill-treatment, sometimes amounting to torture, and of police shootings in disputed circumstances. Police resorted to firearms in circumstances prohibited by international standards. Many of the victims were Roma. Conditions in prisons were sometimes inhuman and degrading, and there were reports of ill-treatment of detainees.¹ On 29 March 2004 Romania became a member of NATO.²

Government

National recruitment legislation and practice

The constitution states that “Citizens have the right and obligation to defend Romania. Military service is compulsory for male Romanian citizens who have reached the age of 20, with the exception of cases defined by law. Citizens up to the age of 35 can be called up for training for active military service” (Article 52).³ The legal basis for military service is the Law on the Preparation of the Population for Defence, No. 46 of 1996, which requires men aged between 20 and 35 to be liable for military service (Article 11). At times of war they may be conscripted from the age of 18. Military service is for 12 months, or six months in the case of higher education graduates. Volunteers may be recruited at the age of 18.

The police force was in the process of being demilitarized, and conscription into the police force was being phased out.⁴

Military training and military schools

The Law on the Preparation of the Population for Defence provides for pre-military training for youths between the age of 15 and 20 on a voluntary basis (Article 45). Its aims include “providing adequate knowledge and orientation in the military and technical field, [and] ... cultivating ethical and civic values”. Students admitted to military education institutions are considered as enlisted in the armed forces (Article 34).⁵

Developments

The armed forces were undergoing structural reforms and conscription was being phased out; Romania stated that it plans to professionalize the armed forces by 2007.⁶

International Standards

Romania ratified the Optional Protocol on 10 November 2001.

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/e0329a.htm>.
- 3 Constitution 1991, revised by Law 429/2003, Parliament of Romania, Chamber of Deputies, <http://diasan.vsat.ro/pls/dic/cd.home2>.
- 4 European Commission Regular Report on Romania's progress towards accession (2002); US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 5 European Commission, op. cit.
- 6 Survey of Ministry of National Defence 2001-2003 and Future Goals, Ministry of National Defence, <http://english.mapn.ro>; Delegation of Romania to NATO, <http://www.nato.int/pfp/romania>.

RUSSIAN FEDERATION

Russian Federation

Population: 144.1 million (31.0 million under 18)

Government armed forces: 960,600 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18 (16 training only)

Voting age: 18

Optional Protocol: signed 15 February 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Forcible conscription was reported, and the possibility of under-18s being among the conscripts could not be ruled out. Voluntary recruits in military training schools were considered to be on active service. Tens of thousands of orphans aged 14 to 16 were “adopted” by military units, receiving military training in school and many of them living in army barracks. Military training programs were provided in some secondary schools. In the Chechen Republic, boys were involved with a number of armed political groups and girls were reportedly used in suicide bombings.

Context

Russian forces and Chechen fighters committed serious abuses in the continuing conflict in the Chechen Republic (Chechnya). Russian forces carried out targeted operations and raids on towns and villages in Chechnya which were routinely accompanied by abuses including arbitrary and incommunicado detention, “disappearance”, extortion of bribes for release, torture, extrajudicial execution, rape and looting. Large numbers of Chechens, particularly men and boys, were killed or “disappeared” following such raids. Chechen fighters also committed serious human rights abuses, reportedly targeting pro-Moscow members of the civilian administration in Chechnya, and were allegedly responsible for bombings that caused indiscriminate harm to civilians. The media and international human rights monitors were under restrictions imposed by the Russian authorities in Chechnya and it was virtually impossible for local human rights groups to operate. There were a number of bombings which killed or injured civilians in Russia and in October 2002 a hostage-taking incident in a Moscow theatre where some hostages were killed by their captors, which were allegedly linked to the conflict in Chechnya.¹

Government

National recruitment legislation and practice

The constitution provides for conscription (Article 59).² Under the Law on Military Duty and Military Service, as amended, boys must register for the draft before the end of March in the year in which they reach 17. Those aged between 18 and 27 are subject to the draft, which lasts 24 months or 12 months for graduates. Candidates for voluntary military service must be 18 and conscripts may transfer from compulsory to voluntary service after six months (Article 34). The 1997 Law on Mobilization Preparations and Mobilization, which sets out liabilities for call up and military service, states that only those subject to federal conscription laws – that is, 18 year olds – are eligible to be called for service.³ There were no reports of under-18s being called up for military service.

However, underage conscription remained a possibility. There was widespread draft dodging and corruption in the enforcement of the draft. Forcible conscription was also reported.⁴ Conditions for conscripts were harsh, resulting in a high number of desertions and non-combat deaths – at least 1,200 in 2003.⁵ Conscripts lacked adequate living and working conditions, and were often subjected to degrading physical and psychological abuse (*dedovshchina*).⁶ After the military authorities in Saratov Oblast published the names of draft dodgers in the local press, the regional Committee of Soldiers’ Mothers was reported as pointing out that such lists published in the past had included the names of boys under the age of 18.⁷

Military ‘adoption’ of orphans

A project for the military to “adopt” or sponsor orphans, homeless children and children from single-parent families was implemented from 1997 and formalized by presidential decree in 2000. The regulation, entitled “On enrolling underage citizens of the Russian Federation as wards of military units and providing them with essential allowances”, permits boys between the ages of 14 and 16 to be voluntarily enrolled and attached to military units.⁸ The government has argued that army sponsorship provides accommodation and education in a country where an estimated three million children are orphaned – the term being used to include fatherless or abandoned children – and where social services face grave financial constraints.⁹ The program has been criticized for inflicting harsh conditions on children and exposing them to the risks of bullying, other abuse and the hazards of military training.

Recent figures were unavailable, but the Defence Minister said in 1999 that Russian

military institutions were accommodating 35,000 orphans and homeless children, and that 12,000 were receiving “full room and board and [were] enlisted in logistics units, military orchestras and cadet schools housed in ... disbanded military academies”.¹⁰ This figure appeared to include an estimated 5,000 students enrolled at official military training establishments, not all of whom were orphans.¹¹ During the late 1990s another 7,000 reportedly lived permanently on military bases. The remaining 23,000 were non-permanent residents, many of them attached to military units on a part-time basis, to attend summer training camps or to obtain food. Together, these children formed “boys’ squads” which were reportedly integrated to varying degrees into regular units of the Russian army.¹²

In February 2003 the Kineshma army base in Central Russia was reported to have recently housed a 12 year old, although the other boys there were at least 14. They spent their days in school but their weekends and time before and after school were devoted to military duties, including learning to use and care for gas masks and firearms.¹³

Military training and military schools

Under the Law on Military Duty and Military Service, boys aged 16 may obtain vocational training at military educational establishments, where they “acquire the status of military persons, follow military service under the draft”, and may voluntarily sign up for service once they reach 18 (Article 35). From the age of 17, they may enrol for military training programs at vocational schools, and members of the Cadet Corps and other such bodies may begin training, so that once the draft begins they may choose a branch of the armed services on the basis of an acquired level of competence (Article 15).

There are numerous dedicated military secondary schools for the “military training of minor citizens” (Article 19). They include eight Suvorov schools, which admit orphans and other students from the age of 11, and whose motto is “Give your life to the motherland, but your honour to no-one”. Students usually go on to further military education.¹⁴

An academy opened by the Moscow Tax Police in September 2000 reportedly had an entrance age of ten years old. The Moscow Tax Police Cadet Corps, made up of the 200 students, many of whom were orphans, reportedly lived at the academy, wore military uniforms and followed a strict regime that included drill, weekly weapons handling and intensive military and physical training at a summer camp.¹⁵

In ordinary secondary schools, the Law on Military Duty and Military Service requires that boys “shall pass training in the military fundamentals”, civil defence and knowledge of military duty in their final two years (Articles

12 and 13). The law also makes provision for obligatory military training and “patriotic upbringing” for schoolchildren (Article 14).¹⁶

A Basic Military Training program, introduced in secondary schools in September 1999, was only partially implemented, and legislation to introduce combat training and military history in schools for 15-year-old boys was reportedly introduced shortly after Vladimir Putin assumed the presidency in December 1999.¹⁷ In October 2003 the parliament (*Duma*) passed the first reading of an amended education law that would harmonize education and military service laws and establish the legal basis for compulsory military training in schools.¹⁸ It was unclear whether the amendment had passed its third reading by March 2004.

Despite these legal measures, it seemed likely that military training in schools would not be consistently applied throughout the country and would remain voluntary. Media reports occasionally reported school training programs. In September 2003, 16-year-old Alexander Bochanov reportedly died in the Khanty-Mansiisk region after he was allegedly not allowed to remove his gas mask following a late-night 10 km run. A military instructor was cleared of any criminal offence and the activity was deemed a legitimate element of the school curriculum.¹⁹ In early 2004 schoolboys were observed assembling Kalashnikov rifles.²⁰

Detention and killing of Chechen children

Boys suspected to be Chechen rebels have been targeted by the Russian army and have “disappeared” in custody or been killed.²¹ During “cleansing” operations (*zachistki*), Russian troops have repeatedly closed off villages and districts, ostensibly to identify participants in the armed opposition. Boys were reported to be particularly vulnerable and were routinely rounded up, sent to “filtration camps” and tortured.²² One 16 year old, after being tortured in a “filtration camp”, said “I was relieved when they took us out to be shot”.²³

In 2002 the official with responsibility for children’s rights in Chechnya’s pro-Russian administration stated that over 90 children had “disappeared” over the preceding year in cases “directly linked to actions by the military” during *zachistki* operations. Military officials responded that the children had been eliminated because they had collaborated with rebel fighters.²⁴ One of the highest-ranking commanders in Chechnya, General Vladimir Shamanov, when asked “Is the child of a bandit also a bandit?”, responded “Certainly”.²⁵

Armed political groups

Lack of access to Chechnya, and restrictions on monitoring and reporting made it impossible to determine accurately the numbers of child soldiers in opposition forces. Available information indicated that boys participated in a number of armed political groups, including the main Chechen armed opposition, Islamist groups and village-based defence units. Some girls under 18 were reportedly used as suicide bombers. Boys were also believed to be involved in criminal gangs of under-18s, which were sometimes attached to local fighters seeking to profit from the war economy.²⁶ Enlistment was frequently in response to human rights violations by Russian forces, but was also a survival strategy in an economy destroyed by more than a decade of armed conflict.²⁷

Opposition to Russian rule

There is no conscription or compulsory recruitment into rebel groups, according to Ilyas Akhmadov, spokesperson of the Chechen armed opposition. Akhmadov stated that “several dozen under-18s may have participated in resistance operations” although younger children who attempted to join were “in most instances ... returned to their parents”. Akhmadov also stated that the children “were moved to join the fighters because of the [January 2000] announcement that the Federal forces would consider any [Chechen] male from 10 to 60 years old to be possible combatants”.²⁸ Others also stated that the involvement of children in rebel groups is voluntary.²⁹

Military sources in mid-2002 said that an increasing number of youths aged from 18 to 25, some of them as young as 14, were among the fighters and involved in the fighting.³⁰ In July 2002 a Russian general was reported to have noted the large numbers of Chechen boys aged about 15 or 16 among those killed by a military operation to crush a rebel detachment.³¹ A Chechen surgeon reported in 2003 that his 15-year-old nephew had begun slipping away to join the fighters because many of his friends were already with them, the schools were no longer functioning and he felt useless sitting at home.³²

Chechen armed groups reportedly used under-18s, particularly girls, in suicide bombings. In May 2003 prosecutors announced the arrest of a woman and a 16-year-old girl in Chechnya's Shatoi district in connection with the recruitment of women and girls involved in the October 2002 Moscow theatre siege, who reportedly included a 16 year old.³³ At the end of 2002 a man and his 15-year-old daughter and 17-year-old son reportedly carried out a suicide attack in Chechnya's capital, Grozny.³⁴ In September 2003 women were reported to be training in the Vedeno region for such bomb attacks, among

them a 15-year-old girl who was being “prepared” by an older man.³⁵

Self-defence units

Boys reportedly joined village and district self-defence units although it was unclear how widespread such groups were in 2004.³⁶ The units were made up of members of extended families (*teipy*), and boys were occasionally involved in fighting alongside their friends and families to protect their villages from Russian forces and rival armed groups.³⁷ One observer saw a 15 year old fighting at the side of his relatives in a small independent unit in Samashki. Several armed youths were posted on guard duty. In one unit, members' ages ranged between 15 and 50, and the children were armed with guns.³⁸ In a unit in the town of Alkhan Kala, many of the fighters were reported to be “mere boys”.³⁹

Other Chechen armed units appeared to have been established as security guards, to defend the territory of specific individuals against other Chechen armed groups. In the Vedeno region, for example, a local administrator involved in a blood feud and rivalry with two field commanders described five youths manning a checkpoint as “my partisans”.⁴⁰

Disarmament, demobilization and reintegration (DDR)

There was no information on programs for the DDR of child soldiers in the Russian Federation or in Chechnya.

* see glossary for information about internet sources

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, <http://www.constitution.ru>.
- 3 *Russian Federation Legal Acts on Civil Military Relations*, Collection of Documents, Moscow, 2003.
- 4 Interfax-Military News Agency, 19 January 2004; see also “New conscripts promised warmth and safety, 31 March 2004”, http://www.gazeta.ru/2004/03/31/oa_116462.shtml; Human Rights Watch (HRW), *Conscription through detention in Russia's armed forces*, November 2002, <http://www.hrw.org>.
- 5 Committee of Soldiers' Mothers, St Petersburg, *Extraordinary new year events in railway troops*, 9 January 2003, posted at Post-Soviet Armies Newsletter, <http://www.psan.org> (Contents/Index, Dedovschina-Hazing); see also *Vremya novosti*, 24 March 2003; Radio Free Europe/Radio Liberty (RFE/RL), *(Un)Civil Societies*, “Russian soldiers' mothers deplore abusive army”, 5 February 2004, <http://www.rferl.org>.

- 6 HRW, *To serve without health: Inadequate nutrition and health care in the Russian armed forces*, November 2003; RFE/RL, "Russian Soldiers' Mothers deplore abusive army", op. cit.; Interfax, 17 January 2004; ITAR-TASS News Agency, 3 September 2003. (Such abuse, often called "hazing", is an institutionalized system of extreme physical abuse and psychological humiliation inflicted over an extended period on the most recent or junior conscripts by longer-serving conscripts or senior soldiers. While not formally condoned, lack of supervision allows the practice to continue unchecked. The precise form it takes may vary from one army to another, but its essential features are that it is systematic, continual, status-related, and usually carried out by those who have previously been its victims.)
- 7 RFE/RL, *Newsline*, 7 April 2003.
- 8 *Vremya MN*, 18 February 2000; see also Elisabeth Sieca-Kozłowski, *The ABC of Soviet resurrections and the militarizing of society under Putin*, 28 January 2003, Post-Soviet Armies Newsletter, posted at Johnson's Russia List, No. 7037, <http://www.cdi.org/russia/johnson>.
- 9 Igor Frolov, "Orphans find a new family with Russian Military", *The Russia Journal*, 30 August 1999, posted at Post-Soviet Armies Newsletter (New roles for the military; Social agent). For an account of child welfare issues, see State Committee of the Russian Federation on Statistics, *Child and family welfare in Russia*, 2001, UNICEF Innocenti Research Centre, <http://www.unicef-icdc.org> (Research, Economic and social policy, Monitoring change, Country analytical reports).
- 10 Igor Frolov, op. cit.
- 11 As estimated by Child Soldiers Coalition.
- 12 *Trud*, 10 December 1997.
- 13 Eve Conant, "They're in the army now: The Russian military is trying out an unusual method of caring for destitute boys. It adopts them", *Newsweek* web exclusive, 25 February 2003, posted at Johnson's Russia List, No. 7078.
- 14 TV RTR, "Russia's Suvorov Military Academies Celebrate 60th Anniversary of Founding", 21 August 2003, from BBC Monitoring Service, posted at Post-Soviet Armies Newsletter (Military education).
- 15 Amelia Gentleman, "Raising taxes, Moscow style", *The Observer* (London), 20 May 2001.
- 16 *Russian Federation Legal Acts*, op. cit.
- 17 Elisabeth Sieca-Kozłowski, op. cit.
- 18 *Pravda*, "Militarization of Russia is under way", 13 October 2003.
- 19 AFP, 11 November 2003; Interfax, 24 March 2003.
- 20 Sarah Rainsford, "Russia toys with schoolboy soldiers", BBC News, 13 February 2004, <http://news.bbc.co.uk>.
- 21 *Amnesty International Report 2004*.
- 22 Amnesty International (AI), *Chechnya: Rape and torture of children in Chernokozovo "filtration camp"*, 23 March 2000, <http://web.amnesty.org/library/engindex>; Prima News Agency, "Teenagers kidnapped in Chechnya", 19 February 2002, <http://www.prima-news.ru>; Human Rights Center "Memorial", "*Cleansing Operation*" in the Village of Alleroy, 16th–27th of August 2001, <http://www.memo.ru/eng/memhrc/texts/alleroy.shtml>. AI has described "filtration camps" as follows: "women and men are subjected to 'filtration' when their identity documents are checked against computer data, which allegedly includes information on suspected members of armed Chechen groups and their relatives. They are usually kept for some time at a detention place at the checkpoint and then taken to 'filtration camps'. Hundreds of men and teenage boys have also been reportedly detained in the towns and villages of Naursky District, Grozny and other regions under the control of the Russian forces and taken to 'filtration camps'." (AI, *Chechnya: Russian government should open doors of filtration camps to international scrutiny*, 17 February 2000).
- 23 Anna Politkovskaya, *Novaya Gazeta*, 4 March 2002, <http://2002.novayagazeta.ru/nomer/2002/15n/n15n-s12.shtml>.
- 24 Anna Politkovskaya, "Chechen official: More than ninety Chechen children have disappeared", *Novaya Gazeta*, 11 April 2002, cited in Jamestown Foundation, *Monitor*, 12 April 2002, <http://www.jamestown.org> (Publications).
- 25 Anna Politkovskaya, *A Dirty War, A Russian Reporter in Chechnya*, Harvill Press, London, 2001, p. 182.
- 26 Lawrence Uzzell, "Report highlights plight of Chechen teenage fighters", Jamestown Foundation, *Chechnya Weekly*, 17 March 2004, citing *Moskovsky Komsomolets*, 12 March 2004.
- 27 Anna Politkovskaya, *Russian reporter in Chechnya: One experience*, 19 November 2001, Caspian Studies Program, Harvard University, <http://bscia.ksg.harvard.edu/?program=CSP> (Publications).
- 28 Communication from Ilyas Akhmadov, underground "foreign minister" of the Chechen Republic of Ichkeria, 22 February 2004.
- 29 Communication from *Chechenskoe Obshchestvo* newspaper, 15 March 2004.
- 30 Jamestown Foundation, "Chechen fighters getting younger", *Chechnya Weekly*, 8 July 2002, citing *Moskovskie Novosti*, 2 July 2002.
- 31 Jamestown Foundation, "Chechen fighters getting younger", *Chechnya Weekly*, 8 July 2002, citing *Nezavisimaya Gazeta*, 1 July 2002.
- 32 Khassan Baiev, *The Oath: A Surgeon Under Fire*, Simon & Schuster, 2003, p. 163.
- 33 Communication from *Chechenskoe Obshchestvo*, op. cit.; *Moskovsky Komsomolets* (In Russian), 23 October 2003.
- 34 *Gazeta.ru*, 20 May 2003, <http://www.gazeta.ru>.

- 35 *Novaya gazeta* (in Russian), 15 September 2003, <http://2003.novayagazeta.ru/nomer/2003/68n/n68n-s17.shtml>.
- 36 C.W. Blandy, *Dagestan: The Storm Part 3 - The Expulsion of Chechen Bandit Formations from Novolakskiy Rayon*, Conflict Studies Research Centre, <http://www.da.mod.uk/CSRC/documents> (Caucasus series).
- 37 See also Olga Oliker, *Russia's Chechen Wars 1994-2000, Lessons from Urban Combat*, Santa Monica: Rand, 2001, pp. 65-73.
- 38 Thomas Goltz, *Chechnya Diary, A War Correspondent's Story of Surviving the War in Chechnya*, New York: St Martin's Press, 2003, p. 97.
- 39 Khassan Baiev, op. cit., p. 156.
- 40 Andrew Meier, *Black Earth: Russia After The Fall*, London: HarperCollins, 2004, pp. 138-44.

SAN MARINO

Republic of San Marino

Population: 27,000 (5,000 under 18)
Government armed forces: not known
Compulsory recruitment age: 16 (not practised)
Voluntary recruitment age: not known
Voting age: 18
Optional Protocol: signed 5 June 2000
Other treaties ratified (see glossary):
 CRC, GC API and II, ICC, ILO 138, ILO 182

There was no information on whether under-18s were serving in the armed forces. By law, military service was compulsory from the age of 16.

Government

National recruitment legislation and practice

The armed forces are made up of the *Guardia di Rocca*, which includes the artillery and uniformed forces, militias and the gendarmerie. Every citizen is obliged to do military service from the age of 16 to the age of 60, with the exception of members of the government, judiciary and clergy, and others deemed indispensable to the state or physically or ethically unfit.¹

Military service in the Voluntary Military Force (*Corpi Militari Volontari*) is voluntary. No information on the minimum age of recruitment to this force was found. It performs ceremonial duties and provides limited assistance to the police.²

1 Legge 26 gennaio 1990 n.15 (pubblicata in data 14 febbraio 1990), Regolamento Organico e Disciplina dei Corpi Militari, Segreteria di Stato per gli Affari Interni 2000, <http://www.consigliograndeegenerale.sm/index.php3>.

2 *CIA World Factbook*, December 2003, <http://www.cia.gov/cia/publications/factbook>.

SERBIA AND MONTENEGRO

Serbia and Montenegro (until February 2003
Federal Republic of Yugoslavia)

Population: 10.5 million (2.5 million under 18)

Government armed forces: 74,200

Compulsory recruitment age: 18

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: ratified 31 January 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Military law permitted recruits to volunteer for the armed services in the calendar year in which they turn 17, although it was not clear whether they could start military service while they were 16. During a state of war, the minimum age for conscription could be lowered to 17.

Context

Under a new Constitutional Charter, in February 2003 the country's name was changed from the Federal Republic of Yugoslavia to Serbia and Montenegro. The two semi-independent states jointly control defence and foreign policy. In March 2003 Serbian Prime Minister Zoran Djindjic was assassinated and the government declared a state of emergency during which thousands were detained.¹ In March 2004 Kosovo – which remained under the administration of the UN Interim Administration Mission in Kosovo (UNMIK) – experienced serious inter-ethnic violence and attacks on minorities.²

Government

National recruitment legislation and practice

The Law on the Yugoslav Army, renamed the Armed Forces of Serbia and Montenegro under the Constitutional Charter, specifies that males are eligible for conscription from the calendar year they turn 18 to the age of 27 (Articles 291 and 301). The armed forces state that conscripts do not usually commence service until they reach 21, although a “large number” ask to start earlier. A volunteer may be recruited “in the calendar year in which he turns 17”, the year in which he is required to have his name registered for conscription. However, it was not clear whether volunteers must have reached 17 or whether the law permits 16 year olds to begin service. During

a state of war, by order of the President, the minimum age of conscription may be lowered and recruits may be enlisted in the year they turn 17.³

In June 2003 the Supreme Defence Council reduced the period of conscription by 30 days to eight months.⁴ The Constitutional Charter permits conscripts to serve in their respective republics (Article 57).⁵ On ratifying the Optional Protocol in January 2003, Serbia and Montenegro declared that the Penal Code of the Federal Republic of Yugoslavia and its constituent republics contained safeguards ensuring that “the recruitment of underage persons will not be forced or coerced”.⁶

Kosovo remains part of the state of Serbia and Montenegro, administered by the UN, in accordance with UN Security Council Resolution 1244. Owing to its unresolved status, Kosovo has no armed forces.⁷ Security is maintained by the Kosovo Force (KFOR), a NATO-led mission under a UN mandate.⁸

Military training and military schools

A Military Grammar School provides students with a preparatory education to enable and motivate them to enter higher military academies. A Secondary Military School appears to offer children a direct entry route into the armed forces, providing a professional education lasting three or four years, vocational training for two years, vocational training improvement for a year, and a one-year special advanced training after graduation. The vocational education program trains pupils directly for professional military service in a variety of units, ranging from the infantry to nuclear, chemical and biological warfare. On completing up to eight years of training, students are awarded the rank of sergeant and admitted to professional military service. The minimum entrance ages for the secondary schools and the Armed Forces Military Academy were not known.⁹

Armed political groups

The Albanian National Army, a paramilitary unit, was reportedly active in southern Serbia, Kosovo and Macedonia, although it faced significant pressure from the security forces, particularly in late 2003, and its activities were minimal. There were no reports of under-18s among its members, who were mostly veterans of the disbanded Kosovo Liberation Army and other armed political groups.¹⁰

1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.

2 UN Interim Administration Mission in Kosovo (UNMIK), <http://www.unmikonline.org>; *Amnesty International Report 2004*.

- 3 Constitutional Charter of the State Union of Serbia and Montenegro (Articles 54-58), at Armed Forces, <http://www.vj.yu> (Regulations, Constitution); Armed Forces (Military obligation); Declaration made by Serbia and Montenegro on ratification of the Optional Protocol, <http://www.ohchr.org>.
- 4 FoNet, "Serbia-Montenegro president shortens military service by 30 days", 10 June 2003, reported in South East European Security Monitor, Centre for South East European Studies, <http://www.csees.net> (SEE Security Monitor); Armed forces, *Filling the ranks*, <http://www.vj.yu> (Structure).
- 5 Constitutional Charter, op. cit.
- 6 Declaration, op. cit.
- 7 Communication from UNMIK, 21 May 2004.
- 8 KFOR information, <http://www.nato.int/kfor/kfor/about.htm>.
- 9 Armed forces, *Military schools*, <http://www.vj.yu> (Education).
- 10 International Institute for Strategic Studies (IISS), Armed Conflict Database, Kosovo entry (subscribers only); International Crisis Group, *Pan-Albanianism: How big a threat to Balkan stability?*, Europe Report No. 153, 25 February 2004, <http://www.crisisweb.org>.

SLOVAKIA

Slovak Republic

Population: 5.4 million (1.2 million under 18)

Government armed forces: 22,000 (estimate)

Compulsory recruitment age: 18 (conscription being phased out)

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: signed 30 November 2001

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces, and the government introduced legislation to exclude the possibility.

Context

There were reports of torture and ill-treatment of Roma by police officers and in July 2001 a Roma man died in custody in suspicious circumstances.¹ Human rights groups expressed concerns about the supply of weapons from Slovakia to regions marked by gross human rights abuses and the use of child soldiers, for example Liberia in 2000 and 2001. In 2004 Slovakia was reported to have taken important steps to control its arms trading, but still needed to make fundamental legal and regulatory reforms to halt the flow of arms to governments and groups that recruited child soldiers.² On 29 March 2004 Slovakia became a member of NATO.³

Government

National recruitment legislation and practice

The 1992 constitution states that "The defence of the Slovak Republic is a matter of honour for each citizen ... No one must be forced to perform military service if this runs counter to his conscience or religious belief" (Article 25).⁴

The two acts regulating military service are the Conscription Act, No. 351/97 Coll. of 21 November 1997, and the Act on Military Service, No. 370/97 Coll. of 21 November 1997. Recruits were liable to military service from the age of 18 until 55. However, conscription was being phased out and a draft law was in preparation that would end it by 1 January 2007. In 2002 the government introduced the Act on Conscription, No. 320/2002 Coll., which set the minimum age for compulsory and voluntary recruitment at 18. The Act excludes the possibility of under-18s serving in the armed forces.⁵ Previously, 16 year olds had been able to enlist from 1 January of the year in which they turned 17, with parental consent.⁶

Military training and military schools

The military education system of secondary schools and academies was being overhauled as part of the modernization of the armed forces. Students may enter military secondary schools at 15 but are not considered members of the armed forces until they perform military service upon reaching the age of 18.⁷ In 2003 the military academies of Liptovsky Mikulas and Kosice were merged to form the Defence Academy of the Slovak Republic, and it was planned to close the two secondary schools attached to them. Professionalization of the armed forces included a revision of recruitment policy, the intention being to draw most new professional soldiers, non-commissioned officers and officers from civilian high schools and universities, and to employ them on fixed-term contracts.⁸

International standards

Following Slovakia's signature of the Optional Protocol, the government stated that the process of ratifying it was under way.⁹

- 1 *Amnesty International Reports 2002 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Human Rights Watch, *Stemming Slovakia's arms trade with human rights abusers*, February 2004, <http://www.hrw.org>.
- 3 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/e0329a.htm>.
- 4 Constitution, at International Constitutional Law, <http://www.oefre.unibe.ch/law/icl/index.html>.
- 5 Communication from Ministry of Defence, 2 June 2004.
- 6 Initial report of Slovakia to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.17, 17 August 1998, <http://www.ohchr.org>.
- 7 Communication from Ministry of Defence, op. cit.
- 8 *Slovak Army Review*, "Conscription could be shortened", Spring 2002, http://www.mod.gov.sk/e-ziny/sar/2002_spring/flash.html.
- 9 Communication from Ministry of Defence, op. cit.

SLOVENIA

Republic of Slovenia

Population: 2.0 million (0.4 million under 18)

Government armed forces: 6,550

Compulsory recruitment age: 18 until end-2003 (conscription now abolished)

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 8 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age was 17 but it was not known whether under-18s were serving in the armed forces.

Context

People detained by the police were frequently denied their rights to call their family or a lawyer, or to receive medical assistance. Members of ethnic and racial minorities, often children, were targeted for ill-treatment, which usually occurred during routine police arrests and detentions.¹ On 29 March 2004 Slovenia became a member of NATO.²

Government

National recruitment legislation and practice

In April 2002 the government announced a decision to end conscription. Compulsory military service ended in October 2003. Compulsory reserve service was due to end in 2010.³ Previously, all men aged between 18 and 27 were liable to perform military service under the 1995 Military Service Act. Under the Act, draft duty was obligatory from the age of 18, but recruits were called up at 19, although in time of war or emergency 18 year olds could also be called up (Article 27).⁴

The 1991 Law on Military Obligation allowed volunteers to be recruited from the age of 16, during the year they turn 17.⁵

Military training and military schools

The military education system has been overhauled. Education on defence in primary and secondary schools was abolished in the 1990s.

Developments

In its second report to the UN Committee on the Rights of the Child, Slovenia said that, as part of its work for children traumatized by war, it had

introduced educational programs for children in Bosnia-Herzegovina and for mental health workers and teachers from Chechnya.⁶

Slovenia has spoken out in favour of measures to combat the use of child soldiers at the international level. At a UN Security Council debate on children in armed conflict on 14 January 2003, Slovenia's Permanent Representative said that Slovenia would ratify the Optional Protocol "in the very near future". He said that Slovenia had established an institution for war-affected children in southeast Europe and that the International Trust Fund for Demining and Mine Victims, based in Slovenia, had worked to improve safety in the region.⁷

1 Amnesty International Report 2004, <http://web.amnesty.org/library/engindex>.

2 NATO update, *Seven new members join NATO*, 29 March 2004, <http://www.nato.int/docu/update/2004/03-march/e0329a.htm>.

3 US Department of State, *Background note: Slovenia*, May 2004, <http://www.state.gov/r/pa/ei/bgn/3407.htm>.

4 Second periodic report of Slovenia to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add 19, 18 June 2003, <http://www.ohchr.org>.

5 Initial report of Slovenia to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.25, 30 May 1995.

6 Second periodic report to UN Committee on the Rights of the Child, op. cit.

7 Statement, <http://www.sigov.si/mzz/dkp/mny/eng/children.html>.

SPAIN

Kingdom of Spain

Population: 41.0 million (7.2 million under 18)

Government armed forces: 150,700

Compulsory recruitment age: conscription suspended

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 8 March 2002

Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in government forces. Children were reported to be involved in violent activities linked to the armed opposition group, ETA (Euskadi Ta Askatasuna, Basque Country and Freedom).

Context

There were reports of reckless shootings by Civil Guards in response to incidents in frontier areas between Spain and Morocco, and frequent allegations of ill-treatment or torture of detainees including immigrants, people of foreign origin, and ETA suspects by police officers, Civil Guards, and prison guards. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was strongly critical of the lack of safeguards for detainees held under anti-terrorist legislation.¹ The political violence in which more than 800 people have died over the past four decades continued. ETA maintained its campaign of bombings and shootings, in which both security officials and civilians died, the latest in May 2003.²

Spanish troops participated in a number of peacekeeping operations, including in Democratic Republic of the Congo, Eritrea and Ethiopia, Georgia and Guatemala. The Spanish government permitted US forces to use Spanish military bases and provided logistical support to the US-led coalition forces in Afghanistan in 2001.³ More than a thousand Spanish troops served with the US-led coalition in Iraq following the invasion in 2003. In March 2004 a series of explosions on Madrid commuter trains caused the deaths of nearly 200 people. José Luis Rodríguez Zapatero won the presidential election a few days later and pledged to withdraw all Spanish troops from Iraq.⁴

Government

National recruitment legislation and practice

The constitution states that “Citizens have the right and the duty to defend Spain ... The law shall determine the military obligations of Spaniards and regulate conscientious objection with its due guarantees” (Article 30).⁵

The armed forces have been professionalized, and the requirement for Spanish men to perform compulsory military service was suspended under Law 17/1999, as amended, regulating armed forces personnel (Provision 13).⁶

To join the armed forces, candidates must first complete basic training for two months and then undergo specialist training for between one and ten months.⁷ They are required to be over 18 years old to be accepted into the military education system, under Law 17/1999 (Articles 63 and 68) and the General Regulations for Entry into and Promotion within the Armed Forces (Article 15).⁸

The minimum age for recruitment as a reservist is 18 years under Law 17/1999, which established a voluntary system of mobilization and reserves (Article 170). Reserves may be mobilized by Royal Decree on a compulsory basis for national defence purposes. The minimum age for compulsory service in the reserves is 19 (Article 178).⁹

Recruits must be 18 or over to join the Civil Guards (*Guardias Civiles*), who have both policing and military functions under Organic Law 2/1986, as amended, regulating the state security forces. The Civil Guards are under the authority of both the Ministry of the Interior and the Ministry of Defence, except in wartime when the Ministry of Defence has exclusive authority.¹⁰

Military training and military schools

There are ten military academies under the authority of the Ministry of Defence that prepare candidates as officers for entry into the army, navy or air force. Candidates must be aged 18 or over to enrol.¹¹

Armed political groups

According to official records, 817 officers of the security services and civilians have been killed by ETA in the Basque country and elsewhere since 1968: 339 civilians, 198 Civil Guards, 183 national, regional and local police officers, and 97 members of the armed forces.¹²

The judicial authorities have in the past five years outlawed three youth associations reportedly linked to ETA and believed to include under-18s. On 10 May 2001 one such group, *Haika*, was declared illegal by National Judge Baltasar Garzón. *Haika* had been formed in

April 2000 from its predecessor *Jarraí* – a group banned by the National Court (*Audiencia Nacional*) in 1999, on the grounds that it had instructed new members in the use of explosives. ETA activists were reported to have been involved with *Haika*.¹³ One month after *Haika* was banned, its members regrouped into a new association, *Segi*. In December 2001, the European Union included ETA, *Jarraí*, *Haika* and *Segi* on their list of “terrorist” organizations.¹⁴ On 5 February 2002, Judge Garzón declared *Segi* illegal.¹⁵

Young people were reported to be involved in violent incidents in the Basque country, including sabotage and vandalism, as part of the *Kale Borroka* (Our Struggle), a Basque youth movement. The group, which formed in the early 1990s, was alleged to have links with ETA.¹⁶ There was no information available about recruitment into *Kale Borroka*.

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Collective of Victims of Terrorism in the Basque Country (COVITE), <http://www.covite.org> (Balance del dolor); Ministry of Interior, <http://www.mir.es> (ETA victims); *Amnesty International Reports 2002, 2003 and 2004*.
- 3 Ministry of Defence, <http://www.mde.es>.
- 4 BBC News, “Country Profile: Spain”, <http://news.bbc.co.uk>.
- 5 “Los españoles tienen el derecho y el deber de defender a España ... La Ley fijará las obligaciones militares de los españoles y regulará, con las debidas garantías, la objeción de conciencia”, Constitution, http://www.juridicas.com/base_datos/Admin/constitucion.html (Coalition translation).
- 6 *Ley 17/1999, Régimen Personal de las Fuerzas Armadas*, Law 17/1999, 18 May 1999, modified by Law 39/1999 and Law 32/2002, <http://www.boe.es/boe/dias/2002-07-06/pdfs/A24681-24683.pdf>.
- 7 *Fuerzas Armadas*, army, http://www.soldados.com/como_ingresar/incorporacion.jsp (Como Ingresar).
- 8 Law 17/1999, op. cit.; *Reglamento general de ingreso y promoción de las fuerzas armadas*, 20 October 2000.
- 9 Law 17/1999, op. cit.; *Real Decreto 1735/2000*, <http://www.boe.es/boe/dias/2000-10-21/pdfs/A36290-36301.pdf>.
- 10 *LO 2/86 de Fuerzas y Cuerpos de Seguridad Reguladora del Estado, de las Policías de las Comunidades Autónomas y de las Policías Locales*, Organic Law 2/1986, 14 March 1986, <http://www.igsap.map.es/cia/dispo/25726.htm>.
- 11 *Fuerzas Armadas*, army, http://www.soldados.com/oficiales/como_ingresar/centros.jsp (Centros de Enseñanza Militar).
- 12 Ministry of Interior, <http://www.mir.es>.
- 13 *El Mundo*, “El Entorno de Eta”, http://www.el-mundo.es/eta/entorno_seg.html.

- 14 Council of the European Union, *Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism*, Official Journal L 344, 28 December 2001.
- 15 *IBLNews*, "Garzón declara ilícitas Askatasuna y Segi por formar parte de ETA", 5 February 2002, <http://iblnews.com>.
- 16 Pedro J. Olarzábal, "Kale Borroka: Discurso de los medios de comunicación" in *Hermes*, No. 7, Fundación Sabino Arana, Bilbao, November 2002, <http://www.sabinoarana.org/es/hermes.htm>.

SWEDEN

Kingdom of Sweden

Population: 8.9 million (1.9 million under 18)

Government armed forces: 27,600

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: ratified 20 February 2003

Other treaties ratified (see glossary):

CRC, GC API and II, ICC, ILO 138, ILO 182

There were no reports of under-18s in the armed forces. Children participate in military training programs from the age of 15.

Context

During demonstrations at the European Union summit in Gothenburg in June 2001 police reportedly used excessive force against demonstrators. In 2002 the UN Human Rights Committee and the UN Committee against Torture expressed concern about several cases of serious injury and deaths in custody as a result of excessive use of force by police or prison personnel. In 2003 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) also raised concerns about ill-treatment in police custody and the isolation of detainees.¹ A small contingent of Swedish troops participated in the multinational force belonging to the UN-established and NATO-led International Security Assistance Force in Afghanistan (ISAF).²

Government

National recruitment legislation and practice

The legal basis for conscription is the 1994 Total Defence Act.³ Total defence, as defined in the 1992 Act on Increased Emergency Preparedness, involves military and civilian preparedness in the event of war. Everyone aged between 16 and 70 is liable for total defence service, which can be performed in a civilian, voluntary or military capacity.⁴ All Swedish men aged between 18 and 24 are required to enrol for military service. Every year about 50,000 young men are registered. Most are not selected and form a reserve pool. In 2004 around 16,000 young men began national service in the armed forces. The duration of training varies depending on the type of service: most conscripts train for between seven and a half and 15 months.⁵ Conscientious objectors may perform civilian service in the community

and, in wartime, are assigned to the civil defence system, which includes health care and rescue services.⁶

On 1 July 2002 the Swedish Emergency Management Agency was set up to coordinate preparations for peacetime emergencies and an increased level of alert. Voluntary defence organizations that recruit and train civilians include officer training organizations such as the Voluntary Military Cadre Training, and bodies such as the Voluntary Rifle Clubs Organization and the Red Cross. The Home Guard is made up of volunteers who receive a basic military training and is part of the armed forces. The General Home Guard protects strategic installations, and the Industrial Home Guard protects government enterprises and bodies.⁷ The Home Guard has an estimated 73,000 members, and a further 60,000 volunteers are contracted to serve in the total defence system in the event of mobilization.

When Sweden ratified the Optional Protocol in February 2003, it declared that “the minimum age required for voluntary recruitment into the Swedish armed forces is eighteen (18) years”.⁸

Military training and military schools

Young people aged between 15 and 20 may take part in pre-military training provided by voluntary defence organizations in line with demands from the armed forces. Training is usually at a military site at weekends, and parental consent is required for children under 18. Participants are not considered members of the armed forces, but it is unclear whether they might be drafted in the event of mobilization.⁹ Although such training is said to comply with Ministry of Defence rules based on the Optional Protocol, it appears that children may receive weapons training with ordinary guns from the age of 15 and with automatic weapons from 17.¹⁰

Developments

In its third report to the UN Committee on the Rights of the Child Sweden reported that the government had drawn up national guidelines on making healthcare accessible to children seeking asylum, and was funding a Red Cross project to help children and young people affected by war and conflict.¹¹

- 5 Swedish Armed Forces, op. cit. (Facts and figures); Interview with Pliktverket (National Service Administration), Ingvar Ahlstrand, 2004.
 - 6 Government offices of Sweden, <http://www.sweden.gov.se> (Areas of responsibility, Defence).
 - 7 Swedish Armed Forces, op. cit.
 - 8 Declaration made by Sweden on ratification of the Optional Protocol, <http://www.ohchr.org>.
 - 9 Information from *Rädda Barnen* (Save the Children – Sweden), 11 May 2004.
 - 10 Centralförbundet för Befälsutbildning (Central Association for Voluntary Officer Training (FBU)), <http://www.fbu.se/ungdom/skjututb> (Rules for weapons training).
 - 11 Third periodic report of Sweden to UN Committee on the Rights of the Child, UN Doc. CRC/C/125/Add.1 (due for consideration by the Committee in January 2005).
- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
 - 2 “Swedish Troops in northern Afghanistan” press release 2 July 2004, Swedish Armed Forces, <http://www.mil.se>.
 - 3 *Totalförsvarsplikt* (Total Defence Act), 15 December 1994, SFS 1994, <http://www.pliktverket.se/verket/Totalforsvar/vt-3samman.asp>.
 - 4 Defence system, http://www.sweden.se/templates/FactSheet__3706.asp.

SWITZERLAND

Swiss Confederation

Population: 7.2 million (1.4 million under 18)
Government armed forces: 3,300 professional, plus around 24,000 annual training intake¹
Compulsory recruitment age: 19
Voluntary recruitment age: 18
Voting age: 18
Child soldiers: none indicated
Optional Protocol: ratified 26 June 2002
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

Switzerland amended its legislation in 2002 to exclude voluntary recruitment of under-18s.

Context

Switzerland has virtually no standing army apart from a few training and headquarters staff. Its defence force is a civilian-controlled militia based on universal military service for able-bodied men.² Public debate continued on whether to retain the armed forces and on the nature of their role. In a referendum in June 2001 there was a narrow vote in favour of allowing troops to carry weapons on peacekeeping missions abroad. In December 2001 a proposal to abolish the armed forces was rejected. In a March 2002 referendum Switzerland voted to join the UN, becoming a member later that year.³ A conscientious objector was sentenced to five months' imprisonment for refusal to perform military service; his application for alternative civilian service had been refused on the grounds that he had not satisfactorily demonstrated conscientious reasons for his objection. Amnesty International regarded him as a prisoner of conscience.⁴

Government

National recruitment legislation and practice

The 2000 constitution states that "Every Swiss man must render military service. The statute shall provide for an alternative service ... For Swiss women, military service is voluntary" (Article 59).⁵

Conscription is regulated by the 1995 Federal Law on the Armed Forces and Military Administration and the 1995 Ordinance on the Recruitment of Conscripts. According to the Federal Law on the Armed Forces and Military Administration, all Swiss men are liable for military service and must register from the beginning of the year in which they are 19 (Article

2). Military service begins at the start of the year in which they turn 20 (Article 13).⁶

An Ordinance on Recruitment of 1 May 2002 stipulated that the minimum age for voluntary recruitment is 18.⁷

Military training and military schools

Recruits may receive information about training when they are 16, and generally attend an "orientation day" before being called to military service. Military service is composed of a training that in total usually lasts for 330 days, undertaken at cadet schools. Basic training, which includes weapons handling, endurance exercises and specialist training, lasts for 15 weeks at the age of 19 or 20, and is followed by ten refresher courses, each of three weeks, at two-yearly intervals.⁸

Developments

International standards

Switzerland ratified the Optional Protocol on 26 June 2002. The accompanying declaration specified that the minimum age for voluntary recruitment was 18 years.⁹ The government also announced that Swiss law, "which provides for the prohibition of the recruitment of children in all circumstances", complied with the provisions of the Optional Protocol, citing the 2002 Ordinance on Recruitment.¹⁰

- 1 In 2000 there were two intakes (total 24,000) of recruits for 15 weeks' basic training (International Institute for Strategic Studies (IISS), *The Military Balance*, 2003, (see also "Military training and military schools" section in this entry.)
- 2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 3 BBC, "Swiss end splendid UN isolation", 10 September 2002, <http://news.bbc.co.uk>.
- 4 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.
- 5 Federal Constitution, Swiss Confederation, <http://www.admin.ch>.
- 6 Federal Law on the Armed Forces and Military Administration, <http://www.admin.ch/ch/f/rs/5/510.10fr.pdf>.
- 7 Ordinance on Recruitment 2002, www.admin.ch/ch/f/as/2002/723.pdf.
- 8 Information from Department of Defence, Civil Protection and Sport; IISS, op. cit.
- 9 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.
- 10 "The Optional Protocol on the involvement of children in armed conflict enters into force in Switzerland", Federal Department of Foreign Affairs press release, 25 July 2002, http://www.eda.admin.ch/eda/e/home/recent/press/press_old/2002/07.html.

TAJIKISTAN

Republic of Tajikistan

Population: 6.2 million (2.8 million under 18)

Government armed forces: 6,000 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 5 August 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138

Forcible recruitment into the armed forces reportedly occurred, possibly including under-18s. A defence ministry military school admitted students from the ages of 13 or 14 for “military-patriotic” training.

Context

In 2001, following the 11 September 2001 attacks in the USA, Tajikistan offered the USA and its allies the use of its airspace and military bases for military attacks in Afghanistan. Members of the opposition Islamic Rebirth Party of Tajikistan faced harassment and in some cases charges, alleged to have been politically motivated, of serious criminal offences. From 2001 to 2003 over 150 people were sentenced to death and 30 were confirmed to have been executed, in some cases despite representations by the UN Human Rights Committee. The scope of the death penalty was reduced in August 2003 by legislation which, among other things, abolished it for all women and for men below the age of 18. In June 2003 the Organization for Security and Co-operation in Europe (OSCE) expressed concern at the results of a referendum which, reportedly with the support of 93 per cent of voters, approved constitutional amendments including a proposal to allow the president to serve two seven-year terms.¹

Government

National recruitment legislation and practice

Conscription is provided for in the constitution which states that “Defence of the homeland, protection of the interests of the state, and strengthening the state’s independence, security, and defence forces are the sacred duty of the citizen” (Article 43).² The Law on Universal Military Responsibility and Military Service provides for the conscription of males between the ages of 18 and 27, for 24 months, or 18 months for those with higher education. Exemptions are allowed on specific grounds,

including where the conscript is an only child or in poor health. Although an alternative service law has been drafted, it had not been submitted to parliament by early 2004.³ In early 2003 the Defence Minister ruled out the possibility of shortening the period of conscription for the “foreseeable future”, given current security concerns.⁴ Men may be voluntarily recruited at the age of 18, women at 20. However, the armed forces remain largely conscripted. They are bolstered significantly by the provision of border guards by the Russian Federation.

Violations of recruitment law reportedly persisted.⁵ Recruitment officers apparently perpetuated the practice from the 1990s of forcing under-18s into the armed forces to meet conscript quotas. Many eligible conscripts sought higher paid seasonal work in the Russian Federation or bribed officials in order to avoid military service. The resulting shortage of conscripts led to young men being abducted on the streets and forcibly conscripted.⁶ In November 2002, nine journalists from the SM1 television station and the TRK-Asia network were arrested after a broadcast of a documentary about army squads that tracked down young people, used violence to conscript them and ignored requests for exemption. Subsequently three of the journalists were themselves forcibly conscripted and the head of the television station received death threats from the military.⁷ The Ministry of Defence later placed “black boxes” in all military units in which conscripts could bring complaints directly to the attention of the Ministry.⁸

Military training and military schools

One Ministry of Defence military school admitted students from the ages of about 13 or 14 for three years, primarily in physical and “military-patriotic” training for cadets, and also studies in social sciences and military theory. The governmental Organization for Defence Assistance ran “sports-military competitions” and provided courses in driving military vehicles and military mountain skills for under-18s. In ordinary schools, students could take a “primary military training” course in the final two years of secondary school that included training in first aid and the basics of civil defence.⁹

Developments

Tajikistan acceded to the Optional Protocol on 5 August 2002, affirming in its accompanying declaration that the voluntary recruitment of under-18s was prohibited.¹⁰

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, at UN Online Network in Public Administration and Finance (UNPAN), <http://www.unpan.org>.
- 3 Law on Universal Military Responsibility and Military Service, undated but probably of 1997, supplied by UN Tajikistan Office of Peace Building (UNTOP) in correspondence, 17 March 2004.
- 4 Radio Free Europe/Radio Liberty (RFE/RL), "National armies of Uzbekistan, Tajikistan changing with the times", 22 February 2003, <http://www.eurasianet.org>.
- 5 UNTOP, in correspondence, 17 March 2004.
- 6 International Institute for Strategic Studies (IISS), Armed Conflict Database (subscribers only); RFE/RL, op. cit.
- 7 Reporters Without Borders, *Three journalists drafted into army by force; editor gets death threat*, 7 November 2002, <http://www.rsf.org>.
- 8 UNTOP, op. cit.
- 9 UNTOP, op. cit.
- 10 Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>.

TURKEY

Republic of Turkey

Population: 70.3 million (25.8 million under 18)

Government armed forces: 514,850 (estimate)

Compulsory recruitment age: 19

Voluntary recruitment age: not applicable

Voting age: 18

Optional Protocol: ratified 4 May 2004

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

In a state of emergency or partial mobilization, individuals aged 15 and over are liable for service in civil defence forces. There were no reports of child recruitment to the Kurdistan Workers' Party (PKK).

Context

Torture in police custody was widespread and was practised systematically in the Anti-Terror branches of police stations in the predominantly Kurdish southeast. Many of the victims were political activists including supporters of leftist, pro-Kurdish and Islamic groups. From 2001 onwards the government introduced a number of legal reforms aimed at bringing Turkish law in line with European human rights standards and at meeting the criteria for accession to the European Union, although their implementation was uneven. In 2002 the state of emergency in the southeast was lifted.¹ In 2003 Turkey granted a partial amnesty to members of the armed opposition group PKK. In November 2003 the PKK's successor organization, the Kurdistan Freedom and Democracy Congress (KADEK), announced that it was to disband and be replaced by a new body committed to peaceful means, the Kurdistan People's Congress (KHK). However, low-level fighting persisted, particularly following the Turkish military build-up in the southeast during the US-led invasion and occupation of Iraq after March 2003, and because of government fears over the level of autonomy for the Kurdish region of northern Iraq.²

Government

National recruitment legislation and practice

The constitution states that "National service is the right and duty of every Turk" (Article 72).³ In accordance with Military Law No. 1111, liability for military service begins the year in which males turn 20.⁴ In mid-2003 the government approved cuts in the terms of service to 15 months (previously 18 months) for privates, 12 months

(previously 16 months) for reserve officers and six months (previously eight months) for short-term military service.⁵ There is no voluntary recruitment. In times of mobilization or a state of emergency, individuals who are liable for military service may be recruited from the age of 19. The Military Code provides for voluntary recruitment to some elements of the armed forces at a minimum age of 18, but the government has stated that this is not applied in practice.⁶ Other legislation apparently permits the deployment of 15 to 18 year olds in civil defence forces during national emergencies. National Defence Service Law 3634 states that, “in cases of general or partial mobilization and in preparation of mobilization under a state of emergency, children under the age of 15 ... shall not be held liable”. During a national crisis, the Constitution allows the suspension of rights and freedoms and other extraordinary measures.⁷

The government reportedly continued to organize, arm and pay the Village Guards, an armed civil defence force numbering 60,000 and mainly concentrated in southeast Turkey as part of its security operations there.⁸ The high rate of male adult unemployment in the area was believed to have limited the recruitment of under-18s.⁹ Even after the state of emergency in the region was officially lifted in November 2002, the security situation remained volatile, particularly in conjunction with events in the Kurdish border areas of neighbouring Iraq, and there was a partial mobilization. From January 2003, 80,000 more troops were deployed in the border area, bringing the total to 200,000.¹⁰

Military training and military schools

There are a number of military educational establishments for under-18s. By law, students of military high schools are not liable for compulsory military service and not members of the armed forces. Admission to military high schools and preparatory schools for non-commissioned officers is voluntary and requires parental consent. The minimum entrance age is 15 years, and students are permitted to leave at any time.¹¹

It is not apparent from the Law on Military Academies whether there is a legal prohibition on admission of under-18s to Turkey's Higher Military Schools, the Naval, Air and Military Academies. The Naval Academy, for example, has no stated minimum entrance age but stipulates that candidates must be no more than 19 years old and that admission must occur no more than 12 months following graduation from civilian high schools.¹² Students normally graduate from secondary schools at about the age of 17, and it is therefore possible that under-18s could be admitted to the Academy.¹³ Information about admission procedures was not available for the other academies.¹⁴

Armed political groups

Military action by the PKK and its successor organizations has gradually diminished since 1999. However, in 2003 an estimated 5,000 PKK fighters reinforced their positions in abandoned Iraqi border towns in anticipation of a Turkish invasion.¹⁵ There were another 1,000 in southeast Turkey.¹⁶ There were no reports during 2001-2004 of child recruitment or use by the PKK. In July 2003 the German authorities indicted a suspected leading member of the PKK on charges of kidnapping a 16-year-old girl in October 2001 to enrol her in a training camp abroad.¹⁷

Developments

International standards

Turkey ratified the Optional Protocol in May 2004. It made a declaration that citizens are not subject to military service before the age of maturity, at 19 years of age. It also made a reservation that it would implement the provisions of the Optional Protocol “only to the States Parties which it recognizes and with which it has diplomatic relations”, although the implications of this remained unclear.¹⁸

- 1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.
- 2 International Institute for Strategic Studies (IISS), Armed Conflict Database (subscribers only).
- 3 Constitution, at Ministry of Foreign Affairs, <http://www.mfa.gov.tr> (All about Turkey, Constitution).
- 4 Initial report of Turkey to UN Committee on the Rights of the Child, UN Doc. CRC/C/51/Add.4, 8 August 2000, <http://www.ohchr.org>.
- 5 *Hurriyet -- NTVMSNBC -- Turkish Daily News*, “Compulsory military service to be shortened”, cited in *Turkey News* 17-23 June 2003, <http://www.tusiad.us> (Selected news, Archives).
- 6 Declaration of Turkey on ratifying the Optional Protocol, May 2004, <http://untreaty.un.org> (subscription required).
- 7 Initial report to UN Committee on the Rights of the Child, op. cit.
- 8 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 9 Communication from Quaker UN Office, Geneva, June 2004.
- 10 IISS, op. cit.
- 11 Declaration of Turkey on ratifying the Optional Protocol, op. cit.
- 12 Turkish war colleges, <http://www.harpak.tsk.mil.tr>; Naval Academy, <http://www.dho.edu.tr> (History, Admission).
- 13 Initial report to UN Committee on the Rights of the Child, op. cit.

- 14 Military Academy, <http://www.kho.edu.tr/english/index.htm>; Air Force Academy, <http://www.hho.edu.tr>.
- 15 IISS, op. cit.
- 16 US Department of State, op.cit.
- 17 *Middle East Times*, "Suspected PKK leader indicted in Germany", 25 July 2003, <http://www.metimes.com> (registration required).
- 18 Declaration of Turkey on ratifying the Optional Protocol, op. cit.

TURKMENISTAN

Turkmenistan

Population: 4.8 million (2.0 million under 18)

Government armed forces: 29,000 (estimate)

Compulsory recruitment age: 17

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC API and II

The minimum age for both voluntary recruitment and conscription was lowered to 17 years. Conscripts were employed for non-military duties designed to reduce state expenditure. The armed forces planned to deploy between 20 and 25 thousand recruits annually to different sectors of the economy from 2003.

Context

Turkmenistan maintained its neutral and non-aligned status but a military reform program continued to increase defence spending and the size of the armed forces.¹ Civil society groups and religious minorities were subjected to severe harassment by the authorities. In November 2002 an alleged assassination attempt on President Saparmurat Niyazov, who had been made president for life in 1999, resulted in a government crackdown on opposition supporters and their families, many of whom faced harassment, eviction from their homes and in some cases detention and ill-treatment. At least 55 people were sentenced to long prison terms, including in some cases life, for involvement in the attack after unfair and closed trials. In January 2003 the Organization for Security and Co-operation in Europe (OSCE) appointed a fact-finding mission to look into the authorities' investigation into the attack on the president, but the mission was denied access to the country.

Government

National recruitment legislation and practice

Voluntary military service was available under the Law on Conscription and Military Service which had set the minimum recruitment age at 18.² However, this provision was abolished by the president in 2001.³ A form of voluntary service was reintroduced in April 2002, allowing voluntary recruitment by written application from a new, lower, age of 17.⁴ In March 2003

the President further decreed that the minimum conscription age, which was fixed at 18, be lowered, stating that “a reduction in the number of years in schooling from 10 to 9 meant that young people were left with little to do, as they were too young for either work or military service”.⁵ It was not known how many 17 year olds were actually conscripted or serving voluntarily in the armed forces.

Conscription is provided for in the constitution which states that “The defence of Turkmenistan is a sacred duty of each person. For citizens of Turkmenistan, it is established that men are obligated to perform general military service” (Article 38).⁶ Males are liable for conscription up to the age of 30 years and under an amended conscription and military service law of 2002, the term of service was extended from 18 to 24 months.⁷ Conscripts were apparently specifically assigned to military units outside their traditional tribal region to reduce the likelihood of desertion and the potentially destabilizing effect of concentrating armed individuals amongst their own tribe.⁸

Conscientious objectors continued to be imprisoned.⁹ In 2001 a conscientious objector was detained and tortured although, following international pressure, no criminal charges were brought against him.¹⁰ There is no alternative military service or constitutional right to object to military service on conscientious grounds. Conscripts nonetheless performed non-military service. The surplus conscripts resulting from the lowering of the minimum recruitment age were employed in a range of non-military activities designed to reduce state expenditure. The effect was mass unemployment among public sector workers. In August 2002 the Chief of General Staff of the armed forces said that, in compliance with a decision of the president, 20 to 25 thousand conscripts would be posted to different sectors of the economy annually.¹¹ Firemen, security guards, traffic police and transport workers were replaced by army conscripts.¹² In February 2004 the president announced that 15,000 healthcare workers would be dismissed and replaced with conscript soldiers.¹³

Military training and military schools

Children may enter a number of military educational establishments from the age of 16. There are no military organizations for children or military-patriotic training in the general education system as there was under Soviet rule.¹⁴ School children's patriotic education is instead focused upon study of the *Rukhnama*, a spiritual guide written by President Niyazov and other materials that foster the cult of his personality.¹⁵ Higher military education is provided at the Military Institute.¹⁶

- 1 Michael Fredholm, *The prospects for internal unrest in Turkmenistan*, Conflict Studies Research Centre, April 2003, <http://www.da.mod.uk/CSRC/documents>; Anton Alexeyev, “The Armed Forces of Turkmenistan”, *Eksport Vooruzheniy Journal*, No. 3, May-June 2002, at Centre for Analysis of Strategies and Technologies, <http://www.cast.ru; Central Asia-Caucasus Analyst>, 28 January 2004, <http://www.cornellcaspan.com/analyst.htm>.
- 2 Law on Conscription and Military Service (in Russian), original 1993, with amendments dated 1998, at Law Reform in Transition States, <http://www.lexinfosys.de>. This was replaced under reforms in 1999 – see Anton Alexeyev, op. cit.
- 3 Interfax/RFE/RL (Radio Free Europe/Radio Liberty), “Turkmenistan To Abolish Contractual Military Service”, 31 March 2001, in RFE/RL, *Turkmen Report*, 8 April 2001, <http://www.rferl.org>.
- 4 RFE/RL, *Turkmen Report*, 8 April 2002.
- 5 “Turkmen youths may enter military at 17”, RFE/RL, *Newsline*, 11 March 2003.
- 6 Constitution, <http://www.ecostan.org/laws/turkm/turkmenistancon.html>.
- 7 Anton Alexeyev, op. cit.
- 8 Anton Alexeyev, op. cit.; For brief information on the Turkmen tribes and a security analysis generally, see Michael Fredholm, op. cit.
- 9 Amnesty International, *Concerns in Europe and Central Asia, January to June 2003*, 10 October 2003, <http://web.amnesty.org/library/engindex>.
- 10 Amnesty International Report 2002.
- 11 RFE/RL, *Turkmen Report*, 2 September 2002.
- 12 Prima News Agency, “Epidemic militarization in Turkmenistan”, 3 September 2002, <http://www.prima-news.ru>.
- 13 Institute for War and Peace Reporting (IWPR), *Reporting Central Asia*, No. 268, 25 February 2004, <http://www.iwpr.net>.
- 14 Confidential source, 14 March 2004.
- 15 RFE/RL, *Turkmen Report*, 2 September 2002; *Izvestia* (Moscow), 31 July 2003.
- 16 “Ashgabat Turkmen Television First”, 9 December 2003, posted on Post-Soviet Armies Newsletter, <http://www.psan.org>.

UKRAINE

Ukraine

Population: 48.9 million (10.4 million under 18)

Government armed forces: 295,500

Compulsory recruitment age: 18

Voluntary recruitment age: 17 (for officer trainees)

Voting age: 18

Optional Protocol: signed 7 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

The minimum recruitment age for officer trainees, who were considered members of the armed forces, was 17. Orphans and other children were admitted to military schools from the age of 12 or possibly even younger. Legislation protected under-18s from participation in direct hostilities.

Context

There were persistent allegations of torture and ill-treatment by law enforcement officials, which appeared to be widespread. In 2003 the National Human Rights Ombudsman stated in her report to parliament that in the previous two years about 12,000 people had complained of torture or ill-treatment, mostly in the context of interrogation for the purpose of extracting a confession. Many detainees suffered serious injury from such treatment, and some died as a result.¹

Government

National recruitment legislation and practice

The constitution provides for conscription, stating that “Defence of the Motherland, of the independence and territorial indivisibility of Ukraine, and respect for its state symbols, are the duties of citizens of Ukraine” (Article 65).² Under the 1999 Law on Military Duty and Military Service, the minimum age for conscription is 18.³

The minimum age for voluntary applicants for officer training at military school is 17.⁴ Trainees are considered as members of the armed forces once they take the military oath of allegiance.⁵ In May 2001 Ukraine reported to the UN Committee on the Rights of Child that 17 was the minimum age for voluntary recruitment under the Law on Universal Conscription and Military Service, and 18 the minimum age for participation in hostilities.⁶ In September 2001 Presidential Decree No.1053 raised the minimum age for

voluntary recruitment to 18 for men and to 19 for women.⁷

There were reports of hazing⁸ of young conscripts. In 2001 the UN Human Rights Committee and the UN Committee against Torture urged Ukraine to strengthen measures to end hazing, prosecute offenders, and eradicate the culture which encouraged its practice in the armed forces.⁹

Military training and military schools

“Military-patriotic” training of young people was given increased emphasis as part of a move towards a fully professional, volunteer military by 2015. Such training aims at developing positive attitudes towards professional military service as a “constitutional duty”.¹⁰ In the final two years of secondary school, students attend a weekly “Defence of the Motherland” class that is reportedly less militaristic than under Soviet rule.¹¹

There are at least six military schools, including the Naval Institute in Sevastopol, Vasilkiv Air Force College, Mykolaiv Military Motor College, the Zabolotny Vinnitsa Medical College and schools in Kiev and Bojarka. Some of these schools were said to have recently altered their entrance requirements to admit children younger than 12. One was specifically for orphaned children.¹² All were inclined to admit children from deprived backgrounds.¹³

There appeared to be a number of non-governmental organizations (NGOs) for young people with a “military orientation”. Their activities had received press coverage. Reportedly located in western Ukraine, they operated unofficially and on their own initiative, in violation of a legal ban on such organizations.¹⁴

1 *Amnesty International Reports 2002, 2003 and 2004*, <http://web.amnesty.org/library/engindex>.

2 Constitution, <http://www.president.gov.ua>.

3 Child Soldiers Coalition interview with Ukraine mission to NATO, 4 March 2004.

4 Correspondence with Ukraine Air Attaché to the United Kingdom (UK), 8 March 2004; Ministry of Defence, <http://www.mil.gov.ua>.

5 Child Soldiers Coalition interview with Ukraine Military Attaché to the UK, 3 March 2004.

6 Second periodic report of Ukraine to UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.11, 18 May 2001, <http://www.ohchr.org>.

7 Ministry of Defence, <http://www.mil.gov.ua> (Professional army, Conditions of acceptance on service on contract basis).

- 8 An institutionalized system of extreme physical abuse and psychological humiliation inflicted over an extended period on the most recent or junior conscripts by longer-serving conscripts or senior soldiers. While not formally condoned, lack of supervision allows the practice to continue unchecked. The precise form it takes may vary from one army to another, but its essential features are that it is systematic, continual, status-related, and usually carried out by those who have previously been its victims.
- 9 *Amnesty International Report 2002*.
- 10 Presidential Decree about the State Program of the Armed Forces of Ukraine transition towards the manning on contract basis, <http://www.mil.gov.ua>.
- 11 Confidential source, March 2004.
- 12 Ukraine Military Attaché to UK, op. cit., Ukraine mission to NATO, op. cit.; Ministry of Defence, <http://www.mil.gov.ua> (Military education).
- 13 Confidential source, op. cit.
- 14 Ukraine Military Attaché to UK, op. cit., confidential source, op. cit.

UNITED KINGDOM

United Kingdom of Great Britain and Northern Ireland

Population: 59.1 million (13.3 million under 18)

Government armed forces: 212,600

Compulsory recruitment age: no conscription

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: ratified 24 June 2003

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

The minimum voluntary recruitment age for the armed forces is 16. Between six and seven thousand under-18s were serving in the armed forces. The government said it would no longer deploy under-18s in hostilities although it reserved the right to do so in some circumstances. Army recruits under the age of 18 who enlist for a 22-year term of service could be required to serve for a minimum of almost six years. The families of two 17 year olds who died in shooting incidents at a military barracks continued to express concern over flawed investigations and failure to establish the cause of death.

Context

At the end of 2003 fourteen foreign nationals who could not be deported continued to be held in high security detention under severely restricted regimes without charge or trial. They were held under the Anti-terrorism, Crime and Security Act (ATCSA), which was introduced in December 2001 following the 11 September 2001 attacks in the USA.¹ The United Kingdom (UK) had sizeable contingents of armed forces serving in overseas operations, including in Afghanistan, Bosnia, Cyprus, Kosovo and Iraq, and on duty in Northern Ireland.

Government

National recruitment legislation and practice

There is no conscription in the UK. The minimum age for recruitment to the armed forces is 16 years, although this is not explicitly stated in primary legislation. On ratifying the Optional Protocol in June 2003 the government declared that the recruitment age reflected the minimum school-leaving age. It also stated that safeguards were maintained by informing the potential

recruit about the nature of military duties, ensuring that the decision to enlist was voluntary, and obtaining free and informed parental consent.²

Application procedures, which include presentation of written parental consent, may begin from the age of 15 years and nine months.³ To go straight into the army as soldiers, recruits must have reached the age of 16 years and nine months.⁴ Under-18s are classed as members of the armed forces upon completing their military training, which can last between 11 and 42 weeks.⁵ Individuals may also join the Territorial Army, which operates on a part-time basis, from the age of 17.⁶

The normal procedure is for all new recruits to enlist for a 22-year “open engagement”.⁷ There is a provision for recruits below 20 years of age to choose a shorter term of service of one or two years,⁸ although it was possible that this option had been discontinued in practice. Recruits who enlist for a 22-year term and who give 12 months’ notice have the right to transfer to the reserve or to terminate their service after serving only a four-year term.⁹ However, time served before the age of 18 is not included in the 22-year term or the four-year term.¹⁰ This means that 16-year-old army recruits who wish to exercise the right to leave or transfer after four years must serve until at least the age of 22. In the navy and the air force notice to serve shorter terms of enlistment (three-and-a-half years in the navy and three years in the air force) may be given after six months of basic training, regardless of the age of enlistment.¹¹ New recruits who enlist for 22 years’ army service also have the right to terminate their service on 14 days’ notice within their first three months of service or, for those who enlist before they are 18, within the first six months.¹² However, new recruits in the Brigade of Gurkhas, which comprises recruits from Nepal, who wish to terminate their service in the early months may do so only within the first three months, irrespective of their age, and must pay an amount of money equivalent to seven days’ pay.¹³ Recruits who leave the armed forces without authorization are liable to arrest and trial by court martial.¹⁴

On signing the Optional Protocol in September 2000 the government declared that it “will take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities”. However, it reserved the right to deploy under-18s. It confirmed that declaration on ratifying the protocol.¹⁵ In February 2003 the government stated that “It has been decided that the army will no longer routinely deploy soldiers under the age of 18 on any operations outside the UK, except where the operation is of a purely humanitarian nature and where no hostile forces are involved”. Procedures were adopted to ensure that the “few service personnel” under 18 years in all armed services would be

removed from situations their commanders deemed to present a “greater than low risk of direct involvement in hostilities”. However, the government said that some units, particularly naval forces, may find themselves diverted at very short notice from normal peacetime duties to operations in which there is a “genuine risk of direct involvement in hostilities. In these cases, it might not always be feasible to remove or replace personnel” without undermining operational effectiveness. The government also stated that, in line with UN policy, under-18s would not be deployed on UN peacekeeping operations.¹⁶

A parliamentary committee in 2001 favoured retaining 16 as the minimum voluntary recruitment age, and believed “it continues to be important to recruit young people straight from school, including at the age of 16; if they are not caught at this point, they are likely to take up other careers and be permanently lost to the Armed Forces”.¹⁷

Military training and military schools

There are four junior entry routes into the army, three of which train 16 year olds for the infantry and other branches of the armed forces. The Army Foundation College (Harrogate) trains school leavers aged between 16 and 17 years old as combat soldiers. They receive 42 weeks’ training after which they are posted to their units and classed as members of the armed forces.¹⁸ Two courses for 16 year olds are offered by the Army Training Regiment (Bassingbourn) which provide around 11 weeks’ basic training for all branches of the services (except the Parachute Regiment, Royal Artillery and Royal Armoured Corps), followed by more specialized training.

Recruits can also attend Welbeck Defence Sixth Form College from 16 years old in order to finish their secondary education whilst participating in “regular military training activities”. The curriculum is science and technology-based in order to prepare students for related degrees which then lead them on to careers as officers in the technical branches of the forces.¹⁹

The UK Cadet Corps is not part of the armed forces. Boys and girls aged 13 to 18 may join Combined Cadet Force units based in schools and cadet forces for the separate services. The minimum entry age is 12 for the Sea Cadet Corps, and some units have junior sections for ten to twelve year olds.²⁰

Deployment

On 1 April 2004 there were 1,640 members of the regular forces aged 16 and 5,050 aged 17. Of those 6,690 under-18s in the UK armed forces, 665 were female.²¹ Over 1,500 Fijian soldiers had been recruited into UK forces between 1998 and 2003.²² The army Brigade of Gurkhas comprised almost 4,000 in March 2004.²³ It was not known

whether either of these groups included under-18s. Under-18s were not deployed in Iraq in 2003-2004 or in Afghanistan in 2002, although one 17-year-old girl was known to have been aboard a ship sent to the Afghanistan war zone.²⁴

Developments

Deaths of recruits

The deaths by shooting of two 17-year-old soldiers in 2001 and 2002 caused widespread public disquiet. Both were on guard duty alone at Deepcut Barracks, Surrey, UK. An open verdict was returned at the inquest into the 2001 death; an inquest into the 2002 death had not been held by mid-2004.²⁵ Surrey police and the army were repeatedly criticized by the dead soldiers' families for seriously flawed initial investigations into their deaths and the deaths of two other young soldiers at Deepcut, and for excessive secrecy throughout the inquiries.²⁶ The families continued to dispute the army's conclusions that their children had committed suicide and repeatedly pressed for an independent inquiry despite the Defence and the Armed Forces ministers ruling out any such inquiry.²⁷ The fifth and final police inquiry into Deepcut expressed concern over the incidence of bullying and called for more effective supervision of new recruits. The investigation found that 59 incidents of self-harm by recruits were recorded at Deepcut between 1996 and 2001, and estimated that about the same number were unrecorded. The police recommended a wider inquiry into intimidation and harassment that may have contributed to suicides.²⁸ In March 2004 the parliamentary Defence Committee initiated an inquiry into the armed forces' duty of care in all its training establishments.²⁹

1 Amnesty International Reports 2002, 2003 and 2004, <http://web.amnesty.org/library/engindex>.

2 Declarations and reservations to the Optional Protocol, <http://untreaty.un.org> (subscription required).

3 Her Majesty's Armed Forces Enquiry Questionnaire, AFCO Form 2, January 2000.

4 British Army, <http://www.army.mod.uk> (Units, Training, AFC, Joining).

5 *Experience life as a soldier: Career opportunities for 16 to 26 year olds*, December 2001; Information from Army Recruitment Sergeant, July 2004.

6 Territorial Army, http://www.ta.mod.uk/general/intro_in_depth.html#eligibility.

7 British Army, op. cit. (Serving soldier, Terms of Service – soldiers).

8 Regulation 4 of Army Terms of Service Regulations 1992 (Statutory Instrument 1992 No. 1365) as amended by Army Terms of Service (Amendment) Regulations 1996 (Statutory Instrument 1996 No. 2973), Army Terms of Service (Amendment) Regulations 1999 (Statutory Instrument 1999 No. 1610), and Army Terms of Service (Amendment) (No. 2) Regulations 1999 (Statutory Instrument 1999 No. 2764), <http://www.hmsa.gov.uk>.

9 Army Terms of Service Regulations, op. cit., Regulations 5, 10.

10 Army Terms of Service Regulations, op. cit., Regulations 3(2) read with 2(3), 5(4), 10(2).

11 Royal Navy Terms of Service (Ratings) Regulations 1982 as amended by Statutory Instrument 2001 No. 1521; Royal Air Force Terms of Service Regulations 1985, as amended by Statutory Instrument 2001 No. 542, <http://www.hmsa.gov.uk>.

12 Army Terms of Service Regulations, op. cit., Regulation 7.

13 Army Terms of Service Regulations, op. cit., Regulation 9.

14 Army Act 1955 (Articles 37, 38), <http://www.army.mod.uk>.

15 Declaration on signature, in Declarations and reservations to the Optional Protocol, <http://www.ohchr.org>; Confirmed by declaration on ratification, <http://untreaty.un.org> (subscription required).

16 Foreign and Commonwealth Office (FCO), *Explanatory Memorandum on the Optional Protocol to the UN Convention on the Rights of the Child*, Command Paper 5759, 1 February 2003, <http://www.fco.gov.uk>.

17 Report of Select Committee on Armed Forces Bill 2001, 15 March 2001, <http://www.publications.parliament.uk/pa/cm/cmamed.htm>.

18 *Experience life as a soldier*, op. cit.; Information from Army Recruitment Sergeant, op. cit.

19 *Experience Life as a Soldier*, op. cit.; British Army, op. cit.; Welbeck: *The Defence Sixth Form College*, Prospectus 2005/2006.

20 <http://www.armycadets.com>. <http://www.air-cadets.org>, <http://www.sea-cadets.org>.

21 Defence Analytical Services Agency, National Statistics, <http://www.dasa.mod.uk/natstats/natstatsindex.html> (TSP o8 - Age Distribution).

22 House of Commons (Parliament), Hansard Written Answers, 20 October 2003, <http://www.publications.parliament.uk>.

23 Defence Analytical Services Agency, op. cit. (TSP o3 - UK Armed Forces Strengths and Trained Requirements).

24 Communication from Ministry of Defence to Amnesty International (AI), 25 October 2002; Information from Quaker UN Office, June 2004.

25 Brian Cathcart, "What really happened at Deepcut Barracks?", *The Independent Review*, 29 July 2004, <http://www.independent.co.uk>.

- 26 Brian Cathcart, op. cit.; Amnesty International, *United Kingdom: Army barracks deaths – Families demand justice*, 18 June 2003, <http://web.amnesty.org/library/engindex>.
- 27 Brian Cathcart, op. cit.; BBC, “Timeline: Deaths at Deepcut”, 20 May 2004, <http://news.bbc.co.uk>.
- 28 Surrey Police, *Deepcut Investigation Final Report*, 4 March 2004, <http://www.surreypolice.uk>.
- 29 Parliamentary Defence Committee, *Duty of Care Inquiry - Terms of Reference*, 9 March 2004, <http://www.parliament.uk> (Committees, Defence Committee, 2003-2004 press notices).

UZBEKISTAN

Republic of Uzbekistan

Population: 25.7 million (10.7 million under 18)

Government armed forces: 55,000 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC API and II

There were no reports of under-18s in the armed forces.

Context

Uzbekistan was one of the main regional allies of the US-led coalition to which it made available military bases for the 2001 bombing campaign in Afghanistan. The “international war against terrorism” was used by the authorities to justify its clampdown on religious and political dissent. In 2001 nine suspected members of a banned Islamist opposition movement were sentenced to long prison terms on charges of attempting to overthrow the constitutional order. Thousands of devout Muslims and dozens of members or supporters of banned secular opposition parties and movements were serving long prison sentences, convicted after unfair trials where the courts reportedly failed to take account of defendants’ allegations of torture. The UN Special Rapporteur on torture, who visited the country in 2002, concluded that torture and ill-treatment was systematic and condoned by the authorities. In two cases in 2002, seven law enforcement officers were convicted and sentenced to long prison terms for torturing detainees to death. Human rights activists faced harassment and intimidation, forcible psychiatric confinement and imprisonment. Death sentences were passed in a criminal justice system seriously flawed by corruption and failure of the courts to investigate torture allegations. At least 40 people were sentenced to death and at least 28 executed despite interventions in some cases by the UN Human Rights Committee. Some legislative and judicial reforms were introduced in 2003, but the government failed to address the appalling human rights situation including official repression of dissent in civil, religious and political life. In 2003 at least 6,000 political prisoners remained in detention in harsh conditions.¹

Government

National recruitment legislation and practice

The constitution provides for conscription: "Defence of the Republic of Uzbekistan is the duty of every citizen of the Republic of Uzbekistan. Citizens will be obliged to perform military or alternative service in accordance with the procedure prescribed by law".² Under the 1992 Law on Universal Military Service, as amended, the minimum age for conscription is 18, and the draft takes place twice a year. An amendment to the law in December 2002 cut the term of service from 18 to 12 months as part of a move to professionalize and reduce the size of the armed forces.³ For those with a higher education the term was reduced to nine months.⁴

Of Uzbekistan's large population of 18-year-old men (275,000 in 2001), only 25 to 34 per cent have served in the armed forces because of ineffectual enforcement of the draft, the poor health of conscripts and draft dodging.⁵ A reserve service and a reformed alternative service were introduced to provide as many men as possible with some military training and to ensure a supply of conscripts and volunteers for military service.⁶

Under an amendment to the Law on Universal Military Service in December 2002, the reformed alternative service came into effect in the first draft in 2003. Conscientious objectors from three specific religious groups are allowed to undertake 24 months of non-military service, or 18 months for those with a higher education. They must still take training courses to master a military skill that does not involve bearing arms before they start alternative service, which may be undertaken in various sectors, including in the disaster and emergency services.⁷ Previously, members of some religious groups faced fines for opposing military service and were barred from alternative service, and those undertaking alternative service were not paid properly.⁸

Parliament approved the Law on Service in the Armed Forces Reserve in April 2003.⁹ In June 2003 it was decreed that draftees could pay a fee to be exempted from standard military conscription and join the new "mobilization-conscription" reserve. Reservists are assigned to military units for a period of training that counts as their military service.¹⁰ The unspecified duration of training has reportedly been about one month.¹¹

The minimum age for voluntary recruitment in the armed forces appeared to be 18 or over, as recruits must complete mandatory military service before they are selected for voluntary service, although there did not appear to be any specific legislative provision on the minimum age.¹² There were no reports of under-18s in the armed forces.

Military training and military schools

A committee of government ministers is in charge of conscription and pre-conscription training and education in secondary schools, military schools and reservist training centres. Local officials have operational control in areas including civil protection training, physical training and patriotic education.¹³

In schools, boys start military-patriotic training, which reportedly does not include weapons handling, at the age of about 14 or 15. In February 2004 an organization called Jar was reported to be training orphans as "cadets", providing physical and martial arts training.¹⁴

- 1 Amnesty International Reports 2002, 2003 and 2004, <http://web.amnesty.org/library/engindex>.
- 2 Constitution, at Presidential press service, <http://www.press-service.uz>.
- 3 RFE/RL (Radio Free Europe/Radio Liberty), *Newsline*, "Calls for smaller, but more professional army", 30 August 2002; Roger N. McDermott, "The Armed Forces of Uzbekistan 1992-2002", *Journal of Slavic Military Studies*, Vol. 16, No. 2, June 2003; *Tashkent Molodezh Uzbekistana*, 16 January 2003, Post-Soviet Armies Newsletter, <http://www.psan.org>.
- 4 Sergei Mazurenko, *Civil military relations in Uzbekistan and armed forces reforming*, Geneva Centre for the Democratic Control of Armed Forces, April 2003, <http://www.dcaf.ch/pfpc-ssr-wg/Meetings/roma/papers/Mazurenko.pdf>.
- 5 Henry Plater-Zyberk, *Uzbekistan – Old threats and new allies*, January 2003, Conflict Studies Research Centre, <http://www.da.mod.uk/CSRC/documents>.
- 6 *Uzbekistan Daily Digest*, "Alternative military service to be reviewed in Uzbekistan, official says", 3 September 2002, <http://www.eurasianet.org>.
- 7 RFE/RL, *Newsline*, "Uzbekistan introduces alternative military service", 2 June 2003; Resolution on Alternative Service (in Russian), 11 March 2003, at Law Reform in Transition States, <http://www.lexinfosys.de>.
- 8 Felix Corley, "Uzbekistan: Jehovah's Witnesses criticise conscientious objector trials", *Keston News Service*, 6 April 2001, <http://www.starlightsite.co.uk/keston>.
- 9 Presidential Press Service, "Oliy Majlis News", 28 April 2004, <http://www.press-service.uz>; Sergei Mazurenko, op. cit.
- 10 RFE/RL, *Newsline*, "Fee instituted for military reserve in Uzbekistan", 18 June 2003.
- 11 Confidential source, 23 March 2004.
- 12 *Uzbekistan Daily Digest*, op. cit.
- 13 Sergei Mazurenko, op. cit.
- 14 Confidential source, op. cit.



Children peering through hole in gate, Shati Refugee Camp, Gaza, Occupied Palestinian Territories.

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Middle East and North Africa

Regional overview

Children continued to be recruited as soldiers and used in conflicts in the Middle East and North Africa.¹ There were child soldiers in **Iran, Iraq, Israel and the Occupied Palestinian Territories, Sudan** and **Yemen**. As of March 2004 there were an estimated 20,000 children in government forces and armed political groups in Sudan. Children were recruited and used by Palestinian armed groups and used as informants by the Israeli armed forces. Palestinian children were the victims of excessive force by Israeli forces and children detained by such forces were denied minimum standards for juvenile justice. Most states in the region failed to sign up to international legal commitments to protect children from involvement in armed conflict.

Children at war: Sudan and “low intensity conflicts”

The Global Report documents the alarming situation of child soldiers in **Sudan**. In March 2004, there were an estimated 17,000 children in government forces, allied militias and opposition armed groups in the north, east and south. Between 2,500 and 5,000 children served in the armed opposition group, the Sudan’s People’s Liberation Army (SPLA), in the south. Despite a widely publicized child demobilization program, in which the SPLA claimed to have demobilized over 16,000 children between 2001 and 2004, it continued to recruit and re-recruit child soldiers. In March 2004, some 6,000 Ugandan and Sudanese children were held

captive in southern Sudan by the Ugandan rebel Lord’s Resistance Army (LRA).

As a humanitarian and human rights crisis unfolded in the western Darfur region of **Sudan** from early 2003, there were reports that young children were abducted and served with government armed forces as well as in government-backed *Janjaweed* militias. Armed opposition groups in Darfur also reportedly used child soldiers.

Children were involved in tribal armed groups in **Yemen**, where the proliferation of light weapons continued to be of concern. The recruitment and use of children in armed groups was difficult to document owing to the enormous difficulties faced by human rights and humanitarian organizations in carrying out research. The difficulties were due in part to government obstruction, but also to the impossibility of gaining access to large areas controlled by tribal militias.

Although **Iran** was not widely considered to host internal armed conflicts, under-18s may have been involved in armed clashes between Iranian forces and the *Mujahedeen Khalq* Organisation in 2003.

Israel and the Occupied Palestinian Territories

The possible use of children as soldiers in **Israel and the Occupied Palestinian Territories** was the focus of considerable attention by the international community, the media and the general public. While there was no systematic recruitment of

¹ Country entries for Djibouti, Libya and Sudan are included in this section of the Global Report.

children by parties to the conflict, their active involvement was one of its main characteristics. Children in the Occupied Territories were constantly exposed to conflict and violence. While the Israeli authorities claimed that Palestinian children were subjected to indoctrination and coerced into action against Israeli forces, Palestinian leaders argued that their children were oppressed and humiliated by the occupying forces and deprived of their basic rights. Palestinian children were frequently the victims of excessive use of force by Israeli forces, resulting at times in the killing of bystanders or stone-throwing children.

There were reports of some cases of children being used by **Palestinian** armed groups as suicide bombers. The leaders of these groups publicly condemned the use of children in their ranks, including as suicide bombers, but it remained unclear what measures, if any, were taken to end the practice. At least nine Palestinian children carried out suicide bombings against **Israeli** soldiers and civilians between October 2000 and March 2004. At least 30 Palestinian children died while actively involved in organized military action by Palestinian armed political groups during the same period.

Palestinian children detained by the **Israeli** armed forces were systematically denied the right to minimum standards for juvenile detention and justice, and torture was widespread. Some children, including children who had been detained, were forced to collaborate with Israeli forces and in at least one case a child was used as a human shield.

Playing with fire

Political indoctrination of Palestinian and Israeli children was denounced by both sides in **Israel and the Occupied Territories**, in an increasingly politicized and militarized

environment, especially in the Gaza strip. Political education and military training by *Hezbollah*, and training by Palestinian groups in refugee camps in **Lebanon** allegedly continued.

Military training for under-18s was widespread in the Gulf region. In **Oman**, children received training as young as 14, and in the **United Arab Emirates** and **Bahrain** at 15. Some 16 year olds also received military training in **Djibouti**.

For over a decade, it was believed that thousands of **Iraqi** children were being trained for combat by the government of Saddam Hussein, and that they would be deployed against the US invasion. In fact, it was demonstrated that the *Ashbal Saddam* (Saddam Lion Cubs), were created primarily for propaganda and indoctrination purposes and that children were not used to fight the US-led Coalition forces. However, children were used by various Iraqi armed groups fighting the occupying forces. US-led forces also included under-18s in their ranks.

The legal framework: states fail to make a stand

Only four countries in the region ratified the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict between 2001 and 2004. They were **Morocco** in May 2002, **Qatar** in July 2002, and **Tunisia** and **Syria** in January and October 2003 respectively. States which signed the Optional Protocol between 2000 and 2004 were: **Israel**, **Jordan**, **Lebanon** and **Sudan**. Signature of the Optional Protocol did not bring an end to child recruitment in **Sudan**.

Most states had not signed the Optional Protocol. The region was thus still to make an unequivocal statement against the recruitment and use of children as soldiers. The reason commonly given by officials and commentators was a lack of acceptance of 18 as the age of majority,

making governments reluctant to end recruitment below that age.

Algeria, Djibouti and Egypt, which had not signed the Optional Protocol, supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The Position reaffirmed, among others, states' commitment to protecting children from involvement in armed conflict, as well as calling for the demobilization of all children under the age of 18.

Optional Protocol: ratifications and signatures

Acceded/ratified: Morocco/W Sahara, Qatar, Syria, Tunisia; **signed:** Israel, Jordan, Lebanon, Sudan; **not signed:** Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Kuwait, Libya, Oman, Saudi Arabia, United Arab Emirates, Yemen.

ALGERIA

People's Democratic Republic of Algeria

Population: 31.3 million (12.7 million under 18)

Government armed forces: 127,500 (estimate)

Compulsory recruitment age: 19

Voluntary recruitment age: unknown in regular armed forces, unregulated in paramilitary forces

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

Although the voluntary recruitment age remained unclear, children did not appear to have been recruited into government armed forces. There were unconfirmed reports of under-18s being used by government-allied paramilitary forces and armed political groups, but little documented evidence was available.

Context

The armed conflict that has claimed between 100,000 and 150,000 lives in more than a decade continued, although there was a marked reduction in the intensity of hostilities.¹ Support for armed opposition groups was weakened by sustained government military and paramilitary operations, arrests and a presidential amnesty for combatants. From April 2001, coordinated civil disobedience in the Kabylia region was met with government repression.

Government

National recruitment legislation and practice

The legal basis for conscription into the regular armed forces is the National Service Code. Algerian men are liable for 18 months' national service between the ages of 19 and 30, and an additional six months' service as a reservist up to the age of 50. Women are not allowed to perform military service. There was a considerable reduction in the number of conscripts.² This resulted in part from the creation and functioning of local self-defence militias, the continuation of a 1999 "regularization program" that increased the numbers who could claim exemption from military service, and logistical constraints.³

Government-backed paramilitaries

There were no safeguards to prevent recruitment of under-18s into local militias or government-allied paramilitary groups authorized and supported by the authorities.⁴

Such groups include "communal guards", created in 1996 to defend public order. "Communal guards are recruited amongst candidates of at least 19 years of age who have gained the best marks in tests" (Executive Decree 96-266, Article 21).⁵

Groupes de légitime défense (GLD), Legitimate Defence Groups, are self-defence militias established under Executive Decree 97-04 of January 1997. Authorized by joint order of the Ministries of Defence and Interior, they are supplied with arms by the authorities (Article 8) and required to wear distinctive uniforms.⁶ According to government officials, enlistment is voluntary and, although no minimum age for recruitment is specified, recruitment is on the same basis as for the armed forces. The minimum age for carrying firearms in Algeria is 19.⁷ In 2003 the GLD were estimated to have up to 300,000 members.⁸

One study by Algerian human rights activists was given evidence of children being recruited and carrying automatic weapons in a family-run GLD headed by local officials.⁹

Armed political groups

At least five distinct armed groups remained active, although their numbers appeared to be in decline. Following a visit to Algeria in September 2002, the UN Special Rapporteur on freedom of religion and belief reported that most remaining members of armed groups were aged over 30 and that the supply of post-teenage replacements was less abundant than previously.¹⁰ In December 2002 undisclosed security sources estimated the total number of armed group members to be more than 8,000.¹¹ However, in June 2003 the Algerian Chief of Staff estimated that they numbered fewer than 700.¹²

Members breaking away from the *Groupe islamique armé* (GIA), Armed Islamic Group, reduced its numbers, estimated at less than 30 in the Algerian capital, Algiers, by an Algerian military source and at about 60 in total by the Special Rapporteur on freedom of religion and belief.¹³ The strongest of the splinter groups, the *Groupe salafiste de prédication et de combat* (GSPC), Salafist Group for Preaching and Combat, reportedly had three to four hundred members and recruited people who had trained in Afghanistan with *al-Qaeda*.¹⁴ According to official sources and the Special Rapporteur, three other operational groups had a total of nearly 200 members.¹⁵

Developments

In 2003 Algeria ratified the African Charter on the Rights and Welfare of the Child.¹⁶ Algeria has not reported on its implementation of the UN Convention on the Rights of the Child (CRC) although it is required to do so every five years.

In 2000 UNICEF and the *Institut national de la magistrature* (INM), Algeria's only school providing full-time three-year postgraduate training for future magistrates, entered into a partnership to strengthen the understanding and fulfilment of child rights through implementation of ratified international treaties such as the CRC. This included in-depth teaching about the CRC and its Optional Protocols and their practical application.¹⁷

As a member of the African Union, Algeria supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. The Common Position was presented to the Special Session of the UN General Assembly on Children on 8 May 2002.¹⁸

- 1 Amnesty International (AI), *Algeria: Steps towards change or empty promises?*, September 2003, <http://web.amnesty.org/library/engindex>.
- 2 Immigration and Nationality Directorate, United Kingdom (UK) Home Office, *Algeria Country Report*, October 2003, <http://www.ind.homeoffice.gov.uk>.
- 3 Immigration and Refugee Board of Canada, DZA42247.FE, 7 January 2004, and DZA30915.E, 12 January 1999 updating DZA22551.F, 14 December 1995, <http://www.cisr-irb.gc.ca> (Refinfo).
- 4 Information from Coalition member, 9 March 2004.
- 5 Communication from Algerian embassy, London, 9 May 2001.
- 6 Décret exécutif 97-04 "fixant les conditions d'exercice de l'action de légitime défense dans un cadre organisé".
- 7 Communication from Algerian embassy, op. cit.
- 8 AI, op. cit.
- 9 Salah-Eddine Sidhoum and Algeria-Watch, *Les milices dans la nouvelle guerre d'Algérie*, December 2003.
- 10 UN Special Rapporteur on freedom of religion or belief, report to UN Commission on Human Rights: Visit to Algeria (16-26 September 2002), UN Doc. E/CN.4/2003/66/Add.1, <http://www.ohchr.org>.

- 11 Luis Martinez, *Algérie: Les nouveaux défis*, citing *El-Fajr* newspaper (4 December 2002), Centre d'études et de recherches internationales (CERI), March/April 2003; AI, op. cit.
- 12 AFP, *Al Watan* (Qatar), 18 June 2003.
- 13 Middle East Online, "The Algerian Army Arrests the leader of the GIA", 20 November 2003; UN Special Rapporteur on freedom of religion or belief, op. cit.
- 14 See for example *Al-Riyadh* (Riyadh, Saudi Arabia) "Washington Imposes Economic Sanctions on an Algerian group accused of terrorism", 22 October 2003, <http://www.alriyadh-np.com>.
- 15 Luis Martinez, op. cit.; UN Special Rapporteur on freedom of religion or belief, op. cit.
- 16 African Union, <http://africa-union.org>.
- 17 UNICEF press release, "Promotion of the Convention on the Rights of the Child and the legal protection of children and adolescents", Algeria, 2002.
- 18 The African Common Position as Africa's contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.

BAHRAIN

Kingdom of Bahrain

Population: 709,000 (241,000 under 18)
Government armed forces: 11,200
Compulsory recruitment age: no conscription
Voluntary recruitment age: 17
Voting age: 21
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 182

There were under-18s in the Bahraini armed forces. Non-commissioned officers, technicians and specialized personnel could join the army as cadets from the age of 15 and regular soldiers could be recruited at 17.

Context

Bahrain was not involved in military conflict.

Government

National recruitment legislation and practice

In its initial report to the UN Committee on the Rights of the Child, Bahrain reported that “Legislative Decree No. 23 of 1979 regulating enlistment by individuals in the Bahraini Defence Force stipulates that recruits into the ranks must not be under 17 or over 35 years of age, except in the case of non-commissioned officers, technicians and specialized personnel who can be recruited from the age of 15 (as cadets) to the age of 40”. The Decree also states that the age limit can be disregarded in times of necessity (Article 3).

Military service is not compulsory.¹ There has been no conscription since Bahrain’s independence in 1971.

Following recruitment, cadets are sent to training centres, both in Bahrain and abroad, and become soldiers when they have completed training. During general mobilization or war, the supreme commander of the armed forces may reduce the training period.²

1 Initial report of Bahrain to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.24, 23 July 2001, <http://www.ohchr.org>.

2 Legislative Decree No. 23 of 1979 (Article 12) (Arabic), <http://bahrain.gov.bh/legalaffairs/htm/L2379.htm>.

DJIBOUTI

Republic of Djibouti

Population: 693,000 (343,000 under 18)
Government armed forces: 9,850 (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC

There were no reports of under-18s serving in the armed forces. Over-16s could volunteer for military training.

Context

In May 2001 a peace accord was signed between the government and an armed wing of the opposition Front for the Restoration of Unity and Democracy (FRUD). This faction had continued its armed insurgency after the FRUD mainstream signed an accord in 1994. The new accord officially ended the decade-long armed conflict.

Since independence in 1977 Djibouti has relied on France for its defence. Several thousand French troops, including Foreign Legion forces, were stationed in the country. In 2001 the USA also established a permanent military presence.

Government

National recruitment legislation and practice

The constitution states that “the defence of the Nation and the territorial integrity of the Republic is a sacred duty for every Djiboutian citizen”. The security forces include the army, an elite Republican Guard controlled by the presidency, and the police and gendarmerie.¹ The army is composed mainly of members of the Issa, the dominant Somali clan in Djibouti.

Until the 1994 peace accord between the FRUD mainstream and the government, recruits were conscripted into the armed forces. From 1994 recruitment was on a voluntary basis only. In a report to the UN Committee on the Rights of the Child in 1998, Djibouti stated that “as is the case for all civilian and military jobs, young people under 18 may not be accepted into the army. Moreover, there is still no compulsory military service in Djibouti”.²

In 2003 the government piloted the *Service National Adapté*, a voluntary national service program for those between the ages of 16 and 25. They undergo three months’ military training at

the Holl Holl military school, and learn vocational skills for public service.³

Other developments

As a member of the African Union, Djibouti supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. The Common Position was presented to the Special Session of the UN General Assembly on Children on 8 May 2002.⁴

- 1 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 2 Initial report of Djibouti to UN Committee on the Rights of the Child, UN Doc CRC/C/8/Add.39, 3 August 1998, <http://www.ohchr.org>.
- 3 “Le SNA ou le pari d’une insertion sociale des jeunes citoyens”, *La Nation*, 2 October 2003; Journal Officiel de la République de Djibouti, Arrêté n°2003-0914/PR/MDN portant Organisation et modalités de fonctionnement du Service National Adapté.
- 4 The African Common Position as Africa’s contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.

EGYPT

Arab Republic of Egypt

Population: 70.5 million (29.7 million under 18)

Government armed forces: 450,000

Compulsory recruitment age: 18

Voluntary recruitment age: 16 (18 for military training or combat operations)

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

There were reports of 16 year olds being recruited by the armed forces for support tasks that did not involve combat or military training.

Context

The authorities continued to arrest political opponents and suspected members of armed opposition groups, particularly after the 11 September 2001 attacks in the USA. Inside Egypt, there have been no attacks by armed groups on the security forces, politicians, intellectuals or tourists since 1997. One armed group, *al-Jihad al-Islami* (Islamic Jihad), was accused of links with *al-Qaeda* and of involvement in bomb attacks outside Egypt in Pakistan and the USA. In 2002 several leaders of *al-Gama’a al-Islamiya* (Islamic Group) which halted armed operations in 1997, publicly condemned the use of violence and apologized to victims of its attacks.¹

Government

National recruitment legislation and practice

The 1980 constitution states that “Defence of the homeland and its territory is a sacred duty and conscription is compulsory” (Article 58). Under the 1980 Military and National Service Act, men between 18 and 30 years of age are liable for military service for a term of three years. The minimum age for conscription is 18 and graduates of higher education serve for a period of 18 months.² A number of children aged between 16 and 18 were allowed to volunteer for administrative or maintenance work in the armed forces but did not engage in any forms of military training or combat.³

Military training and military schools

Military training for recent secondary school graduates was provided at the Military Academy, Heliopolis, Cairo; the Air Defence College, Alexandria; the Egyptian Naval College,

Alexandria; the Military Technical College, Cairo; the Egyptian Air Academy, Belbais; and the Armed Forces Technical Institute.⁴

Other developments

International standards

In May 2001 parliament unanimously approved most provisions of the African Charter on the Rights and Welfare of the Child, subject to Islamic law and Egyptian customs and traditions. It did not approve provisions that allowed adoption, set 18 as the minimum age for girls to marry, and outlawed death sentences on pregnant and nursing women.⁵ Egypt had ratified the Charter on 9 May 2001.⁶

Parliament also approved most of the African Common Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. Egypt presented the Common Position to the Special Session of the UN General Assembly on Children on 8 May 2002.⁷

Egypt's representative told the UN General Assembly in October 2002 that it had acceded to the Convention on the Rights of the Child and its two Optional Protocols.⁸ However, in early 2004, Egypt was not included in the official list of states that had signed the Optional Protocol on the involvement of children in armed conflict.

In January 2003 a campaign to promote children's rights at times of war, including the right not to be enlisted into the armed forces before the age of 15, was launched at a youth football tournament in Cairo. The Meridian Cup was hosted by Egypt under a partnership agreement between the Union of European Football Associations (UEFA) and the International Committee of the Red Cross (ICRC).⁹

During a UN Security Council session on Children and Armed Conflict in January 2004, Egypt's Permanent Representative to the UN called for the role of the Special Representative of the Secretary-General for children and armed conflict to be strengthened. This would allow joint advocacy with UNICEF on behalf of children in conflict and a greater role for the Special Representative in UN peacekeeping missions around the world.¹⁰

- 5 "Egypt approves child rights charter, rejects some clauses", Reuters, 6 May 2001.
- 6 African Union, <http://www.africa-union.org>.
- 7 Statement by Egypt, <http://www.un.org/ga/children/egyptE.htm>. For the text of the Common Position, see The African Common Position as Africa's contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.
- 8 "Conditions of Peace, Security Essential for Children's Physical Health", 57th General Assembly, Third Committee, 21st Meeting, UN Doc. GA/SHC/3702, 16 October 2002, <http://www.un.org/documents>.
- 9 ICRC press release 3 January 2003, <http://www.icrc.org>.
- 10 Information from Coalition partner in Egypt, 24 March 2004.

1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.

2 Military and National Service Act, as amended in 1997.

3 Information from Coalition partner in Egypt, 24 March 2004.

4 Egyptian armed forces website, <http://www.mmc.gov.eg/Academies/academie.htm>.

IRAN

Islamic Republic of Iran

Population: 68.1 million (27.8 million under 18)
Government armed forces: 540,000 (estimate)
Compulsory recruitment age: 19 (regular forces); 15 (paramilitary forces)
Voluntary recruitment age: 16
Voting age: 15
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, ILO 182

The Iranian armed forces and official paramilitary groups, the Basij, recruited 15 year olds. The Mujahedeen Khalq Organization (MKO) and Kurdish armed opposition groups were alleged to have children in their ranks.

Context

After the end of Iran's eight-year war with Iraq in 1989, in which child soldiers were used extensively by both sides, Iranian forces were engaged in armed conflict with Kurdish groups seeking political autonomy and with the MKO, whose aim was to overthrow the government.

The MKO's armed wing, the National Liberation Army (NLA) of Iran, conducted armed raids into Iran with the support of the Iraqi government. In December 2003, following the US-led occupation of Iraq, US forces reportedly disarmed 3,800 NLA fighters and confined them in Ashraf camp in Diyala province, Iraq.¹ Some sources suggested they were permitted to keep light weapons.² Iran expressed fears that MKO fighters were regrouping in camps near the Iranian border.³

The Kurdish Democratic Party of Iran (KDPI) and *Komaleh*, the main Kurdish opposition groups, are based in Iraq but have not taken military action against the Iranian government since the mid-1990s.⁴ In 2003 the KDPI leader said that "We continue [unarmed] activities inside Iran ... And because we no longer have a military presence, the regime has stopped shelling Kurdish areas".⁵

Paramilitary and vigilante forces were used by the authorities to confront large student-led protests.

Government

National recruitment legislation

The constitution states that "the government is obliged to provide a programme of military training, with all requisite facilities for all its

citizens, in accordance with the Islamic criteria, in such a way that all citizens will be able to engage in the armed defence of the Islamic Republic of Iran" (Article 151).⁶

The government stated in 1998 that "according to article 2 of the Public Conscription Act, every Iranian citizen is eligible for military service as of 21 March of the year he reaches 19", and that "the minimum employment age for the armed forces for the purpose of receiving military training is 16 and the minimum age for employment for the Police Forces is 17." Girls are exempt from military service altogether.⁷ The governmental National Youth Organization said in 2004 that 16 was the minimum age to be employed "as the stable or contractual cadre" of the army.⁸

Military service is performed in the Iranian Armed Forces and the Iranian Revolutionary Guard Corps (*Pasdaran*), which emerged shortly after the 1979 revolution and has its own air and naval services. Since 1998 military service has been for 21 months, or 18 months in operational regions or deprived areas.⁹ Students may postpone military service. Exemptions are available to those whose brothers or fathers were killed in the Iran-Iraq war or, on payment of a fee, to those who have completed military training courses in the *Basij* or other military centres.¹⁰

Official paramilitary groups and government-backed paramilitaries

The *Basij* militia, an auxiliary unit of the *Pasdaran*, has as many as a million members and relies heavily on youths to fill its ranks. The minimum age for recruitment is 15.¹¹ Aims of a National Youth Policy, formulated by the government's Supreme Council of the Youth in 1992, include "ensur[ing] the youth's constant relation with *Basij* bases ..., providing military instructions for the youth and making them familiar with defence strategies and techniques and advanced military technology".¹² The *Basij* was reported to have recruited disaffected or dispossessed youth from schools, workplaces and villages.¹³ Although membership is voluntary, villagers in eastern Iran were forcibly recruited because of a shortage of members.¹⁴

Ansar-e Hizbollah is a vigilante group tolerated by the government, which seeks to enforce Islamic standards in Iranian society. Recruiting mainly from war veterans and the *Basij*, it reportedly has no minimum age limit for membership.¹⁵ The vigilantes were active in countering student demonstrations in June 2003.¹⁶

Armed political groups

The MKO reportedly recruited members from the USA, Europe and Iraqi prisoner of war camps and jails. Children were said to be among MKO

members in Ashraf camp, including 17-year-old Majid Amini who “was recruited to join the MKO in Tehran with promises of completing two school grades in one year and gaining a place in college”, according to his parents.¹⁷ There were reports that the MKO recruited children from Sweden.¹⁸

A study of Iranian Kurdish refugees in Sweden revealed that “a minority of the Iranian Kurds [interviewed] had entered the guerrilla movement before the age of 15”. The study indicated that there was no compulsion to join the *peshmerga* (Kurdish fighters), although “there was great pressure at school” to do so. One Iranian Kurd reported, “When I was 13 to 14 years old I wanted to be like my uncle – a *peshmerga*. When he died I decided to do the same as he did and be a *peshmerga*.”¹⁹

Developments

International standards

Iran signed the Rome Statute of the International Criminal Court on 31 December 2000, but had not ratified it as of March 2004.

- 1 “Expelling the MKO is a test of Iraqi Sovereignty”, *Lebanon Daily Star*, 23 December 2003.
- 2 Interview with David Philips, Council on Foreign Relations, 7 January 2004, <http://www.cfr.org/publication.php?id=6645>; International Institute for Strategic Studies (IISS), Armed Conflict Database, Summary 2003.
- 3 International Institute for Strategic Studies (IISS), Armed Conflict Report, 2003.
- 4 IISS, Armed Conflict Report, 2003.
- 5 Gareth Smyth, “Kurdish party sets out terms for talks with Tehran”, *Financial Times* (UK), 2 May 2003.
- 6 Constitution of Iran, at Law Library of Congress, <http://lcweb2.loc.gov/glin/iran.html>.
- 7 Initial report of Iran to UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.5, 23 July 1998, <http://www.ohchr.org>.
- 8 National Youth Organization, <http://www.nyoir.org/eng/Iranian-Youth-Today-Youth%20rights.htm>.
- 9 Iran News Agency, “Armed forces reduce military service by three months”, 12 October 1998.
- 10 Iran News Agency, “Majlis approves new regulations on military service exemption”, 25 February 2004.
- 11 National Youth Organization, op. cit.
- 12 National Youth Policy, Article 44 – Cognition of Enemies, B. Strategic orientations of the National Youth Policy, <http://www.nyoir.org/eng/National-Youth-Policy.Article44.htm>.
- 13 Ardeshtir Moaveni, “Volunteer Militia Seen As Key To Future Power Struggle In Iran”, *EurasiaNet*, 8 January 2003.
- 14 A. William Samii, “Military Service Exemptions Eliminated”, *Iran Report*, Radio Free Europe/Radio Liberty, 19 November 2001, <http://www.globalsecurity.org/wmd/library/news/iran/2001/44-191101.html>.
- 15 <http://www.globalsecurity.org/intell/world/iran/ansar.htm>.
- 16 Human Rights Watch, *Iran: End vigilante attacks: Independent commission should investigate government role in assaults*, June 2003, <http://www.hrw.org>.
- 17 *Christian Science Monitor*, “Inside a group caught between three powers”, 31 December 2003, <http://www.csmonitor.com/2003/1231/p10s01-woiq.htm>.
- 18 Radda Barnen (Save the Children – Sweden), Childwar database.
- 19 A-C. Hermansson, T. Timpka, J.M. Nyce, “Exploration of the life histories and future of war-wounded Salvadoran and Iranian Kurd quota refugees in Sweden: a qualitative approach”, *International Journal of Social Welfare* 2003:12.

IRAQ

Republic of Iraq

Population: 24.5 million (11.8 million under 18)

Government armed forces: 389,000

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

There were no reports of under-18s serving in Iraqi armed forces formed after the United States (US)-led occupation in 2003. The US government confirmed that 17-year-old soldiers were among the occupying forces. A large number of children received military training under the former government of Saddam Hussein. Armed political groups reportedly used children as combatants.

Context

A US-led coalition invaded Iraq in March 2003, overthrowing the Ba'ath party government headed by President Saddam Hussein. Thousands of civilians, possibly tens of thousands, died in the continuing conflict with the occupying forces.¹ Peace remained elusive as the forces of the Coalition Provisional Authority (CPA) tried to establish a new administration and faced increasing attack from supporters of the former government and other armed groups. Intermittent conflict continued between Kurdish groups in northern Iraq.

Government

National recruitment legislation and practice

The constitution in force before the invasion provided for compulsory military service. Under the 1969 Military Service Act and resolutions subsequently passed by the Revolutionary Command Council, all men aged between 18 and 45 were liable for military service for two years, or 18 months for higher education students or graduates. In times of war, the age of conscription and length of military service could be changed. Volunteers were reportedly recruited from the age of 15, including trainees who entered the military academy at the minimum age of 16 and joined the armed forces after a one-year course.²

UNICEF reported that boys in orphanages often left school at 15 to enrol in the military and

that children were likely to be among prisoners of war captured in 2003.³ Of individuals listed by the CPA as imprisoned in Iraq since the occupation, 282 were aged under 18 in 2003 and included those who were stated to present a security threat and others stated to have been arrested as criminals in Baghdad.⁴

In May 2003 the CPA ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The CPA envisaged that the new army would be "relatively small (three to five divisions, roughly 40,000 soldiers), professional (enrolment on a voluntary basis only, available to those between the ages of 18 and 40, initially for 26 months), purely defensive and non-political".⁵ The CPA order creating the new armed forces in August 2003 specified that the minimum age of recruitment was 18 and that recruitment was voluntary. A civil defence corps established in September 2003 was made a component of the armed forces in April 2004.⁶

Prior to the invasion, Human Rights Watch received reports that Iraqi officials recruited boys as young as 15 into militias such as *Jaysh al-Quds* (the Jerusalem Army) in cases where a household had no adult males able to serve. Families who refused to send a male for training were threatened with expulsion from their homes.⁷

US-led Coalition forces

The Director of Military Personnel Policy for the US Army stated in a letter to Human Rights Watch that "A total of 62 soldiers were 17 years old upon arrival to both Afghanistan and Iraq during 2003 and 2004. These 62 soldiers served in all capacities in the Army". He stated that as of 29 March 2004 there were no soldiers in Iraq who were 17 years old.⁸

Military training and military schools

There was extensive military training of children under the Ba'ath party government in power until March 2003. The *Ashbal Saddam* (Saddam Lion Cubs), formed after the 1991 Gulf War, recruited children aged 10 to 15 years old who attended three-week training courses in use of weapons, hand-to-hand fighting and infantry tactics. There were an estimated 8,000 members in Baghdad alone.⁹ There was no evidence that these children participated in hostilities.

Armed political groups

Several armed groups had been fighting the Ba'ath party government, the governments of Iran and Turkey, and each other for decades. Others were formed following the collapse of the Ba'ath party government. Armed groups reported to have used child soldiers included the Kurdish Democratic Party (KDP), the Patriotic Union of

Kurdistan (PUK), and the *Jaysh al-Mahdi* (Army of the Mahdi).

The KDP and the PUK are the principal parties in the Kurdish Regional Government that controls the three provinces of Dohuk, Irbil and Sulaymaniyah in northern Iraq. Their *peshmerga* (armed forces), though formally linked, retain their own command structures and regulations, each comprising between 25,000 and 30,000 fighters.¹⁰ KDP regulations forbid recruitment of under-18s into the armed forces and a KDP representative said that their forces were, and had always been, recruited on a voluntary basis.¹¹ The age of admission to the two PUK and KDP military academies was unknown. A decree in 2002 reportedly ended the recruitment of volunteers to the *peshmerga* from the age of 15.¹² However, there were subsequent reports of children fleeing harassment from the forces of the Ba'ath party government and taking refuge with the *peshmerga* in the mountains, and of Kurdish boys becoming *peshmerga* at the age of 14 or even younger.¹³

The two main Islamist groups in Iraqi Kurdistan – *Ansar al-Islam* and the Kurdish group *Komaleh Islami* – had their bases bombed during the invasion of Iraq in 2003. *Ansar al-Islam*, with around 600 fighters, was accused of links with *al-Qaeda* and reportedly included non-Kurdish fighters.¹⁴ There were indications that some of the members of Islamist Kurdish armed groups, engaged in intermittent combat with the PUK since 1993, were very young.¹⁵

Jaysh al-Mahdi, led by Muqtada Sadr, had a large presence in the cities of Najaf and Karbala and the newly named “Sadr City” suburb in Baghdad, with members estimated at between 3,000 and 10,000, including under-18s.¹⁶

Other armed groups were not known to use child soldiers. Some 5,000 combatants of the Kurdistan Workers Party (PKK) were said to be in northern Iraq in November 2003, where they had decamped following a PKK ceasefire with the Turkish government in 1999.¹⁷ The PKK had reportedly had hundreds of boys and girls in its ranks in the late 1990s, but there were no recent reports of their using child soldiers.

The Supreme Council for the Iranian Revolution in Iraq, a coalition of Shi'a Islamist parties formed in 1982 in opposition to the Ba'ath party government, had an armed wing of between 8,000 and 10,000 members.

The Iraqi National Congress and Iraqi National Accord, opposition groups which returned from exile following the 2003 invasion, retained armed recruits to guard party buildings and protect their leaders.¹⁸ *Al-Fath al-Mubin* (Clear Victory), led by Sheikh Saleh Muhammad Abdullah, received support from the Sunni Islamic community and was based in the “Sunni Triangle” area of the country. It said it had 3,000 volunteers and soldiers from the dissolved Iraqi army.¹⁹

* See glossary for information about internet sources.

- 1 See MedAct, *Continuing Collateral Damage: The health and environmental costs of war on Iraq*, October 2003, <http://www.medact.org>; also Iraq Body Count, <http://www.iraqbodycount.net/>.
- 2 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, and *Country Reports on Human Rights Practices 2001*, March 2002, <http://www.state.gov/g/drl/hr/c1470.htm>.
- 3 UNICEF, Iraq Watching Briefs: Child Protection, July 2003.
- 4 <http://www.iraqcoalition.org/arabic/prisoners/index.html>.
- 5 International Crisis Group (ICG), *Iraq: Building a new security structure*, Middle East Report No. 20, 23 December 2003.
- 6 CPA Orders No. 22, Creation of a New Iraqi Army; No. 28, Establishment of the Iraqi Civil Defense Corps; No. 67, Ministry of Defense; No. 73, Transfer of the Iraqi Civil Defense Corps to the Ministry of Defense, at <http://www.cpa.gov/regulations/#Orders>.
- 7 Information from Human Rights Watch (HRW), March 2004.
- 8 Sean J. Byrne, Brigadier General, US Army, Director of Military Personnel Policy, letter to Human Rights Watch, 2 April 2004.
- 9 US Department of State, op. cit.
- 10 BBC News, “Factfile: Kurdish Fighters”, 11 April 2003, <http://news.bbc.co.uk>.
- 11 Communication from KDP, 13 February 2004.
- 12 Information from UNICEF Iraq, 6 July 2003.
- 13 Information from Institute for War and Peace Reporting, 2 February 2004; Anna Badkhen, “7-Year-Old Kurd: I like war: Kids forced to grow up quickly as rebel warriors in northern Iraq”, *San Francisco Chronicle*, 6 April 2003.
- 14 ICG, *Radical Islam in Iraqi Kurdistan: The mouse that roared?*, 7 February 2003.
- 15 Institute for War and Peace Reporting, op. cit.
- 16 ICG, *Radical Islam in Iraqi Kurdistan*, op. cit.; *The Guardian*, “Army of the dispossessed rallies to Mahdi”, 8 April 2004.
- 17 BBC News, “US troops clash with ‘PKK rebels’”, 10 November 2003.
- 18 ICG, *Iraq: Building a new security structure*, op. cit.
- 19 *Al Riyadh* (Riyadh, Saudi Arabia), “Tashkil jaysh ‘al-Fath al-Mubin’ ba’d ‘al-Mahdi’ yundhir bi-tahwil bilad al-rafidin ila duwal tawa’if” [The formation of *al-Fath al-Mubin* after *al-Mahdi* threaten to transform resistance into sectarian bodies], 6 January 2004, <http://www.alriyadh-np.com>.

ISRAEL

State of Israel

Population: 6.3 million (2.1 million under 18)
Government armed forces: 167,600 (estimate)
Compulsory recruitment age: 18
Voluntary recruitment age: 17
Voting age: 18
Optional Protocol: signed 14 November 2001
Other treaties ratified (see glossary):
CRC, ILO 138

In Israel, volunteers aged under 18 were recruited into non-combat tasks in the government armed forces. Children from 14 years old received military training, including in the use of weapons. In Israel and the Occupied Palestinian Territories, the Israeli forces detained Palestinian children under military provisions that failed to meet international standards for the treatment of prisoners and for juvenile justice. The Israeli forces allegedly used torture and other forms of coercion to recruit Palestinian children as informants (see Occupied Palestinian Territories entry). Palestinian armed groups used children in armed attacks and suicide bombings inside Israel. Children were used by Israeli settler groups to intimidate and harass Palestinians.

Context

The renewal of the Palestinian *intifada* (uprising) against Israeli occupation of the Palestinian territories of the West Bank and Gaza Strip increased the exposure of children to conflict. Between September 2000 and April 2004, over 520 children were among more than 2,800 Palestinians, most of them bystanders, killed in the Occupied Territories by Israeli forces, either at checkpoints, during attacks on suspected activists or in response to stone-throwing or demonstrations.¹

Suicide bombings and attacks by Palestinian armed groups in Israel and the Occupied Territories killed nearly 670 Israeli civilians in the same period, 104 of them children.² Israel remained formally at war with Lebanon and Syria, launching occasional raids on both countries and occupying disputed territory.

Government

National recruitment legislation and practice

All Israelis are required to perform national service. Men serve as regular soldiers for 36 months, women for 24 months, and officers for an additional 12 months. Reserve duty is obligatory for men up to the age of 40 to 45 (varying according to certain individual circumstances) and for certain categories of women.³ In February 2004, the 1986 National Defence Service Law was amended to restrict compulsory recruitment to over-18s. Children are assessed and interviewed for service in the armed forces from the age of 16, and at 17 are issued formal call-up notices.⁴

In law, only women and girls may be exempted from military service as conscientious objectors. Exemptions for male conscientious objectors are considered on a case-by-case basis by a special military committee and, ultimately, the Ministry of Defence.⁵ In practice exceptions are allowed notably to non-Jewish women, most categories of Palestinian men and some categories of religious Jewish men.⁶ Children must declare their conscientious objection as early as possible to maximize their chances of obtaining exemption.⁷ By January 2004, over 300 young Israelis had signed an open letter to the government, the "High school seniors' letter", stating that they did not want to serve in the armed forces.⁸ A military court sentenced five of the signatories to one-year prison terms in January 2004 and denied them exemption as conscientious objectors.⁹ Average prison sentences for objectors increased from under 90 days in 2001 to over 140 days from April 2002.¹⁰

Volunteers aged 17, including those enrolled in special programs such as the Academic Reserve Program, may be recruited but may not be involved in combat until they are 18.¹¹ There were no reports of children serving in combat roles.

Israel signed the Rome Statute of the International Criminal Court in 2000,¹² but in 2002 the government stated that it did not intend to become a party to the treaty and had no legal obligation to abide by it. It took steps to end the deployment of under-18s, but did not support a "straight-18" position. The government was reportedly working towards ratification of the Optional Protocol in 2004.¹³

The Israeli government set up a number of psychosocial support programs for Israeli children who had been involved in violence or conflict, including the Psychological Counselling Service in state schools.¹⁴ Non-governmental voluntary groups such as Natal, Navah, the Terror Victims Association and the Netanya Terror Victims Fund also offered counselling to minors affected by the conflict.

Military training and military schools

Two military academies, one religious and one secular, provide military training for school students in grades 9 to 12, aged between 14 and 18. Every year 27,000 young people aged 16 to 18 attend week-long *Gadna* (Youth Corps) courses run by the education wing of the armed forces, which are intended to prepare them for military service.¹⁵ The courses include weapons training, navigation and military history. The *Gadna* also organizes a summer program for American Jewish and Israeli 14 to 18 year olds in cooperation with the scouts (*Tzofim*), the Ministry of Absorption and the Jewish Agency. The program involves “learning first hand what every Israeli soldier experiences” as well as cultural and educational activities.¹⁶

Armed political groups

Palestinian groups

There was no evidence of systematic recruitment of children by Palestinian armed groups. However, children are used as messengers and couriers, and in some cases as fighters and suicide bombers in attacks on Israeli soldiers and civilians.¹⁷ All the main political groups involve children in this way, including *Fatah*, *Hamas*, Islamic *Jihad*, and the Popular Front for the Liberation of Palestine.¹⁸

At least nine children carried out suicide attacks in Israel and the Occupied Territories between October 2000 and March 2004.¹⁹ Palestinian non-governmental groups documented the deaths of 30 children actively involved in organized military action from September 2000 to March 2004.²⁰ Most of the deaths occurred as a result of accidents with explosives or during armed clashes with Israeli troops.

Israeli settlers

Israeli settlers continued to expand the territories under their control in the West Bank and Gaza Strip, often using force to take over the homes of Palestinians.²¹ Settler communities frequently used children to subject Palestinian civilians to sustained campaigns of harassment and violence.²² Young children, not old enough to be prosecuted for criminal offences, were reportedly involved in looting shops and mosques.²³

Detention of Palestinian children

Israeli armed forces arrested Palestinian children in the Occupied Territories who were suspected of involvement in armed attacks, frequently detaining them at military bases, prison camps or detention centres, rather than civilian detention

facilities. Only 70 out of an estimated 350 children in detention in September 2003 were held in special facilities designated for juveniles. The detentions were in violation of Israel's obligations under international law.²⁴ Children were often arrested indiscriminately during mass arrests, for example in April 2003 at Tulkarem refugee camp in the West Bank, when all males aged between 15 and 40 were rounded up.

Palestinian children over 16 in the Occupied Territories were treated as adults in law and denied the protection offered to Israeli under-18s in Israel and in Israeli settlements, in defiance of Israel's commitments under the Convention on the Rights of the Child and the Optional Protocol.²⁵ Children arrested for offences such as stone-throwing and detained on suspicion of being involved in the *intifada* were often denied access to legal representation and subjected to interrogation methods inappropriate to their age and physical or mental state.²⁶

Palestinian children reported being subjected to physical or psychological torture.²⁷ One 15-year-old boy alleged that he was detained in March 2003 and held in cramped and overcrowded conditions at an Israeli settlement outside Ramallah in the West Bank. At the Bet El detention centre, he said, he and 11 others were tied in painful positions, allowed access to a toilet infrequently, and were let out of the room where they were held only once a week for 30 minutes.²⁸

- 1 Palestine Red Crescent Society, <http://www.palestinerics.org>; Defence for Children International-Palestine Section (DCI-PS), <http://www.dci-pal.org>.
- 2 Israeli Defence Force (IDF), <http://www1.idf.il>; B'Tselem, http://www.btselem.org/English/Statistics/AL_Aqsa_Fatalities_Tables.asp.
- 3 Information from Defence for Children International-Israel Section (DCI-Israel), March 2004.
- 4 DCI-Israel, op. cit.
- 5 New Profile – Movement for the Civilization of Israeli Society, February 2004, <http://www.newprofile.org>.
- 6 Information from Human Rights Watch, March 2004.
- 7 Information from Israeli Conscientious Objectors Parents' Forum, 24 February 2004.
- 8 Refuser Solidarity Network, <http://www.refusersolidarity.net/>.
- 9 Organisation Mondiale Contre la Torture/ Fédération internationale des ligues des droits de l'Homme, *Israel: Five conscientious objectors sentenced to one year in prison*, 5 January 2004.
- 10 War Resisters International, *Conscientious objection to military service in Israel: an unrecognised human right*, 31 January 2003, <http://www.wri-irg.org>.
- 11 Communication from IDF, 21 February 2004.

- 12 UN Treaty Collection, <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVIII/treaty10.asp>.
- 13 Coalition interview with Ministry for Foreign Affairs, 9 March 2004.
- 14 Ministry of Education, http://207.232.9.131/children/page_54.htm.
- 15 Communication from IDF, op. cit.
- 16 Tzofim promotional brochure, 2003.
- 17 Information from Coalition members, March 2004.
- 18 Information from Palestinian Human Rights Monitoring Group (PHRMG), March 2004.
- 19 Information from PHRMG and DCI-PS, March 2004.
- 20 Information from DCI-PS and al-Mezan Center for Human Rights, 11 March 2004.
- 21 Conal Urquhart, "Armed settlers force out villagers", *The Observer* (UK), 27 October 2002.
- 22 Information from member of international monitoring team, 10 April 2004.
- 23 Coalition interview with International Peace Research Institute, 14 April 2004.
- 24 DCI-PS Child prisoner list, September 2003, unpublished.
- 25 Catherine Cook, Adam Hanieh, Adah Kay, *Stolen youth: The politics of Israel's detention of Palestinian children*, Pluto Press, 2004.
- 26 Legal submission by DCI-Israel to Israeli authorities, 28 February 2003.
- 27 DCI-PS, *Arrest and detention: A measure of first resort for Palestinian children*, 30 May 2003.
- 28 DCI-PS, *Gross violation of children's rights: Children kept in temporary detention centre in inhumane conditions for over one month*, 22 April 2003.

JORDAN

Hashemite Kingdom of Jordan

Population: 5.3 million (2.4 million under 18)

Government armed forces: 100,500 (estimate)

Compulsory recruitment age: conscription suspended

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: signed 6 September 2000

Other treaties ratified (see glossary):

CRC, GC AP I and II, ICC, ILO 138, ILO 182

Volunteers under the age of 18 were recruited to the armed forces but were reportedly not deployed. There were no reports of armed political groups recruiting children.

Context

Laws hastily introduced in 2001 in the wake of the 11 September 2001 attacks in the USA were used to erode the right to freedom of expression.¹ Palestinians constituted over half of the population, and remained a key force in Jordanian political and economic life. Most were granted Jordanian citizenship. Twenty per cent of the Palestinian population lived in 13 refugee camps across the country.²

Government

National recruitment legislation and practice

The government suspended universal male conscription in the 1990s, but the Compulsory Military Service Act No. 23 of 1986, was not formally repealed. Previously, all male adults were liable under the Act for two years' military service (Section II, Article 3), with exemptions allowed to only sons, to those whose family members had died in service and on health grounds.³

Voluntary recruitment of male and female 17 year olds continued to be allowed.⁴ Candidates were required to have completed tenth grade in school to be considered for military service, when they were usually about 15 years old. Women could be recruited as instructors, administrators, health workers, engineers or military police officers.⁵

There were no reports of the deployment of minors.⁶

Military training and military schools

Basic military training was carried out for 19-week courses at the King Talal Military School, and a number of other academies and institutions

offered further training.⁷ The minimum age of admission was not known, although the authorities had previously indicated that enrolment into military schools and academies was restricted to candidates over the age of 18.⁸

The Armed Forces' Directorate of Education was responsible for running 19 schools in socially deprived areas for around 9,500 students. The intention was to "build the Jordanian character and provide them with science and faith to be able to interact positively with the modern life".⁹ The proportion of students that subsequently volunteered for the armed forces was not known.

Armed political groups

The main armed political groups are Palestinian, and their activities are closely controlled by the Jordanian authorities. No military action involving these groups has been reported in the past ten years. It was not known if they provided political or military training for children.

Other developments

Jordan did not support a "straight-18" position. In April 2001 it hosted the Amman Conference on the Use of Children as Soldiers in the Middle East and North Africa Region, the first regional gathering on the issue held in coordination with the Child Soldiers Coalition and UNICEF. The Conference affirmed that no child under 18 years should be the instrument or object of violence.¹⁰ There was no mention of child recruitment in a draft law on children, which was still to be signed into law in March 2004.¹¹

Ratification of ILO Conventions 138 and 182 was reflected in new labour law that forbade employment of under-16s except as apprentices and limited the working hours of under-18s. The worst forms of child labour were reported to be virtually non-existent in 2003, although child labour increased over the past decade, partially due to stagnant economic conditions.¹²

9 Jordan Armed Forces, op. cit.

10 Amman Declaration on the Use of Children as Soldiers, 10 April 2001, http://www.id.gov.jo/human/activities2000/report_amman.html.

11 Information from al-Mezan Center for Human Rights, Jordan, March 2004.

12 US Department of State, *Country Reports on Human Rights Practices 2003*, February 2004, <http://www.state.gov/g/drl/hr/c1470.htm>.

1 *Amnesty International Report 2003*, <http://web.amnesty.org/library/engindex>.

2 Jumana Al-Tamimi, "Study details poverty in Palestinian camps", *Daily Star*, 11 December 2003.

3 Periodic report of Jordan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.4, 17 September 1999, <http://www.ohchr.org>.

4 Communication from Jordan's Permanent Representative to the UN in Geneva, 17 June 1998.

5 Jordan Armed Forces, <http://www.jaf.mil.jo/mainframe.htm>.

6 Information from Coalition member in Jordan, March 2004.

7 Jordan Armed Forces, op. cit.

8 Communication from Jordan's Permanent Representative to the UN in Geneva, op. cit.

KUWAIT

State of Kuwait

Population: 2.4 million (0.7 million under 18)

Government armed forces: 15,500

Compulsory recruitment age: unclear

Voluntary recruitment age: 18

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s in the armed forces.

Context

Since the withdrawal of Iraqi forces in February 1991, Kuwait has hosted western alliance forces, and in March 2003 served as the main launch pad for the US-led invasion of Iraq.

Government

National recruitment legislation and practice
Conscription was introduced in 1980, suspended in 2001 and finally abolished in 2002. It was not possible to obtain official confirmation that the armed forces were subsequently recruited on a voluntary basis, and it appeared that military service remained compulsory in law.¹ According to official information, two years of military service, or one year for university graduates, was compulsory for all male citizens from 18 years of age.²

In its report to the UN Committee on the Rights of the Child in 1996, Kuwait stated that “no one under 18 years of age is permitted to enlist for military service”. The prohibition on under-18s was “to prevent the involvement of children in armed conflicts”. However, the report also stated that “Article 32 of the Army Act No. 32 of 1967 further stipulates that everyone appointed to serve in the army must be over 21 years of age”.³

1 Information from International Institute for Strategic Studies (IISS), 15 March 2004.

2 Kuwait Information Office, http://www.kuwait-info.com/sidepages/state_ministries_defence.asp.

3 Initial report of Kuwait to UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.35, December 1996, <http://www.ohchr.org>.

LEBANON

Lebanese Republic

Population: 3.6 million (1.3 million under 18)

Government armed forces: 72,100

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 21

Optional Protocol: signed 11 February 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

There was no evidence of under-18s in the government armed forces, and children were no longer used in combat. Child training continued among non-state groups, including Palestinian armed groups based in Lebanon's refugee camps.

Context

There has been sporadic conflict on the southern border between some 2,000 *Hizbollah* fighters and Israeli forces following the withdrawal of Israeli troops from their “security zone” in southern Lebanon in 2000. This, together with the presence of some 18,000 Syrian troops deployed in Lebanon, prevented the government from assuming full control of the country.¹ Thousands of Syrian troops were redeployed within Lebanon or back to Syria in 2003. At the end of 2003 the adoption of the Syria Accountability and Lebanese Sovereignty Restoration Act in the USA added further pressure for Syria to withdraw its troops from Lebanon.

Around 200,000 Palestinian refugees remained in refugee camps, largely autonomous areas outside Lebanese jurisdiction.² Palestinian political groups were active in providing basic services in the camps, as well as political representation.

Government

National recruitment legislation and practice

The National Defence Law No. 102/83, as amended, stipulates compulsory military service for all men aged 18 to 30 for a 12-month period. Law No. 3778/93 provides for exemptions and deferments on grounds that include sickness, study, economic need or the death of a brother in active service.³ Women are not required to serve. The minimum age for voluntary recruitment is 18.⁴

Other government security forces, including the Internal Security Force, are prohibited from recruiting under-18s.⁵

There were no reports of children in government forces.⁶ According to the authorities, any military recruitment policy that was “inconsistent with Lebanon’s commitment to protect children’s rights and to prevent them being used in war and conflict” would not be adopted.⁷ However, the National Defence Ministry said that a few recruits are enlisted at the age of 17 for regular service, although they are not “established in effective service before they turn eighteen” and their number was not known.⁸

Military training and military schools

Military training for recruits aged 18 and above only takes place at the First Flag Service Centre, which runs induction courses for all soldiers; the Military School for officers; the Command and Staff College, which offers further education; and specialist schools running courses for trained soldiers.⁹

Armed political groups

The disbandment of militias after the 15-year civil war ended in 1989 halted most recruitment of children, although two armed political groups continued to use them in non-combat roles.

Hizbollah

In southern Lebanon, *Hizbollah* continued its low-intensity conflict with Israel with tacit government support. Its fighters were believed to be adults, although *Hizbollah* Secretary-General Sayyed Hassan Nasrallah is reported to have said that there is no specific age when a child becomes an adult and that it depends on the individual.¹⁰

Hizbollah did claim responsibility for several armed attacks carried out by minors up to 1994.¹¹ However, the Israeli withdrawal in 2000 seemed to have ended this practice.¹²

Hizbollah continued to involve children in political rallies in 2002 and 2003, running a social group for under-15s called the *al-Mahdi* Brigades. In November 2003 children led the annual Jerusalem Day parade, dressed in military fatigues and carrying toy rifles.¹³

Children in southern Lebanon and the West Bakaa area continued to be injured and killed in Israeli raids on suspected *Hizbollah* fighters in civilian areas.¹⁴ Israeli landmines left in Lebanese territory also claimed children’s lives, killing 20 and injuring 48 between 1998 and 2004.¹⁵

Palestinian groups

Nearly 20 Palestinian factions ran 12 refugee camps in Lebanon where conditions remained bleak. Conflict between the groups for control of the camps in 2002 and 2003 did not appear to involve minors, although child fatalities and injuries occurred.¹⁶

Military training and indoctrination of children persisted in many camps, although recruitment

for combat, common before the mid-1990s, was believed to have ended.¹⁷ Captain Khaled Aref, General Secretary of the Palestine Liberation Organization (PLO) in Sidon and south Lebanon, stated that “the cubs’ [boys] and girls’ camps are for education and enlightenment, even if it involves some work on the art of sports and fighting, because Palestinian refugees have the right to learn everything for the sake of liberating their land”.¹⁸

The Lebanese authorities took no action to stop the training, and were “not aware of any instances where children have been used as war soldiers in Lebanon”.¹⁹

Disarmament, demobilization and reintegration (DDR)

Children involved in combat during the civil war were demobilized or reached adulthood, including those forcibly recruited into the Israeli-backed South Lebanon Army (SLA), which was disbanded in May 2000.²⁰ Over 3,000 former SLA soldiers were captured, many of whom were tried in summary hearings before the Military Court in 2001 and 2002.²¹ None was a minor at the time of trial.²²

Psychosocial programs to help child victims of conflict were offered after the civil war, and by 2004 the Social Affairs Ministry had established three centres for the rehabilitation of children affected by war.²³ Services remained inadequate, given the scale of the problem and ongoing violence.²⁴

Other developments

Official sources expected Lebanon to ratify the Optional Protocol in 2004, after two years of follow-up by the Higher Council for Childhood.²⁵ Although national labour laws banned under-18s from working over six hours a day or in jobs jeopardizing their health, safety or morals, the laws were not fully enforced and child labour persisted, particularly in Palestinian areas.²⁶

- 1 International Institute for Strategic Studies (IISS) conflict database, 2003; GlobalSecurity.org, <http://www.globalsecurity.org/military/world/syria/army.htm>.
- 2 The autonomy of the camps derives from the 1969 Cairo Agreement with the Palestine Liberation Organization (PLO), which was formally voided by the Lebanese parliament in 1987, <http://www.lebanese-forces.org/lebanon/agreements/cairo.htm>.
- 3 Lebanese armed forces, <http://www.lebarmy.gov.lb>, Military service.
- 4 Lebanese armed forces, Conditions of volunteering as trained soldier.

- 5 Information from Lebanese Child Soldiers Coalition members, 11 March 2004; Internal Security Forces, <http://www.isf.gov.lb/french/index.asp>.
- 6 Coalition interview with Georges Assaf, Director, Institute of Human Rights, 1 April 2004.
- 7 Communication from Lebanese embassy, London, 26 February 2004.
- 8 Communication from National Defense Ministry, 22 April 2004.
- 9 Lebanese armed forces, LAF colleges and schools.
- 10 Coalition interview with Georges Assaf, op. cit.
- 11 For example, Aiman Hamzeh Baalback, who died aged 17 in 1994, Islamic Resistance Support Association, <http://www.moqawama.tv/martyrs/body.htm>.
- 12 Islamic Resistance Support Association, op. cit; *Hizbollah*, <http://www.hizbollah.org>.
- 13 Ammar Nehme, "Nasrallah in International Jerusalem Day", *As-Safir*, 24 November 2003; Karine Raad, "Hizbullah marks Jerusalem Day", *Daily Star*, 24 November 2003.
- 14 Al-Jazeera, "Lebanese child killed near Israeli border", 7 October 2003.
- 15 Confidential source, March 2004.
- 16 AFP, "Palestinian girl injured in refugee camp blast in south Lebanon", 4 March 2004.
- 17 Coalition interview with Georges Assaf, op. cit.; information from Lebanese Coalition members, op. cit.
- 18 Fidel Sbayte, "Scout Camp in Ain el-Helwa", *El Balad*, 28 January 2004.
- 19 Communication from Lebanese embassy, op. cit.
- 20 Human Rights Watch, *Persona non grata: The expulsion of civilians from Israeli-occupied Lebanon*, 1999, <http://www.hrw.org>.
- 21 *Amnesty International Report 2002*, <http://web.amnesty.org/library/engindex>.
- 22 Coalition interview with Georges Assaf, op. cit.
- 23 Coalition interview with Higher Council for Childhood, op. cit.
- 24 UN Committee on the Rights of the Child, Concluding observations: Lebanon, UN Doc. CRC/C/15/Add.169, 1 February 2002, <http://www.ohchr.org>.
- 25 Communication from Lebanese embassy, op. cit.; Coalition interview with Higher Council for Childhood, op. cit.
- 26 Labour Code Law, amendment of 14 June 1999, International Labour Organization, <http://www.ilo.org>; Majdoline Hatroune, "Poverty forcing children to work despite the law", *Daily Star*, 19 November 2003.

LIBYA

Socialist People's Libyan Arab Jamahiriya

Population: 5.4 million (2.1 million under 18)

Government armed forces: 76,000

Compulsory recruitment age: 18

Voluntary recruitment age: 17

Voting age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182; ACRWC

The minimum voluntary recruitment age was 17, but it was unknown whether under-18s were serving in government armed forces. There was legal provision for 17 year olds to engage in combat. Sixteen to 19 year olds received military training.

Context

On 12 September 2003 the UN Security Council lifted the sanctions imposed on Libya after the bombing of a Pan Am flight which exploded over the town of Lockerbie, in Scotland, in 1988, killing 270 people. Libya accepted "civil responsibility" for the bombing and offered compensation under a deal with the USA and the United Kingdom (UK). In December 2003 the Head of State, Colonel al-Gaddafi, declared that Libya was giving up its attempts to develop chemical, biological and nuclear weapons.¹

Government

National recruitment legislation and practice

Under the National Service Act No. 9 of 1987, "National service shall be compulsory for every male citizen who has attained 18 years of age and is no older than 35" (Article 1).² However, the UN Committee on the Rights of the Child noted with concern that the "Mobilization Act No. 21 of 1991 allows for persons of 17 years to, among other things, engage in combat" and recommended its amendment so that under-18s were not deployed as active combatants in wartime.³

The minimum age for voluntary recruitment in the armed forces is 17 years, according to the Military Service Act No. 40 of 1974 (Article 6). However, Libya informed the Committee on the Rights of the Child that "Exemption from the age limitation may be granted by a decision of the Chief of General Staff of the Armed Forces, as permitted under Act No. 6 of 1977".⁴

Military training and military schools

Secondary school students aged between 16 and 19 receive military training and weapons instruction.⁵ A military academy for girls, created in 1979, accepts girls holding a secondary school certificate (*shahadah thanawiyah*) and who are below the marriageable age of 20. Training in the academy is for two years.⁶

Other developments

As a member of the African Union, Libya supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. The Common Position was presented to the Special Session of the UN General Assembly on Children on 8 May 2002.⁷ Libya's representative to the UN Special Session on Children said that Libya was "studying the two protocols to the Convention of the Rights of the Child ... with a view to acceding to them."⁸

- 1 *Amnesty International Report 2004*, <http://web.amnesty.org/library/engindex>.
- 2 Second periodic report of Libya to UN Committee on the Rights of the Child, UN Doc. CRC/C/93/Add.1, 19 September 2002, <http://www.ohchr.org>.
- 3 UN Committee on the Rights of the Child, Concluding observations: Libya, UN Doc. CRC/C/15/Add.209, 4 July 2003.
- 4 Second periodic report of Libya to UN Committee on the Rights of the Child, op. cit.
- 5 ME-Schools.com, a website providing information on education in the Middle East and North Africa, <http://www.me-schools.com/countries/libya.htm>.
- 6 "al-Mar'ah wa al-Amal al-Askari fi al-Alam al-Arabi" [Women and military work in the Arab world], discussion on Al-Jazeera, 17 January 2003, comment by Sergeant Fathiya Abu Turaba of the Girls Military Academy, <http://www.aljazeera.net/programs/ladies/articles/2003/1/1-17-1.htm>.
- 7 The African Common Position as Africa's contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.
- 8 Statement by Libyan Secretary of Social Affairs to UN Special Session on Children, 9 May 2002, <http://www.un.org/ga/children/lajE.htm>.

MOROCCO AND WESTERN SAHARA

Kingdom of Morocco

Population: 30.1 million (11.5 million under 18)

Government armed forces: 196,300

Compulsory recruitment age: 20

Voluntary recruitment age: 18

Voting age: 20

Optional Protocol: ratified 22 May 2002

Other treaties ratified (see glossary):

CRC, ILO 138, ILO 182

There were no reports of under-18s serving in the Moroccan armed forces.

Context

Claims for control of Western Sahara continued to be made by Morocco and – as the independent Sahrawi Arab Democratic Republic – the Polisario Front, although more than 15 years of armed conflict had ended with the UN-sponsored ceasefire of 1991. The UN Mission for the Referendum in Western Sahara (MINURSO) remained in Western Sahara but did not resolve the stalemate in holding a referendum on the control of the territory.

Armed Islamist groups, active in Morocco since the early 1990s, included grassroots organizations such as *al-Salafiya al-Jihadiya* (Islamic Combatant Group), *al-Sirat al-Mustaqim* (the Straight Path) and *al-Takfir wa-al-Hijra* (Excommunication and Self-Exile). Members of such groups were accused of involvement in bombings within and outside Morocco, notably in Casablanca in May 2003 in which 42 people died and in Madrid in March 2004, killing 191. In October 2003 two individuals arrested on terrorism charges in Morocco were under 16 and a third was 18 at the time of arrest.¹ In April 2004, 15 Moroccan nationals were arrested in Spain and five more declared wanted by the Spanish authorities. The Spanish government said its investigations were focused on *al-Salafiya al-Jihadiya*.²

Government

National recruitment legislation and practice

There was no evidence of underage recruitment into the Moroccan armed forces. The 1996 constitution states that "All citizens shall contribute to the defence of the Country" (Article 16).³ Eighteen years was established as the minimum age for voluntary recruitment in the

armed forces by the Royal Decree of 9 June 1966.⁴ In its 2003 report to the UN Committee on the Rights of the Child, the government said that the compulsory recruitment age had been raised from 18 to 20.⁵ Although national service was in theory compulsory for all males, except those who qualified for exemption, not all were called up. The majority of recruits were believed to be volunteers. Large numbers volunteered, and only one in 60 was admitted. Recruits could opt to perform a two-year civilian service in government departments instead of military service.⁶

Military training and military schools

There were two military schools in Morocco, in Kenitra and Meknes.⁷ Students who attended military schools did so voluntarily and those aged under 18 followed the same national curriculum as in ordinary state schools.⁸

Armed political groups in Western Sahara

The Polisario Front said that recruitment into its armed forces, the People's Liberation Army, was voluntary and that the minimum age, including for military training, was 18.⁹ In February 2001, a journalist reported seeing two teenagers sorting out ammunition for their 23mm self-propelled gun in a Polisario camp.¹⁰ Morocco reported to the Committee on the Rights of the Child that over 1,000 children were sent for military training to Cuba or recruited in the Polisario camps.¹¹ However, these reports were not verified or corroborated by independent sources.

Other developments

International standards

When Morocco ratified the Optional Protocol on 22 May 2002, it declared that "the minimum age required by national law for voluntary recruitment in the armed forces is 18 years" and that it had raised the minimum age for conscription to 20.¹²

As a member of the African Union, the Sahrawi Arab Democratic Republic (Western Sahara) supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. The Common Position was presented to the Special Session of the UN General Assembly on Children on 8 May 2002.¹³

1 *Jaridat al-Ahdath al-Maghribiyyah* (Moroccan Arabic daily newspaper), "The case of Salafiya al-Jihadiya: the beginning of the investigation of 30 prisoners from the Sidi Mumin and Diwar al-Sakwila districts of Casablanca" (translation of article title), 24 October 2003.

- 2 Maria Jesus Prades, "Spain Frees 3 Arrested in Madrid Bombings", AP, 2 April 2004; Xinhuanet, "Spain blames Madrid bombings on Moroccan extremist group", 31 March 2004.
- 3 1996 constitution, http://www.mincom.gov.ma/english/generalities/state_st/constitution.htm.
- 4 Report of Morocco to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.1, 19 August 1995, <http://www.ohchr.org>.
- 5 Second periodic report of Morocco to UN Committee on the Rights of the Child, UN Doc. CRC/C/93/Add.3, 12 February 2003.
- 6 B. Horeman B. and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>.
- 7 Information from Coalition member, 19 March 2004.
- 8 Report of Morocco to UN Committee on the Rights of the Child, 19 August 1995, op. cit.
- 9 Communication from Acting Representative of the Polisario Front to the United Kingdom (UK) and Ireland, 23 February 2004.
- 10 Rory Carroll, "Saharan rebels stranded in camps", *The Guardian* (UK), 7 February 2001.
- 11 Second periodic report of Morocco to UN Committee on the Rights of the Child, op. cit.
- 12 Declaration on ratifying Optional Protocol in May 2002, Declarations and Reservations to the Optional Protocol, <http://www.ohchr.org>.
- 13 The African Common Position as Africa's contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.

OCCUPIED PALESTINIAN TERRITORIES

Occupied Palestinian Territories

Population: 3.4 million (1.8 million under 18)

Government armed forces: 161,500 (Israeli Defence Force); 29,000 (Palestinian Authority security forces)

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18 (security forces)

Voting age: 18

Treaties ratified: not applicable

Treaties supported: CRC, Optional Protocol

Israeli occupying forces allegedly used torture and other forms of coercion to recruit Palestinian children as informants. In the Occupied Palestinian Territories and in Israel, the Israeli forces detained Palestinian children under military provisions that failed to meet international standards for the treatment of prisoners and for juvenile justice. The Palestinian Authority reportedly recruited under-18s into its security forces for tasks not involving the use of weapons. Palestinian armed groups involved children in fighting and suicide bombings.

Context

Israel continued its military occupation of the Palestinian territories of East Jerusalem, the West Bank and Gaza Strip. The Palestinian Authority maintained restricted administrative control of the Gaza Strip and parts of the West Bank.

Violence increased following the renewal of the Palestinian *intifada* (uprising) in September 2000, as the Israeli armed forces cracked down on Palestinian armed groups. Children suffered not only as victims of armed attacks by the Israeli forces but also from the soaring unemployment, poverty and loss of government services inflicted by severe restrictions on movement inside and outside the Occupied Territories.

Between September 2000 and April 2004, over 520 children were among more than 2,800 Palestinians, most of them bystanders, killed in the Occupied Territories by Israeli forces, either at checkpoints, during attacks on suspected activists or in response to stone-throwing or demonstrations.¹ Suicide bombings and attacks by Palestinian armed groups in Israel and the Occupied Territories killed nearly 670 Israeli civilians in the same period, 104 of them children.²

Israeli security forces

Child recruitment and use

The Israeli intelligence services (*Shabak*) continually seek to recruit children as informants. A field survey with former child detainees conducted in 2003 by Defence For Children International-Palestine Section (DCI-PS), estimated that 60 per cent of the children interviewed, some of them are as young as 12, were reported to have been tortured or subjected to other forms of coercion or inducement in an attempt to make them cooperate.³ By late 2003 in Gaza alone there were on average 40 attempts to recruit minors every month. In January 2004, a 17 year old was arrested at the Rafah crossing between Gaza and Israel, questioned about his and his family's political affiliations, and reportedly beaten and threatened until he agreed to inform on his family. After his release, he handed himself over to the security forces of the Palestinian Authority. Travel or work permits may be offered in exchange for information. In February 2004 a 16 year old was detained on his way to work through the Erez checkpoint and, when he refused to be an informant, was photographed being hugged by an intelligence officer. He later agreed to cooperate after he was threatened with publication of the photo, but was subsequently arrested by the security forces of the Palestinian Authority.⁴

The Israeli armed forces were reported to have used children as human shields. On 22 April 2004 soldiers reportedly made a 13-year old boy sit for four hours on the front of their armed jeep, with his arm tied to the windshield, to stop stones being thrown at them by demonstrators protesting at the building of the separation wall in Biddo.⁵

Detention and killing of Palestinian children

Despite its commitment to uphold the UN Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict, Israel failed to meet its obligations under these treaties to provide special protection for children in armed conflicts. In the Occupied Territories, Israeli forces operate under a series of military orders that require minors over the age of 16 to be treated as adults. Military Order No. 132, as re-issued in 1999, permits the arrest of Palestinian children as young as 12 by Israeli forces.⁶ Children suspected of offences in connection with the *intifada*, such as stone-throwing, are often arrested at their homes at night, and subjected to interrogation methods inappropriate to their age and physical or mental state.⁷ They are frequently denied access to legal representation and translators.⁸

Children attested to physical and psychological torture in detention.⁹ M.S., aged 17, was arrested at 5am on 2 October 2003 when soldiers stormed and ransacked his home in Hebron. At the police station in the Israeli settlement of Kiryat 'Arba, he was allegedly beaten severely as he climbed the stairs, receiving injuries to his face and leg. He said he was then assaulted by a group of soldiers who shouted and screamed at him, accusing him of being a member of an armed group, planning a suicide operation and throwing a Molotov cocktail.¹⁰

The Israeli armed forces frequently failed to distinguish between civilian and military targets, resulting in a high number of child casualties. The Israeli authorities said that most children were killed while actively engaged in combat.¹¹ Detailed documentation indicates that the majority of deaths did not occur in demonstrations or in armed combat.¹²

Palestinian authority

National recruitment legislation and practice

Under Palestinian Authority law, there is no universal conscription. The Civil Service Law requires all government employees to be over 18 (Article 24), and the law on firearms prohibits the use of guns by under-21s (Article 5).¹³

A draft Child Rights Charter, which had its second reading in 2003, states that "it is forbidden to recruit or use children in military actions or military conflicts and the state should take the necessary procedures to guarantee [this]" (Article 46).¹⁴ It also requires that legal investigations are opened into cases of children who have been recruited and exploited in armed operations, and that those responsible are brought to justice under fair procedures.¹⁵

Children in the state school system did not receive military training.¹⁶

Child recruitment and deployment

The Palestinian Authority denied reports that children as young as 16 were recruited into unarmed posts in its security forces, including the Presidential Guard (Force 17) and the police.¹⁷ Unconfirmed reports indicated that the security forces used children as intelligence agents.¹⁸

The capacity of the Palestinian Authority to prevent the recruitment and use of children by armed political groups was limited by the Israeli armed forces' repeated attacks on it, including the bombardment and destruction of the President's headquarters in 2002.¹⁹

Alleged collaborators

Children accused of being recruited as informants by the Israeli authorities were at serious risk. On

5 February 2002, shortly after death sentences were passed on two 17 year olds, Khaled Kamel and Jihad Kamel, by the State Security Court in Jenin for the killing of a member of the Palestinian Authority security services, armed men entered the court and shot dead both boys. They had been accused of collaborating with the Israeli authorities.²⁰

Armed political groups

There was no evidence of systematic recruitment of children by Palestinian armed groups, which all publicly opposed the use of children in combat. However, children receive military training and are used as messengers and couriers, and in some cases as fighters and suicide bombers in attacks on Israeli soldiers and civilians.²¹ All the main political groups involve children in this way, including *Fatah*, *Hamas*, *Islamic Jihad* and the Popular Front for the Liberation of Palestine.²²

At least nine children carried out suicide attacks in Israel and the Occupied Territories between October 2000 and March 2004.²³ Palestinian non-governmental groups documented the deaths of 30 children actively involved in organized military action from September 2000 to March 2004.²⁴ Most of the deaths occurred as a result of accidents with explosives or during armed clashes with Israeli troops.

Testimony from child members of armed groups suggests that they were recruited voluntarily and that children in the most difficult social and economic circumstances were often the most eager to participate.²⁵ In a handful of cases, it was alleged that children were tricked into involvement or unwittingly used in attacks.²⁶ Armed groups reportedly supplied locally made explosives to children. At least three children died and four were injured in Gaza in early 2004 while using homemade explosives.²⁷

Fatah condemned the use of children in suicide operations on a number of occasions. However, its military wing, the *al-Aqsa* Martyrs Brigade, was implicated in at least four such operations, by Ayat al-Akhras, aged 17, in Jerusalem in March 2002; Issa Abedrabbo Ibrahim Badir, aged 17, in Rishon LeZion in May 2002; 16-year-old Sabih Abu al-Saoud in March 2003; and 17-year-old Islam Qteishat in Rosh Ha'ayin in August 2003.²⁸ *Al-Aqsa* and *Islamic Jihad* also allegedly supported an attempted attack on an Israeli town by three 13- to 15-year-old boys from Tubbas in March 2004.²⁹

Islamic Jihad said it did not support the use of children in armed operations.³⁰ In April 2002 it stated, "We refuse any encouragement given to young people that might drive them to act alone or be pushed by others into action. They are not ready and not able to do so".³¹ Yet *Islamic Jihad* armed at least three suicide bombings, by 17-year-old Safwat Abdel Rahman, in Tel-Aviv on

25 January 2002; Hamza Aref Samudi, aged 17, on 5 June 2002 near Mejiddo junction; and 17-year old Iyad al-Masri in January 2004.³²

Hamas called for an end to the use of children in armed attacks and suicide missions on a number of occasions.³³ In April 2002 *Hamas* called on imams “to mention this issue in their sermons” and on educators “to address this issue without sacrificing the enthusiasm or spirit of martyrdom of our youth”.³⁴ However, in March 2003 *Hamas* leader Abd al-Aziz al-Rantisi, who was killed by Israeli forces on 17 April 2004, declared, “If a boy is 16, he is a man. He is a *mujahed*, a holy warrior, engaged in *jihad*”.³⁵ The *Hamas* armed forces, the *Izz al-Din al-Qassam* Brigades, were implicated in several attacks by under-18s, including a suicide bombing by 17-year-old Khamis Gerwan near Ariel in August 2003.³⁶ Several 16- to 18-year-olds were killed in attacks on Israeli settlements that allegedly had *Hamas* backing.³⁷ *Hamas* claimed responsibility for attacks by children as young as 15.³⁸

The Popular Front for the Liberation of Palestine claimed responsibility for a suicide attack in Netanya in May 2002 by 17-year-old Usama Bishkar, its only attack known to have involved a minor.³⁹

Disarmament, demobilization and reintegration (DDR)

Nearly all children in the West Bank and Gaza Strip were negatively affected by the conflict. A study carried out by the Gaza Community Mental Health Programme in 2002 found that 55 per cent of children had developed symptoms of acute post-traumatic stress disorder; 97 per cent had witnessed shootings; and 23 per cent had seen family members killed or injured.⁴⁰ There were few specific psychosocial rehabilitation programs for children who had direct experience of conflict. Most programs focused on financial support or vocational training for children who had been imprisoned by the Israeli authorities.⁴¹ A number of psychosocial programs targeted the general effects of witnessing violence and conflict at close hand.⁴²

Other developments

In May 2002 the Palestinian Authority addressed the UN Special Session on Children in support of the Optional Protocol.⁴³ In 2004, it reaffirmed its opposition to the use of children in hostilities.⁴⁴ The Palestinian Authority condemned the use of under-18s on a number of occasions as well as the targeting of civilians and minors by all sides. “Our children should have hope and a future and should not be suicide bombers. We want them to be doctors and engineers”, said Palestinian Minister Saeb Erekat in February 2004.⁴⁵

- 1 Palestine Red Crescent Society, <http://www.palestinercs.org>; Defence for Children International-Palestine Section (DCI-PS), <http://www.dci-pal.org>.
- 2 Israeli Defence Force (IDF), <http://www1.idf.il>; B'Tselem, http://www.btselem.org/English/Statistics/AL_Aqsa_Fatalities_Tables.asp.
- 3 Information from DCI-PS, 13 April 2004.
- 4 Information from al-Mezan Center for Human Rights (Mezan), 29 February 2004.
- 5 Organisation Mondiale Contre la Torture, *Seven children killed and one boy used as human shield by Israeli forces*, 29 April 2004.
- 6 Child Soldiers Coalition, 1379 Report, November 2002.
- 7 Legal submission by DCI-Israel to Israeli authorities, 28 February 2003.
- 8 Catherine Cook, Adam Hanieh, Adah Kay, *Stolen youth: The politics of Israel's detention of Palestinian children*, Pluto Press, 2004.
- 9 DCI-PS, *Arrest and detention: A measure of first resort for Palestinian children*, 30 May 2003.
- 10 DCI-PS, *Child Prisoner Briefing No. 20*, 3 November 2003.
- 11 UN High Commissioner for Human Rights, “Israel presents initial report to the CRC on its compliance with the convention”, 3 October 2002.
- 12 DCI-PS, Breakdown of Palestinian child deaths.
- 13 Communication from the Palestinian High Council for Childhood and Motherhood, 21 March 2004.
- 14 Information from DCI-PS, March 2004.
- 15 Information from DCI-PS, April 2004.
- 16 Information from DCI-PS, March 2004.
- 17 Information from DCI-PS, March 2004; communication from the Palestinian High Council for Childhood and Motherhood, op. cit.
- 18 Information from Child Soldiers Coalition member in Gaza, 29 February 2004.
- 19 Information from the Gaza Community Mental Health Programme (GCMHP), March 2004 and Mezan, 11 March 2004.
- 20 Palestinian Human Rights Monitoring Group (PHRMG), *Suspected collaborators killed in the street*, <http://www.phrmg.org>, February 2002.
- 21 Information from Child Soldiers Coalition members, March 2004.
- 22 Information from PHRMG, March 2004.
- 23 Various PHRMG, DCI-PS, media reports.
- 24 Information from DCI-PS and Mezan, 11 March 2004.
- 25 DCI-PS documentation, 2002-2003.
- 26 See, for example, Ali Daraghmeh, “‘Militants’ Recruit Boy, 15, As Bomber”, AP, 30 March 2004.
- 27 Information from Mezan, 29 February 2004.
- 28 Chris McGreal, “Suicide attacks in Israel test road map to peace”, *The Guardian* (UK), 13 August 2003.
- 29 AFP, “Israeli police arrest three Palestinian teens en route to shooting”, 29 February 2004.

- 30 Islamic *Jihad*, "Protect our children from being killed", 26 April 2002, cited in Human Rights Watch (HRW), *Erased in a moment*, October 2002.
- 31 Information from Al-Hayat, 31 March 2004.
- 32 Information from PHRMG and DCI-PS, March 2004; Chris McGreal, "Bomber's family hits out at Islamic Jihad", *The Guardian*, 16 January 2004.
- 33 *Islam Online*, "Rantisi urges Palestinian children not to attack settlements", 14 January 2003, <http://www.UmmahNews.com>.
- 34 Cited in HRW, *Erased in a moment*, op. cit.
- 35 Anton Antonowicz, "Rantisi to Mirror Man: You're the Terrorist", *Daily Mirror* (UK), 25 March 2004.
- 36 Information from PHRMG, March 2004.
- 37 Information from DCI-PS, March 2004.
- 38 Mu'tasim Abu al-Hassan, aged 15, cited at Ezzedeen.net, http://www.ezzedeen.net/shohada/2004/01_2004/moatasem_hasan/moatasem_hasan.htm.
- 39 Popular Front for the Liberation of Palestine, <http://www.pflp-palestine.org/martyrs.php>.
- 40 GCMHP, *First GCMHP Study on the Psychosocial Effects of Al-Aqsa Intifada: Significant increase in mental disorders and symptoms of PTSD among children and women*, 2002.
- 41 Information from DCI-PS, March 2004.
- 42 Various reports by Save the Children, Terre des Hommes, Young Men's Christian Association (YMCA) and DCI-PS.
- 43 Statement of the Observer Delegation of Palestine on the occasion of the Special Session of the General Assembly on Children, 9 May 2002, <http://www.un.org/ga/children/palestineE.htm>.
- 44 Communication from the Palestinian High Council for Childhood and Motherhood, op. cit.
- 45 Ali Daraghme, "Palestinians Outraged by Recruiting of Children for Attacks on Israelis", AP, 29 February 2004.

OMAN

Sultanate of Oman

Population: 2.8 million (1.2 million under 18)

Government armed forces: 41,700

Compulsory recruitment age: no conscription

Voluntary recruitment age: 18

Voting age: 21

Optional Protocol: not signed

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 182

There was no evidence of under-18s in government armed forces. In at least one school, children received military training from the age of 14.

Context

There has been no armed conflict in Oman since the Dhofar rebellion, which ended in 1975.

Government

National recruitment legislation and practice

The Basic Law of Oman states that "No organization or group is allowed to establish military or paramilitary forces. The Law regulates military services, general or partial mobilization and the rights, duties and disciplinary rules of the armed forces, the public security organizations and any other forces the state decides to establish" (Article 14).¹ Conscription has not existed in Oman since its independence in 1970. Voluntary recruits to the armed forces are accepted between the ages of 18 and 30.²

Military training and military schools

Military training is offered to children in at least one school. Students at the al-Sahwa School in Grades 9 and 10, aged between 14 and 16, were trained in marching, parading and rifle shooting under the supervision and instruction of the Royal Oman Police.³

Developments

On 5 April 2004 the government issued a royal decree approving Oman's ratification of the Optional Protocol.⁴ However, the protocol had not been signed by Oman as of March 2004.⁵

1 Basic Law, 1996 (Arabic, Coalition translation), UNDP Programme on Governance in the Arab Region, <http://www.undp-pogar.org/resources/country/constitution.html#oman>.

- 2 Helen Chapin Metz, Country Study, Federal Research Division, Library of Congress, 1987; Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Rädda Barnen (Save the Children – Sweden), Stockholm, 1998.
- 3 Al-Sahwa Schools, <http://www.alsahwaschools.edu.om/BoysSch.htm>.
- 4 “His Majesty Sultan Qaboos has issued two royal decrees”, *Oman Observer*, 6 April 2004.
- 5 Data as of March 2004, <http://untreaty.un.org> (subscription required).

QATAR

State of Qatar

Population: 601,000 (187,000 under 18)
Government armed forces: 12,400 (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 18
Voting age: 18
Optional Protocol: acceded 25 July 2002
Other treaties ratified (see glossary):
 CRC, GC AP I, ILO 182

There were no reports of under-18s being used in Qatar.

Context

Qatar hosted US forces during and after the US-led occupation of Iraq in 2003.

Government

National recruitment legislation and practice

Qatar's constitution, which was approved in a public referendum in April 2003, states that “Defending the country is the duty of all citizens” (Article 53).¹ However, military service is not compulsory. The minimum age for voluntary recruitment is 18 years.² There were no indications that under-18s served in the armed forces.

Developments

International standards

Qatar acceded to the Optional Protocol on 25 July 2002. On accession, it declared “that recruitment to its armed forces and other regular forces is voluntary and is for those who have attained the age of 18 years” and affirmed that “its national legislation makes no provision for any form of compulsory or coercive recruitment”.³

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- 1 Permanent Constitution of Qatar, English translation published by Ministry of Foreign Affairs, <http://english.mofa.gov.qa>.
 - 2 Declaration of Qatar on acceding to the Optional Protocol, 25 July 2002, <http://www.ohchr.org>.
 - 3 Declaration of Qatar, op. cit.

SAUDI ARABIA

Kingdom of Saudi Arabia

Population: 23.5 million (10.6 million under 18)
Government armed forces: 124,500 plus 75,000 National Guard (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 18
Voting age: not applicable
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 182

There was no evidence of the use of under-18s.

Context

Armed groups carried out bomb attacks in connection with the presence of US and western forces in the region. In 2003 the USA moved the bulk of its forces, stationed in Saudi Arabia since the 1991 Gulf war, to Qatar.

Government

National recruitment legislation and practice

According to the constitution, "The defence of the Islamic religion, society, and country is a duty for each citizen" (Article 34). There is no conscription and the armed forces are made up of volunteers.¹ Saudi Arabia reported to the UN Committee on the Rights of the Child that "The minimum age for enrolment in the armed forces is 18 years, when recruits start training and do not normally participate in military operations until the training courses have been completed".²

Increasing the size of the armed forces appeared to be a priority. On several occasions, government officials said that conscription would be introduced. In early 2003, the Interior Minister said that "If circumstances make compulsory conscription essential, then we will resort to it. All citizens are ready to serve their country".³

To augment its armed forces, Saudi Arabia used foreign recruits, although less so since a process of "Saudization" which accelerated from the late 1990s. A large Pakistani component of the armed forces expelled in the late 1980s had not been replaced, although Egyptian nationals may have been employed to address the shortage.⁴

In addition to the regular armed forces is the Saudi Arabia National Guard, which is under the control of the head of state, rather than the Ministry of Defence. It takes recruits primarily from tribes loyal to the ruling family, although the source for potential recruits has been widened to

meet the demands for a larger force.⁵ In 2003, its strength was estimated at around 70,000.⁶

According to the government, there are no militias, and safeguards exist, including in military codes and articles, to ensure that under-18s are not recruited into the armed forces.⁷

Military training and military schools

Military training begins at the age of 18, and recruits are regarded "as students and not military subjects in the armed forces".⁸ Training takes place at four military schools: the King Abdul Aziz Military Academy, the King Fahd Airforce Academy, the Chief of Staffs Academy and the King Fahd Security Academy.

Members of the Saudi Arabia National Guard receive training at the King Khaled Military Academy and from the US-based Vinnell Corporation.⁹

Armed political groups

Armed opposition was manifested in several bombings, often of western targets. Responsibility for the attacks was attributed to indigenous armed opposition groups, such as the Islamic Movement for Change, or to groups linked to external forces such as *Hizbollah* or *al-Qaeda*. There was no evidence of the involvement of under-18s with these groups.

- 1 Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Rädda Barnen (Save the Children – Sweden), Stockholm, 1998.
- 2 Initial report of Saudi Arabia to UN Committee on the Rights of the Child, UN Doc. CRC/C/61/Add.2, 29 March 2000, <http://www.ohchr.org>.
- 3 Saudi Arabia Information Resource, <http://www.saudinf.com>.
- 4 Anthony Cordesman, "Saudi Military Leadership, Organization, and Manpower", *Saudi Arabia Enters the 21st Century: The Military and Internal Security Dimension* (draft document), Center for Strategic and International Studies, Washington, October 2002.
- 5 Global Security.org, "Saudi Arabia National Guard", <http://www.globalsecurity.org>.
- 6 "Firm was 'cover for CIA'", *The Times* (London), 14 May 2003, <http://www.timesonline.co.uk>.
- 7 Correspondence from Royal Embassy of Saudi Arabia, London, 22 April 2004.
- 8 Correspondence from Royal Embassy of Saudi Arabia, op. cit.
- 9 Global Security.org, op. cit.

SUDAN

Republic of the Sudan

Population: 32.9 million (15.1 million under 18)

Government armed forces: 104,000 (estimate)

Compulsory recruitment age: 17 (regular armed forces), 16 (paramilitary forces), no minimum age (reserve forces)

Voluntary recruitment age: no minimum age (regular armed forces), 16 (paramilitary forces)

Voting age: 17

Optional Protocol: signed 9 May 2002

Other treaties ratified (see glossary):

Government: CRC, ILO 138, ILO 182; by signing the Operation Lifeline Sudan (OLS) ground rules, the Sudan People's Liberation Movement/Army (SPLM/A) agreed to abide by the CRC¹

Government, government-allied militias and armed opposition groups used child soldiers extensively, including in the conflict in the western province of Darfur. There were an estimated 17,000 children in the forces of the government, allied militias and opposition armed groups, and between 2,500 and 5,000 in the opposition Sudan People's Liberation Army (SPLA). The SPLA claimed to have demobilized over 16,000 children, however, re-recruitment of children continued to take place in the SPLA-held territories.

Context

Efforts continued towards ending the civil war that has killed an estimated two million people and displaced more than 4.5 million, most of them in the south, over more than 20 years. In July 2002 the government and the Sudan People's Liberation Army (SPLA), the main insurgent group, signed the Machakos Protocol, aimed at reaching a peace settlement. In October 2002 they agreed a ceasefire, bringing relative peace to southern Sudan, although violence resumed in Western Upper Nile. In February 2003 a memorandum of understanding reaffirmed their commitment to a ceasefire. Negotiations on a peace accord continued in early 2004.

However, fighting continued between militia groups in the south and the SPLA. About 25 government-aligned militias operated in the south, most of them as part of the South Sudan Defence Forces (SSDF), created in 1997 from a breakaway SPLA faction.² Another armed group, the former Sudan People's Democratic Front/Defence Forces (SPDF), accepted government support from 2000.

In addition, long-standing inter-ethnic conflict between agro-pastoralist African Fur, Zaghawa and Masalit tribes and nomadic Arab communities in Darfur, western Sudan, intensified from the beginning of 2003, displacing 700,000 inhabitants. In February 2003 the Darfur Liberation Front, renamed the Sudan Liberation Movement/Army (SLM/A), and the Justice and Equality Movement (JEM) took up arms against the government and its allied militias. They accused the government of failing to protect their communities and marginalizing the region. Fighting in Darfur continued in 2004.

Government and allied forces

National recruitment legislation

The 1998 constitution provides for conscription: "Every citizen shall defend the country and respond to the call for national defence and national service" (Article 35). Under the National Service Law of 1992, all men between 18 and 33 years old are liable for military service. Military service is for 24 months, or 18 months for high school graduates and 12 months for university and college graduates. To obtain a secondary school certificate, a requirement to enter university, boys aged from 17 to 19 were obliged to do between 12 and 18 months compulsory military service under a 1997 Decree which was actively enforced up to 2003.³

According to the People's Armed Forces Act of 1986, all those who are fit and healthy and capable of bearing arms are regarded as a reserve force and may be called upon to serve in the armed forces whenever the need arises (Article 10). They may also be required to undergo military training.⁴

The government Popular Defence Forces (PDF), established as a paramilitary force in 1989 by the Popular Defence Forces Act, are allowed to recruit 16 year olds. Although Sudan reported to the UN Committee on the Rights of the Child that enlistment in the PDF is voluntary, forced recruitment has allegedly occurred.⁵

Child recruitment and deployment

Both the government and government-backed militias recruited child soldiers in the north and the south. Recruitment took place predominantly in Western and Southern Upper Nile, Eastern Equatoria and the Nuba Mountains. An estimated 17,000 children remained in government, SPLA and militia forces in 2004.⁶

Southern Sudanese children living in oil regions and the slums of Khartoum were allegedly recruited by government and southern government-backed militia forces, trained in military camps, forced to defend oilfields in Western Upper Nile and, in some cases, made to attack their own or neighbouring communities.⁷ Child soldiers were forcibly recruited by the

paramilitary PDF and by government-backed militias.⁸ The former SPDF was believed to have at least 3,500 children within its ranks in 2002.⁹ In March 2003 forced recruitment of children, mostly by militias allied to the government, was reported around Bentiu in Unity State.¹⁰

In Darfur, children as young as 14 were observed serving with government armed forces and police. Children also fought with the government-supported *Janjaweed* militias, which reportedly abducted children as young as nine from their villages.¹³ In July 2002 a Special Court in southern Darfur sentenced to death two children, aged 14 at the time of their arrest, who had been charged with murder and other crimes in connection with ethnic clashes in Al-Tabet, southern Darfur.¹⁴ In April 2003, a Special Court sentenced a 15-year-old boy to death for taking part in a raid on a village by a nomadic armed group in southern Darfur. The sentence was subsequently commuted to 25 lashes.¹⁵

Armed political and other groups

The SPLA and other armed groups in the south reportedly continued to recruit child soldiers. From 2001, over 16,000 children were demobilized by the SPLA, against an estimated 600 girls.¹⁶ There remained, however, between 2,500 and 5,000 children in the SPLA.¹⁷

Reports indicated that the SPLA frequently recruited and re-recruited child soldiers. According to children formerly associated with the SPLA, between 400 and 500 boys and girls were being trained in SPLA military camps around Rumbek in February 2004.¹⁸ Re-recruitment into the SPLA continued to take place well into 2004, especially in Western Upper Nile and Equatoria.¹⁹ There were also reports that the SPLA used children in areas under its control in northeastern Democratic Republic of the Congo.²⁰

Militias supported by the SPLA recruited children in the southern provinces. Tribal groups not allied to government or armed opposition groups also recruited young children to

participate in raids against their neighbours.²¹ In Darfur, all armed groups, including the opposition groups JEM and SLA/M, were reported to use child soldiers.²²

Armed forces and groups from neighbouring countries

The Ugandan armed group, the Lord's Resistance Army (LRA), was estimated to hold captive 6,000 Ugandan and Sudanese children in government controlled territory in southern Sudan.²³ In 2001 the government of Sudan, a long-time supporter of the LRA, pledged to seek the release of the abducted children. In November 2002 the Ugandan government accused the Sudanese government of resuming support for the LRA.²⁴

There were frequent reports throughout 2004 of fighting between the LRA and the SPLA and militias in southern Sudan. The militias accused the LRA of looting food and stealing cattle.²⁵ Reports in March 2004 indicated that dozens of children fighting with LRA were killed or captured by the SPLA and the Equatoria Defence Force (EDF), a militia group formerly allied to the LRA and the Sudanese government, in southern Sudan. Children captured were allegedly handed over to the Uganda People's Defence Forces (UPDF) inside Sudan territory. No information was available about where these children were taken afterwards.²⁶

Disarmament, demobilization and reintegration (DDR)

The first phase of demobilization of child soldiers in areas controlled by the Sudan People's Liberation Movement (SPLM), the political wing of the SPLA, began in 2001 when UNICEF airlifted 3,551 children from northern Bahr al-Ghazal to Rumbek, in southern Bahr al-Ghazal, for fear of attacks. Most of the demobilized children were returned by UNICEF to Bahr al-Ghazal six months later.²⁷ There was suspicion that some of the children were not child soldiers but had merely sought educational opportunities.²⁸

A second phase started in 2002. The SPLA claimed that over 12,000 children had been allegedly demobilized by early 2004.²⁹ The program was implemented by a child soldiers task force within the SPLM, with financial support by UNICEF until early 2004. However, no provision was made for interim care, rehabilitation or follow-up to ensure that children were reintegrated within their communities, and non-combatant boys and girls associated with the SPLA were not included in the program.³⁰

The peace negotiations between the Sudanese government and the SPLM did not cover the demobilization of child soldiers by their respective allied militias.³¹ No official

DDR program was in place for child soldiers in government forces or armed groups other than the SPLA.

Other developments

As a member of the African Union, Sudan supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. The Common Position was presented to the Special Session of the UN General Assembly on Children on 8 May 2002.³² In its statement to the Special Session, Sudan announced that it had signed the Optional Protocol and called for the cooperation of the international community in ending the suffering of children exploited as soldiers and “human shields” by “extremist movements” and “illegal groups” in Sudan.³³

* see glossary for information about internet sources

- 1 Information from UNICEF-OLS, Nairobi, February 2004.
- 2 IRIN, “Paramilitary forces attack aid workers in the south”, 22 February 2004.
- 3 “Prosecuting A Murderous Regime”, *Sudanese Human Rights Quarterly*, Issue No. 15, June 2003.
- 4 Periodic report of Sudan to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.17, 6 December 2001, <http://www.ohchr.org>.
- 5 Information from Coalition member in Khartoum, March 2004.
- 6 Information from UNICEF in Rumbek, southern Sudan, February 2004.
- 7 Watchlist on Children and Armed Conflict, *Sudan Report*, March 2003.
- 8 Child Soldiers Coalition, *Child soldier use 2003*, January 2004.
- 9 Interagency NGO document, *Key to Peace*, May 2002.
- 10 Amnesty International (AI), *Sudan: Preliminary conclusions of Amnesty International's mission*, 31 January 2003, <http://web.amnesty.org/library/engindex>.
- 11 UN Commission on Human Rights, The situation of human rights in Sudan, UN Doc. E/CN.4/2003/L.35, 11 April 2003, <http://www.ohchr.org>.
- 12 UN Special Rapporteur on Sudan, statement to UN Commission on Human Rights, April 2003.
- 13 Confidential source, 13 March 2004; AI, *Sudan: Killings, abductions of children and arbitrary detention in Darfur*, 7 January 2004.
- 14 AI, *Sudan: Two children from Darfur face execution*, February 2004.
- 15 AI, Further information on Urgent Action 117/03, 20 November 2003.
- 16 Information from UNICEF in Malual Akon, southern Sudan, February 2004.
- 17 Information from UNICEF in Nihai, southern Sudan, February 2004.
- 18 Coalition members and testimonies collected in Rumbek, February 2004.
- 19 Confidential source in Southern Sudan, March 2004.
- 20 Coalition member in the Democratic Republic of the Congo, September 2003.
- 21 Coalition partner, June 2003.
- 22 Confidential source, 13 March 2004.
- 23 Coalition member in southern Sudan, February 2004.
- 24 Watchlist on Children and Armed Conflict, op. cit.
- 25 Security personnel, OLS, February 2004.
- 26 Confidential source in Southern Sudan, March 2004.
- 27 Coalition members in Rumbek, February 2004.
- 28 Several sources in Rumbek, February 2004; Human Rights Watch, March 2004.
- 29 Member of the SPLM child soldiers' demobilization task force, February 2004.
- 30 Coalition members working in Sudan, Nairobi, February 2004.
- 31 Representative of the United Kingdom (UK) Foreign Office, Eastern Africa interagency meeting on disarmament, demobilization and reintegration (DDR), Nairobi, 4 February 2004.
- 32 The African Common Position as Africa's contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.
- 33 Statement by Minister for Social Welfare and Development of Sudan (in Arabic), <http://www.un.org/ga/children/statements/SudanA.htm>.

SYRIA

Syrian Arab Republic

Population: 17.4 million (8.0 million under 18)

Government armed forces: 319,000 (estimate)

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 17 October 2003

Other treaties ratified (see glossary):

CRC, GC AP I, ILO 138, ILO 182

There were no reports that under-18s were used by government armed forces. Military education for under-18s was being phased out. Political armed groups were not reported to have recruited children but available information was limited.

Context

Syria was formally at war with Israel, which occupied the Golan Heights in 1967, although fighting between Israeli and Syrian forces took place mostly on Lebanese territory until the Israeli withdrawal from southern Lebanon in 2000. Syria continued to maintain around 18,000 troops in Lebanon, and backed *Hizbollah* and some secular Palestinian groups in their conflict with Israel. In July 2003, troops were redeployed back to Syria, the fourth such redeployment in three years.¹

Syria continued operating under the state of emergency declared in 1963, which severely curtailed human rights and freedoms. Although the government under President Bashar al-Assad increasingly engaged with the international community and promoted political and economic reforms, continuing large-scale political imprisonment and other human rights violations, including the repression of Kurdish opposition in the north in early 2004, marred progress in other fields, including child rights.

Government

National recruitment legislation and practice

Conscription is compulsory for all Syrian males under the Constitution (Article 40).² Under the Service of the Flag Law, Decree no. 115 of 5 October 1953, the minimum age for conscription is the “first day of January in the year in which a Syrian citizen reaches 19”.³ Men must register for the draft at the age of 18. Military service is for 30 months and reserve duty is obligatory up to the age of 45.

Exemptions are available, including for students and only sons, or for reasons of health.⁴

Voluntary recruitment is open to men and women over 18.

Syria supported the “straight-18” position, and stated that “the statutes in force and the legislation applicable to the Ministry of Defence of the Syrian Arab Republic do not permit any person under 18 ... to join the active armed forces or the reserve bodies or formations”.⁵

There were no reported instances of under-18s serving in the armed forces or other state security organizations.

Military training and military schools

For 30 years Ba’athist military education, including civil defence training, was compulsory in state schools. On 17 March 2003 the Ba’ath party formally resolved to replace military education with extra-curricular activities such as computer training and summer camps for older children (Resolution 381/31). It was unclear whether military training for minors would continue at summer camps. In April 2003 military-style khaki school uniforms were replaced with pink and blue uniforms. On 1 October 2003 the Ministry of Education ordered the cancellation of all military education (Circular 2997/543), and the Office of Military Education was replaced with an Office of Sport.⁶

Training schools for conscripts include three officer schools – the Military Academy at Homs, the Naval Academy at Latakia, and the Air Force Academy near Aleppo – and an institution for reserve officers in Aleppo.⁷

Armed political groups

Syria hosts members of armed opposition groups from the Occupied Palestinian Territories, Egypt, Iraq and other countries, but keeps a tight rein on their activities. Only the Palestinian groups, including *Hamas*, *Islamic Jihad* and the Popular Front for the Liberation of Palestine, have a sizeable popular constituency in Syria, in ten official and three unofficial refugee camps housing over 130,000 people.⁸ Some of them, including *Islamic Jihad* and the Popular Front for the Liberation of Palestine, are reported to run training camps in Syria.⁹ It was not possible to ascertain whether under-18s were involved.

Other developments

In December 2003 Syria held a workshop jointly with Jordan and Lebanon on the Concluding Observations of the UN Committee on the Rights of the Child on Syria’s report to the Committee of October 2002.¹⁰ It also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and signed the Rome Statute of the International Criminal Court.

The government highlighted its position on child soldiers in the official newspaper, *al-Thawra*, in August 2003.¹¹ At the international level, it spoke out in support of the wider implementation of child rights legislation, including the Optional Protocols.

- 1 Al-Jazeera, "Syria redeploys troops in Lebanon", 16 July 2003, <http://english.aljazeera.net; GlobalSecurity.org, http://www.globalsecurity.org/military/world/syria/army.htm>.
- 2 Constitution, http://www.moi-syria.com/politic_a.html.
- 3 Information from Syrian Ambassador to the UN, 17 March 2004.
- 4 Information from Syrian Coalition member, 29 January 2004.
- 5 Declaration by Syria on accession to the Optional Protocol, <http://www.ohchr.org>.
- 6 Information from Syrian Coalition member, 9 February 2004; information from Syrian Ambassador to the UN, op. cit.; AP, "Syria cancels military education for elementary and high schools", 22 May 2003.
- 7 Syria Military Training, <http://www.exploitx.com/Syria-Military-Training-cg.php>.
- 8 UN Relief and Works Agency for Palestine Refugees in the Near East (UNWRA), <http://www.un.org/unrwa/refugees/syria.html>.
- 9 BBC News online, "Israel hits Palestinian 'Camp' in Syria", 5 October 2003, <http://news.bbc.co.uk>.
- 10 Tomader Fateh, "Workshop on the implementation of Concluding Observations of the Committee on the Rights of the Child", *Syria Times*, 23 December 2003.
- 11 Maisa'a Al-Jurdi, "The Optional Protocol of CRC is a giant step to achieve further protection for the Children of the World", *al-Thawra*, 20 August 2003.

TUNISIA

Republic of Tunisia

Population: 9.7 million (3.4 million under 18)
Government armed forces: 35,000 (estimate)
Compulsory recruitment age: 20
Voluntary recruitment age: 18
Voting age: 20
Optional Protocol: ratified 2 January 2003
Other treaties ratified (see glossary):
 CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s serving in the armed forces.

Context

Tunisia was not involved in armed conflict. *Al-Qaeda* claimed responsibility for a bomb attack on the island of Djerba in April 2002. Tunisia participated in UN peacekeeping operations in the Democratic Republic of the Congo, Ethiopia and Eritrea, Côte d'Ivoire and Kosovo.¹

Government

National recruitment legislation and practice

The constitution states that "the defence of the country and the integrity of its territory is a sacred duty of every citizen" (Article 15). Under Law No. 89-51 of 14 March 1989, recruitment into the armed forces is compulsory for all citizens once they have attained the age of 20, except if they have a medically certified impediment. Volunteers over the age of 18 may be recruited with the consent of their legal guardian.² After training, conscripts may be deployed in the armed forces, or in non-military national service, for example in civil service administration.³

National service is for 12 months, and recruits subsequently belong to the reserve forces for a period of 24 years.⁴ From the beginning of 2003, women were required to perform military service.⁵ There were no indications of under-18s in the armed forces.⁶

The Child Protection Code, adopted in 1995, affirms the protection of children under international law and prohibits their involvement in armed conflicts (Article 18), and forbids the use of children to commit crimes, including acts of violence and terror (Article 19).⁷

Military training and military schools

Recruits between the ages of 18 and 23 may be admitted into military schools.⁸ Those under 20, the age of majority, require the consent of their

legal guardian, and their first year counts towards the fulfilment of military service obligations.⁹

Other developments

Tunisia ratified the Optional Protocol on 2 January 2003.

As a member of the African Union, Tunisia supported the Common African Position, agreed at the Pan-African Forum for Children in Cairo in May 2001. The document included provisions to stop children, defined as anyone under the age of 18, being used as soldiers and to protect former child soldiers. The Common Position was presented to the Special Session of the UN General Assembly on Children on 8 May 2002.¹⁰

- 1 Tunisian government response to Child Soldiers Coalition request for information, received 20 April 2004.
- 2 Tunisian government, op. cit.
- 3 Law No. 89-51 of 14 March 1989, Articles 1 and 27; Declaration of Tunisia on ratifying the Optional Protocol, 2 January 2003, <http://www.ohchr.org>.
- 4 Tunisian Ambassador to the UN, Geneva, correspondence of 11 January 1999; *Operational Guidance Note: Tunisia*, Immigration and Nationality Directorate, United Kingdom Home Office, 1 July 2001, <http://www.ind.homeoffice.gov.uk>.
- 5 Al-Jazeera, "al-Mar'ah wa al-Amal al-Askari fi al-Alam al-Arabi" [Women and military work in the Arab world], 17 January 2003, <http://www.aljazeera.net/programs/ladies/articles/2003/1/1-17-1.htm>.
- 6 Coalition member in Tunisia, 11 March 2004.
- 7 Code de la protection de l'enfant (1995), <http://www.jurisetunisie.com/tunisie/codes/cde/menu.html>.
- 8 Tunisian government, op. cit.
- 9 Declaration of Tunisia on ratifying the Optional Protocol, op. cit.
- 10 The African Common Position as Africa's contribution to the special session of the General Assembly on children: Declaration, Pan-African Forum on the Future of Children, Africa Fit for Children, Egypt, 28-31 May 2001, in UN Doc. A/S-27/13, 16 April 2002, <http://www.unicef.org/specialsession/documentation/documents/A-S27-13E.pdf>.

UNITED ARAB EMIRATES

United Arab Emirates

Population: 2.9 million (0.9 million under 18)
Government armed forces: 50,500 (estimate)
Compulsory recruitment age: no conscription
Voluntary recruitment age: 18 for officers and women, unknown for others
Voting age: not applicable
Optional Protocol: not signed
Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 138, ILO 182

There were no reports of under-18s serving in the United Arab Emirates (UAE) armed forces. However, there was limited information available on the minimum age for voluntary recruitment and the rules of secondment for expatriates. Children between 15 and 18 years old received military training at school.

Context

The UAE was not involved in military conflict. Its armed forces took part in peacekeeping operations around the world.

Government

National recruitment legislation and practice

The constitution states that "defence of the union is a sacred duty for every citizen" (Article 43).¹ There is no conscription. Expatriates, many of them from other countries in the region or from Pakistan, comprised some 30 percent of the armed forces.² The officer corps was composed almost exclusively of UAE nationals.³ No information about voluntary recruitment was provided in the UAE's report to the UN Committee on the Rights of the Child in October 2001.

In April 2003 the Federal National Council, the UAE's legislative body, approved a draft law on the recruitment of UAE nationals as armed forces officers. The law set the minimum age for recruitment at 18 and required officer recruits to be graduates of UAE or other recognized military educational institutions.⁴ The minimum age for recruitment to other ranks remained unclear. Expatriate officers, governed by rules of secondment or contracts, were not subject to this law.⁵

The government encouraged women to join the UAE military.⁶ Recruitment was open to

women between the ages of 18 and 28 if they had completed middle school. Following enrolment, they undertook a basic training course lasting six months.⁷

Military training and military schools

Military education is part of the secondary school curriculum for students aged from 15 to 18. It aims at “inculcating values of patriotism, self-denial and readiness to defend one’s country in students and thus motivate them to take up military careers”.⁸

- 1 Interim Constitution (Arabic, Coalition translation), <http://www.uae.gov.ae/moca/dostur/updates/updates.html>.
- 2 Anthony Cordesman, *The Military Balance in the Middle East: Assessing the Balance, Total Forces, Military Expenditures and Arms Transfers*, Center for Strategic and International Studies, Washington, 19 February 2004.
- 3 *Background Note: United Arab Emirates*, US State Department, November 2003, <http://www.state.gov/r/pa/ei/bgn/5444.htm>
- 4 Nissar Hoath, “FNC approves draft defence law on recruitment of officers”, Gulf News Online, 9 April 2003.
- 5 Nada Mussallam, “FNC discusses draft law on armed forces recruitment”, *Khaleej Times*, 26 March 2003.
- 6 *United Arab Emirates – Women in Public Life*, UNDP Programme on Governance in the Arab Region, <http://www.undp-pogar.org/countries/uae/gender.html>.
- 7 Adrienne A.R. Brooks, “Women in the Emirati Military: Spearhead of Change”, *Military Review*, Command and General Staff College, Fort Leavenworth, Kansas, March-April 2002, <http://www.cgsc.army.mil>.
- 8 “Accession Day Feature: UAE Armed Forces”, posted 2 August 2003, Ministry of Information and Culture, <http://uaeinteract.com>; International Association of Universities, *UAE Education System*, <http://www.unesco.org/iau/cd-data/ae.rtf>.

YEMEN

Republic of Yemen

Population: 19.3 million (10.8 million under 18)

Government armed forces: 66,700

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Optional Protocol: not signed

Other treaties ratified (see glossary):
CRC, GC AP I and II, ILO 138, ILO 182

There were reports that children were recruited into the armed forces. There were reports of under-18s being recruited and used by tribal groups.

Context

The US government provided military training and support to the Yemen security forces as part of the “war on terror” that followed the 11 September 2001 attacks in the USA. The Yemeni authorities launched a military campaign against armed groups held responsible for kidnappings, assassinations and sabotage in recent years and allegedly backed by foreign forces accused of links with *al-Qaeda*. Hundreds of suspected Islamists were detained without charge or trial for long periods. Fighting took place between government forces and tribal militias. Outside cities, armed tribal conflicts largely escaped government control.

Government

National recruitment legislation and practice

The constitution makes no direct reference to conscription, but states, “The law shall regulate general mobilization which shall be announced by the chairman of the Presidential Council following the approval of the House of Representatives” (Article 23). However, in practice, military service is compulsory. All men from the age of 18 to 30 are liable for military service for between one and two years.¹ Draft evasion and underage recruitment were reported to remain common as a result of disorganized conscription and an irregular system of registering births.²

The representative for Yemen told the UN General Assembly Special Session on Children in May 2002 that Yemen was against the use and exploitation of children as child soldiers.³

Military training and military schools

There are four military schools, for the training of officers only. From 2002 special forces training was provided by up to 100 US military trainers and advisers at a base in Yemen.⁴

Armed political groups

Islamist groups were accused of responsibility for acts of violence, including kidnappings, assassinations and sabotage, but information about the size and composition of such groups and their activities was very limited. In 2004 the purported leader of one such group, the Aden-Abyan Army, denied that it had ever existed, while the authorities said it had ceased operating after the 1999 execution of its then leader.⁵ It was not known whether children served as soldiers in these groups.

The tribes enjoy considerable autonomy from central government, including in the armed enforcement of tribal norms. They resort to kidnapping for the purposes of extortion, for example to extract economic concessions from the government. Firearms are widely available, with small arms in Yemen estimated at between six and nine million.⁶ The risk of children being involved in tribal conflict increased with the proliferation of firearms and the ease with which they could be obtained. One study found that, while only men had the right to carry and own weapons, the age at which boys were given their own gun ranged from as young as 10 to 16, varying from region to region. In the north, boys often owned or carried fully automatic assault rifles from the age of 15.⁷

- 1 The question of conscientious objection to military service, Report of the UN Secretary-General to the UN Commission on Human Rights, UN Doc. E/CN.4/1997/99, 16 January 1997, <http://www.ohchr.org>.
- 2 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscript and Conscientious Objection to Military Service*, War Resisters International, London, 1998, <http://www.wri-irg.org/co/rtba>; Confidential source, March 2004.
- 3 Statement, 8 May 2002, <http://www.un.org/ga/children/yemenA.pdf>.
- 4 BBC Online, "US military advisers heading for Yemen", 2 March 2002, and "Yemen's new anti-terror strategy", 16 December 2003, <http://news.bbc.co.uk>.
- 5 AFP "Aden-Abyan Islamic Army Does Not Exist — Abdennabi", 8 February 2004, accessed via <http://www.arabnews.com>.
- 6 *Development Denied: Small Arms Survey 2003*, Graduate Institute of International Studies, Geneva, 2003, <http://www.smallarmssurvey.org>.
- 7 Derek B. Miller, *Demand, Stockpiles, and Social Controls: Small Arms in Yemen*, Occasional Paper No. 9, Small Arms Survey, Geneva, May 2003.



Taliban child soldiers, Afghanistan

© Sebastian Rich, 2002

Summary of selected international treaties

The Coalition promotes the adoption and implementation of international legal standards protecting children from recruitment or use as soldiers. The following is a summary of the main regional and international legal standards relating to child soldiers:

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: This was adopted by the UN General Assembly on 25 May 2000 and entered into force on 12 February 2002. The protocol sets 18 as the minimum age for direct participation in hostilities, for recruitment into armed groups, and for compulsory recruitment by governments. States may accept volunteers from the age of 16 but must deposit a binding declaration at the time of ratification or accession, setting out their minimum voluntary recruitment age and outlining certain safeguards for such recruitment (for full text see page 329).

Rome Statute of the International Criminal Court (1998): This establishes a permanent court to try persons charged with committing war crimes, crimes against humanity, and genocide. In its definition of war crimes the statute includes “conscripting or enlisting children under the age of fifteen years into national armed forces or using them to participate actively in hostilities” (Article 8(2)(b)(xxvi)); and in the case of an internal armed conflict, “conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities” (Article 8(2)(e)(vii)).

When drafting the treaty, delegates agreed that the terms “using” and “participate” would prohibit not only children’s direct participation in combat, but also their active participation in military activities linked to combat such as scouting, spying, sabotage, and the use of children as decoys, couriers, or at military checkpoints. Also prohibited is the use of children in “direct” support functions such as carrying supplies to the front line. The statute also defines sexual slavery as a crime against humanity (Article 7(1)(g)). The treaty came into force and the court came into being on 1 July 2002.

ILO Minimum Age Convention 138: This convention was adopted on 26 June 1973 and came into force on 19 June 1976. States ratifying the convention are bound to:

pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons (Article 1).

ILO Worst Forms of Child Labour Convention 182: This convention was adopted on 16 June 1999 and came into force on 19 November 2000. It commits each state which ratifies it to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency”. The term “child” applies to all persons under the age of 18 years and the worst forms of child labour include:

all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Article 3a).

Additional Protocols to the four Geneva Conventions of 1949 (1977): The protocols set 15 as the minimum age for recruitment or use in armed conflict. This minimum standard applies to all parties, both governmental and non-governmental, in both international and internal armed conflict.

Article 77 of Additional Protocol I, applicable to international armed conflicts, states:

The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict shall endeavour to give priority to those who are oldest (Paragraph 2).

If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war (Paragraph 3).

Article 4(c) of the Additional Protocol II, applicable to non-international armed conflicts, states:

Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.

Convention on the Rights of the Child (1989): Although the Convention on the Rights of the Child generally defines a child as any person under the age of 18, Article 38 uses the lower age of 15 as the minimum for recruitment or participation in armed conflict. This language is drawn from the two Additional Protocols to the four Geneva Conventions of 1949.

Article 38 states that:

States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities (Paragraph 2).

States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest (Paragraph 3).

African Charter on the Rights and Welfare of the Child: The charter is the only regional treaty in the world which addresses the issue of child soldiers. It was adopted by the Organization of African States (OAU, now the African Union) and came into force in November 1999. It defines a child as anyone below 18 years of age without exception. It also states that: “States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child” (Article 22.2).

The **UN Security Council** has passed a series of resolutions condemning the recruitment and use of children in hostilities. These are resolutions 1261 (1999), 1314 (2000) 1379 (2001), 1460 (2003) and 1539 (2004) on children and armed conflict. UN Resolutions can be found at http://www.un.org/Docs/sc/unsc_resolutions.html.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Adopted and opened for signature, ratification and accession by General Assembly resolution

A/RES/54/263 of 25 May 2000

entered into force on 12 February 2002

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
 - (a) Such recruitment is genuinely voluntary;
 - (b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
 - (c) Such persons are fully informed of the duties involved in such military service;
 - (d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, *inter alia*, through a voluntary fund established in accordance with the rules of the General Assembly.

Article 8

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.



Hours after their release from the armed opposition group, the Tamil Tigers, girls play sports at a transit centre for child soldiers in Kilinochchi, Sri Lanka.

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Child Soldiers 2004: Data Summary

Definitions

Government Forces data adapted from *The Military Balance*, International Institute for Strategic Studies, Oxford University Press, 2004, except where indicated

Population data adapted from *The State of the World's Children*, UNICEF, 2004, pp. 102-105 and 122-125, except where indicated

- ± estimated figure
- I indicated recruitment or use of child soldiers
- P possible recruitment or use of child soldiers
- N no reported recruitment or use of child soldiers
- L legal possibility of recruitment or use of child soldiers in cases with no reported practice, but with a legal minimum recruitment age below 18
- B insufficient birth registration made it possible that under-18s may have been recruited or used as child soldiers
- n/a not applicable
- * with parental consent
- State is party to the treaty through ratification, accession or succession
- State has signed treaty
- State has not signed treaty

(Footnotes to the chart appear on pages 352 and 353)

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Afghanistan	6,000	22,930,000	11,437,000	N	I
Albania	±22,000	3,141,000	1,069,000	N	n/a
Algeria	±127,500	31,266,000	12,652,000	N	P
Andorra	none	69,000	13,000	n/a	n/a
Angola	±131,000	13,184,000	7,128,000	I	N
Antigua and Barbuda	170	73,000	25,000	N	n/a
Argentina	71,400	37,981,000	12,326,000	N	n/a
Armenia	44,660	3,072,000	845,000	P	n/a
Australia	53,650	19,544,000	4,747,000	I	n/a
Austria	±34,600	8,111,000	1,604,000	I	n/a
Azerbaijan	66,490	8,297,000	3,024,000	L	NKR: no data
Bahamas	860	310,000	108,000	N	n/a
Bahrain	11,200	709,000	241,000	I	n/a
Bangladesh	125,500	143,809,000	64,736,000	I	no data
Barbados	610	269,000	66,000	L	n/a
Belarus	72,940	9,940,000	2,208,000	L	n/a
Belgium	40,800	10,296,000	2,136,000	N	n/a
Belize	±1,050	251,000	113,000	N	n/a
Benin	±4,550	6,558,000	3,463,000	N	n/a
Bhutan	6,000 ⁶	2,190,000	1,065,000	N	N
Bolivia	31,500	8,645,000	3,922,000	P	n/a
Bosnia and Herzegovina	Federation ±13,200 Rep. Srpska ±6,600	4,126,000	924,000	N	n/a

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
none	22	●	●	○	○	○
19	18	○	●	●	●	●
19	no data	○	●	●	●	●
n/a	n/a	●	●	○	○	○
20	18 (men) 20 (women)	○	●	●	●	○
none	18	○	●	●	●	●
none	18	●	●	●	●	●
18	18	●	●	○	●	●
none	17	●	●	○	●	●
18	17*	●	●	●	●	●
18	17 (training only)	●	○	●	○	○
none	no data	○	●	●	●	●
none	17	○	●	●	●	●
none	16	●	●	●	●	●
none	under-18*	○	●	●	●	●
18	17	○	○	●	●	●
conscription suspended	18	●	●	●	●	●
not specified	18	●	●	●	●	●
21	21	●	●	●	●	●
none	18	○	○	○	○	○
18	15 (preliminary service)	○	●	●	●	●
18	18	●	●	●	●	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Botswana	9,000	1,770,000	834,000	B	n/a
Brazil	287,600	176,257,000	60,616,000	L	n/a
Brunei Darussalam	7,000	350,000	126,000	L	n/a
Bulgaria	51,000	7,965,000	1,498,000	N	n/a
Burkina Faso	10,800	12,624,000	7,058,000	N	P
Burundi	50,500	6,602,000	3,604,000	I	I
Cambodia	±125,000	13,810,000	6,949,000	N	n/a
Cameroon	±23,100	15,729,000	7,768,000	L	n/a
Canada	52,300	31,271,000	6,998,000	I	n/a
Cape Verde	±1,200	454,000	216,000	L	n/a
Central African Republic	±2,550	3,819,000	1,902,000	P / B	P
Chad	±30,350	8,348,000	4,443,000	I	I
Chile	77,300	15,613,000	5,152,000	L	n/a
China	±2,250,000	1,294,867,000	373,266,000	L	no data
Colombia	±200,000	43,526,000	16,504,000	N ⁷	I
Comoros	no data	706,000 ⁶	no data	no data	P
Congo, Democratic Republic of the	±97,800	51,201,000	27,467,000	I	I
Congo, Republic of	±10,000	3,633,000	1,943,000	P	I
Cook Islands	none	18,000	8,000	n/a	n/a
Costa Rica	none	4,094,000	1,501,000	n/a	n/a
Côte d'Ivoire	±17,050	16,365,000	8,062,000	I	I
Croatia	20,800	4,439,000	921,000	N	n/a
Cuba	±46,000	11,271,000	2,787,000	I	n/a
Cyprus⁸	10,000	796,000	215,000	L	n/a

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
none	18	●	●	●	●	●
17	16*	●	●	●	●	●
none	17.5 (or younger)*	○	○	○	●	●
18	18	●	●	●	●	●
18 (no law)	20	●	●	●	●	●
16	16	●	●	●	●	●
18 (not practised)	18	●	●	○	●	●
none	under-18*	●	●	●	●	●
none	16	●	●	●	●	●
18	17*	●	●	●	●	●
18	18	○	●	●	●	●
20	under-18*	●	●	●	●	●
18	17 or 16 in some cases	●	●	●	●	●
18 (17 in Beijing)	no minimum age	●	○	●	●	●
18	18	●	●	○	●	●
none	no data	○	●	●	●	●
none	18	●	●	●	●	●
none	18	○	●	●	●	●
n/a	n/a	○	○	○	●	●
n/a	n/a	●	●	●	●	●
18	18	○	●	●	●	●
18	none	●	●	●	●	●
17	no data	●	○	○	●	●
18	17 (not confirmed)	○	●	●	●	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Czech Republic	57,050	10,246,000	1,989,000	N	n/a
Denmark	22,880	5,351,000	1,159,000	N	n/a
Djibouti	±9,850	693,000	343,000	N	n/a
Dominica	none	72,000 ⁶	no data	n/a	n/a
Dominican Republic	24,500	8,616,000	3,359,000	L	n/a
Ecuador	59,500	12,810,000	5,056,000	N	N ⁹
Egypt	450,000	70,507,000	29,670,000	N ¹⁰	n/a
El Salvador	15,500	6,415,000	2,636,000	L	n/a
Equatorial Guinea	1,320	481,000	241,000	no data	n/a
Eritrea	±202,200	3,991,000	2,090,000	I	no data
Estonia	5,510	1,338,000	288,000	P	n/a
Ethiopia	162,500	68,961,000	36,134,000	B	no data
Fiji	±3,500	831,000	322,000	N	n/a
Finland	27,000	5,197,000	1,119,000	N	n/a
France	259,050	59,850,000	13,500,000	L	n/a
Gabon	±4,700	1,306,000	623,000	N	n/a
Gambia	800	1,388,000	654,000	N	n/a
Georgia	17,500	5,177,000	1,247,000	no data	no data
Germany	284,500	82,414,000	15,406,000	I	n/a
Ghana	7,000	20,471,000	9,679,000	N	P
Greece	177,600	10,970,000	1,996,000	N	n/a
Grenada	none	99,700 ⁶	no data	n/a	n/a
Guatemala	±31,400	12,036,000	6,005,000	N	n/a
Guinea	9,700	8,359,000	4,235,000	P	I

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
18	18	●	●	●	●	●
18	18	●	●	●	●	●
none	18	○	●	○	●	●
n/a	18 (security forces)	●	●	●	●	●
none	16	●	●	●	●	●
18	no data	●	●	●	●	●
18	16	○	●	●	●	●
18	16*	●	○	●	●	●
no data	no data	○	○	●	●	●
18	18	○	●	○	○	○
18	18	●	●	●	●	●
18	18	○	○	●	●	●
none	18	○	●	●	○	○
18	18	●	●	●	●	●
conscription suspended	17*	●	●	●	●	●
none	20	●	●	●	●	●
none	18	●	●	●	●	●
18	18	○	●	●	●	●
18	17*	●	●	●	●	●
none	18	●	●	●	●	●
18	18	●	●	●	●	●
n/a	18 (security forces)	○	○	●	●	●
18	18	●	○	●	●	●
18 (not practised)	18	○	●	●	●	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Guinea-Bissau	±9,250	1,449,000	774,000	L	n/a
Guyana	±1,600	764,000	274,000	N	n/a
Haiti	none	8,218,000	3,854,000	n/a	P
Holy See	±100	1,000	no data	N	n/a
Honduras	12,000	6,781,000	3,223,000	N	n/a
Hungary	33,400	9,923,000	1,989,000	L	n/a
Iceland	none	287,000	79,000	n/a	n/a
India	1,325,000	1,049,549,000	413,623,000	L	I
Indonesia	±302,000	217,131,000	78,108,000	N ⁷	I
Iran, Islamic Republic of	±540,000	68,070,000	27,823,000	I	I
Iraq	389,000	24,510,000	11,804,000	N	I
Ireland	±10,460	3,911,000	1,009,000	I	n/a
Israel	±167,600	6,304,000	2,082,000	L ⁷	I
Italy	200,000	57,482,000	9,845,000	L	n/a
Jamaica	±2,830	2,627,000	971,000	L	N
Japan	±239,900	127,478,000	22,406,000	N	n/a
Jordan	±100,500	5,329,000	2,375,000	L	no data
Kazakhstan	65,800	15,469,000	4,974,000	N	N
Kenya	24,120	31,540,000	15,771,000	B	N
Kiribati	none	87,000	36,000	n/a	n/a
Korea, Democratic People's Republic of	±1,082,000	22,541,000	6,998,000	L	n/a
Korea, Republic of	686,000	47,430,000	11,723,000	L	n/a
Kuwait	15,500	2,443,000	743,000	N	n/a

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
18	16*	☐	☐	○	●	●
none	18	○	☐	●	●	●
n/a	n/a	☐	☐	○	○	○
none	19	●	○	○	●	●
none	18	●	●	●	●	●
18	17*	☐	●	●	●	●
none	none	●	●	●	●	●
none	16	○	○	○	○	○
18	18	☐	○	●	○	○
19	16	○	☐	●	○	○
none	18	○	○	●	○	○
none	17 (16 for apprentices)	●	●	●	●	●
18	17	☐	☐	○	○	○
18	17*	●	●	●	●	●
none	17.5* (training only)	●	☐	●	●	●
none	18	●	○	●	○	○
conscription suspended	17	☐	●	●	●	●
18	19 (17 training only)	●	○	●	●	●
none	18	●	☐	●	●	●
n/a	n/a	○	○	○	○	○
17 or 18 unclear	17 (unclear)	○	○	○	●	○
19	17	☐	●	●	●	●
unclear	18	○	☐	●	●	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Kyrgyzstan	10,900	5,067,000	1,986,000	L	no data
Lao People's Democratic Republic	±29,100	5,529,000	2,695,000	L	I
Latvia	4,880	2,329,000	497,000	N	n/a
Lebanon	72,100	3,596,000	1,280,000	N	P
Lesotho	±2,000	1,800,000	860,000	B	n/a
Liberia	±15,000	3,239,000	1,732,000	I	I
Libya	76,000	5,445,000	2,111,000	L	n/a
Liechtenstein	none	33,000 ⁶	no data	n/a	n/a
Lithuania	12,700	3,465,000	828,000	N	n/a
Luxembourg	900	447,000	100,000	I	n/a
Macedonia, the former Yugoslav Republic of	12,850	2,046,000	548,000	N	n/a
Madagascar	±13,500	16,916,000	8,638,000	B	n/a
Malawi	5,300	11,871,000	6,232,000	L / B	N
Malaysia	104,000	23,965,000	9,344,000	L	n/a
Maldives	none	309,000	155,000	L	n/a
Mali	±7,350	12,623,000	7,099,000	N	n/a
Malta	2,140	393,000	93,000	L	n/a
Marshall Islands	none	52,000	22,000	n/a	n/a
Mauritania	no data	2,807,000	1,390,000	L	n/a
Mauritius	none	1,210,000	363,000	n/a	n/a
Mexico	192,770	101,965,000	39,808,000	L	no data
Micronesia, Federated States of	none	108,000	51,000	n/a	n/a
Moldova, Republic of	6,910	4,270,000	1,153,000	N	no data

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
18	17 (training only)	●	●	●	●	●
not practised	no data	○	○	○	●	●
19	18	●	●	○	●	●
18	18	●	○	●	●	●
none	18	●	●	●	●	●
none	16	○	●	●	●	●
18	17	○	○	●	●	●
none	none	●	●	○	●	●
19	18	●	●	●	●	●
none	17	●	●	●	●	●
19	18	●	●	●	●	●
no data	no data	●	●	●	●	●
none	under 18*	●	●	●	●	●
none	17	○	○	●	○	○
n/a	16 (security forces)	●	○	○	●	●
18	18	●	●	●	●	●
none	17.5*	●	●	●	●	●
n/a	n/a	○	●	○	○	○
no data	16*	○	○	●	●	●
none	18 (security forces)	●	●	●	●	●
18	16* (training only)	●	●	●	●	○
n/a	n/a	●	○	○	●	●
18	17 (officer trainees only)	●	●	●	●	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Monaco	none	32,000	no data	n/a	n/a
Mongolia	8,600	2,559,000	1,033,000	N	n/a
Morocco/ W Sahara	196,300	30,072,000	11,517,000	N	P
Mozambique	8,200	18,537,000	9,397,000	B	n/a
Myanmar	±380,000	48,852,000	18,728,000	I	I
Namibia	9,000	1,961,000	974,000	N	no data
Nauru	none	13,000	5,000	n/a	n/a
Nepal	63,000	24,609,000	11,504,000	N ⁷	I
Netherlands	53,130	16,067,000	3,529,000	I	n/a
New Zealand	8,610	3,846,000	1,040,000	I	n/a
Nicaragua	±14,000	5,335,000	2,609,000	no data	n/a
Niger	5,300	11,544,000	6,535,000	no data	n/a
Nigeria	78,500	120,911,000	62,226,000	N	P
Niue	none	2,000	1,000	n/a	n/a
Norway	26,600	4,514,000	1,055,000	N	n/a
Occupied Palestinian Territories	none	3,433,000	1,809,000	n/a	I
Oman	41,700	2,768,000	1,199,000	N	n/a
Pakistan	620,000	149,911,000	72,286,000	N	I
Palau	none	20,000	8,000	n/a	n/a
Panama	none	3,064,000	1,132,000	n/a	n/a ⁹
Papua New Guinea	±3,100	5,586,000	2,659,000	L / B	n/a
Paraguay	18,600	5,740,000	2,617,000	I	n/a
Peru	100,000	26,767,000	10,648,000	P	n/a
Philippines	106,000	78,580,000	33,913,000	N ⁷	I

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
none	21 (security forces)	●	◐	○	●	●
18	18	◐	●	●	●	●
20	18	●	◐	●	○	○
18	18	○	◐	●	●	●
none	18	○	○	○	○	○
none	18	●	●	●	●	●
n/a	n/a	◐	●	○	○	○
none	18 (training from 15)	◐	○	●	○	○
conscription suspended	17	◐	●	●	●	●
none	17	●	●	●	●	●
none	no data	○	○	●	●	●
no data	no data	○	●	●	●	●
none	18	◐	●	●	●	●
n/a	n/a	○	○	○	○	○
18	18	●	●	●	●	●
n/a	18 (security forces)	n/a	n/a	n/a	n/a	n/a
none	18	○	◐	●	●	●
none	18 (technical services 16)	◐	○	●	○	○
n/a	n/a	○	○	○	●	●
n/a	n/a	●	●	●	●	●
none	16*	○	○	●	○	○
18	16	●	●	●	●	●
none	18	●	●	●	●	●
none	18 (17 training)	●	◐	●	○	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
Poland	163,000	38,622,000	8,833,000	L	n/a
Portugal	44,900	10,049,000	2,021,000	N	n/a
Qatar	±12,400	601,000	187,000	N	n/a
Romania	97,200	22,387,000	4,834,000	N	n/a
Russian Federation	±960,600	144,082,000	31,004,000	P	I
Rwanda	±51,000	8,272,000	4,327,000	I	I
Saint Kitts and Nevis	no data	42,000	14,000	N	n/a
Saint Lucia	none	156,000 ⁶	no data	n/a	n/a
Saint Vincent and the Grenadines	none	118,000 ⁶	no data	n/a	n/a
Samoa	none	176,000	83,000	n/a	n/a
San Marino	no data	27,000	5,000	L	n/a
Sao Tome and Principe	no data	157,000	75,000	L	N
Saudi Arabia	±124,500	23,520,000	10,583,000	N	N
Senegal	13,620	9,855,000	4,970,000	N	no data
Serbia and Montenegro¹¹	74,200	10,535,000	2,513,000	L	N
Seychelles	450	80,000	42,000	L	n/a
Sierra Leone	±14,000	4,764,000	2,408,000	L	P
Singapore	72,500	4,183,000	1,046,000	L	n/a
Slovakia	22,000	5,398,000	1,248,000	N	n/a
Slovenia	6,550	1,986,000	376,000	L	n/a
Solomon Islands	none	463,000	230,000	n/a	P
Somalia	TNG: no data Somaliland Republic: ±12,900; Puntland: ±19,000	9,480,000	5,170,000	TNG: I	I

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
18	17	●	●	●	●	●
18 (conscription being phased out)	18	●	●	●	●	●
none	18	●	○	●	●	○
20	18	●	●	●	●	●
18	18 (16 training only)	●	●	●	●	●
none	18	●	○	●	●	●
none	18	○	○	●	●	●
none	18	○	●	●	●	●
none	18	○	●	●	●	●
n/a	n/a	○	●	○	●	●
16 (not practised)	no data	●	●	●	●	●
18	17*	○	●	○	●	●
none	18	○	○	●	●	●
20	18	●	●	●	●	●
18	16	●	●	●	●	●
none	under-18*	●	●	●	●	●
none	17.5 or younger*	●	●	○	●	●
18	16.5	●	○	●	○	○
18 (conscription being phased out)	18	●	●	●	●	●
none	17	●	●	●	●	●
n/a	n/a	○	●	○	●	●
no data	no data	n/a	○	○	○	○

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
South Africa	55,750	44,759,000	17,833,000	N	N
Spain	150,700	40,977,000	7,216,000	N	no data
Sri Lanka	152,300	18,910,000	5,797,000	N	I
Sudan	±104,000	32,878,000	15,147,000	I	I
Suriname	±1,840	432,000	163,000	no data	n/a
Swaziland	no data	925,000 ⁶	no data	N	n/a
Sweden	27,600	8,867,000	1,908,000	N	n/a
Switzerland	±3,300	7,171,000	1,408,000	N	n/a
Syria	±319,000	17,381,000	7,979,000	N	no data
Taiwan	±290,000	22,406,000 ⁶	no data	N	n/a
Tajikistan	±6,000	6,195,000	2,770,000	P	N
Tanzania, United Republic of	±27,000	36,276,000	19,028,000	B	I
Thailand	±314,200	62,193,000	19,257,000	N	no data
Timor-Leste	650	739,000	358,000	N	n/a
Togo	±8,550	4,801,000	2,432,000	N	n/a
Tonga	no data	103,000	45,000	N	n/a
Trinidad and Tobago	±2,700	1,298,000	387,000	L	n/a
Tunisia	±35,000	9,728,000	3,409,000	N	n/a
Turkey	±514,850	70,318,000	25,840,000	N	N
Turkmenistan	±29,000	4,794,000	1,989,000	L	n/a
Tuvalu	none	10,000	4,000	n/a	n/a
Uganda	60,000	25,004,000	14,238,000	I	I
Ukraine	295,500	48,902,000	10,369,000	L	no data

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
none	18	●	●	●	●	●
conscription suspended	18	●	●	●	●	●
none	18	●	○	●	○	○
17 ¹²	no min. age ¹³	●	●	●	○	○
none	no data	●	○	○	●	●
none	18	○	○	●	●	●
18	18	●	●	●	●	●
19	18	●	●	●	●	●
18	18	●	●	●	●	○
18	no data	n/a	n/a	n/a	n/a	n/a
18	18	●	●	○	●	●
none	18	○	●	●	●	●
20	18	○	●	●	○	○
none	18	●	●	○	○	○
18	18	●	○	●	●	●
none	no data	○	○	○	●	●
none	16*	○	●	●	●	●
20	18	●	○	●	●	●
19	none	●	○	●	○	○
17	17	○	○	○	●	●
n/a	n/a	○	○	○	○	○
none	18	●	●	●	●	●
18	17 (officer trainees)	●	●	●	●	●

Countries and territories	Total active government forces	Total population (2002)	Under 18 population (2002)	Child soldiers in government forces	Child soldiers in armed political groups
United Arab Emirates	±50,500	2,937,000	901,000	N	n/a
United Kingdom of Great Britain and Northern Ireland	212,660	59,068,000	13,340,000	I	n/a
United States of America	1,427,000	291,038,000	75,441,000	I	n/a
Uruguay	24,000	3,391,000	988,000	N	n/a
Uzbekistan	±55,000	25,705,000	10,668,000	N	no data
Vanuatu	none	207,000	100,000	N	n/a
Venezuela	82,300	25,226,000	9,887,000	N	N ⁹
Viet Nam	±484,000	80,278,000	30,785,000	L	n/a
Yemen	66,700	19,315,000	10,779,000	N	P
Zambia	18,100	10,698,000	5,734,000	L / B	P
Zimbabwe	±29,000	12,835,000	6,561,000	I	n/a

- 1 Refers to minimum conscription age and minimum voluntary recruitment age in peacetime; recruitment ages may be lower in times of war or public emergency.
- 2 Adapted from *Status of Ratifications of International Human Rights Treaties*, Office of the UN High Commissioner for Human Rights, 9 June 2004, downloaded from Internet 12 July 2004, <http://www.unhchr.ch/pdf/report.pdf>; *Multilateral Treaties Deposited with the Secretary General – Treaty I-IV-21*, UN Treaty Collection, downloaded from Internet 2 September 2004, <http://untreaty.un.org> (subscription required).
- 3 Adapted from *State Parties to the International Criminal Court*, downloaded from Internet 3 September 2004, <http://www.icc-cpi.int/statesparties.html>.
- 4 Adapted from *Worst Forms of Child Labour Convention, 1999 (No. 182)*, International Labour Organization, downloaded from Internet 12 August 2004, <http://www.ilo.org> (Site map, ILO Conventions, Convention 182).
- 5 Adapted from *State Parties to the Geneva Conventions and their Additional Protocols*, International Committee of the Red Cross, downloaded from Internet 6 August 2004, <http://www.icrc.org>.

Legal minimum conscription age ¹	Legal min. voluntary recruitment age ¹	Optional Protocol ²	Rome Statute ³	ILO 182 ⁴	Geneva Conventions Additional Protocol I ⁵	Geneva Conventions Additional Protocol II ⁵
none	18 ¹⁴	○	●	●	●	●
none	16	●	●	●	●	●
18 (conscription not currently enforced)	17	●	●	●	○	○
none	18	●	●	●	●	●
18	18	○	●	○	●	●
n/a	n/a	○	○	○	●	●
18	18	●	●	○	●	●
unclear (not practised)	18	●	○	●	●	○
18	18	○	●	●	●	●
none	16*	○	●	●	●	●
18	18 or 16* ¹⁵	○	●	●	●	●

6 Adapted from *The Statesman's Yearbook 2004*, ed. Barry Turner, Palgrave Macmillan, 2003.

7 Government used children as informers or messengers or in other non-combat roles.

8 Additional Information: Turkish Republic of Northern Cyprus: Child Soldiers in Armed Forces: L; Child soldiers in armed political groups: n/a; Legal minimum conscription age: 19; Legal minimum voluntary recruitment age: 17. Signatures and ratifications: not applicable.

9 Reports of foreign armed groups recruiting in border areas of Ecuador, Panama and Venezuela.

10 Under-18s could volunteer for administrative work in the armed forces, but were not assigned to military training or combat operations.

11 Until February 2003: Federal Republic of Yugoslavia.

12 17 (regular armed forces); 16 (paramilitary forces); no minimum age (reserve forces).

13 No minimum age (regular armed forces); 16 (paramilitary forces).

14 18 for officers and women, unknown for others.

15 18 for the armed forces; 16 for national youth service training with parental consent.

Methodology, terms and definitions

Methodology

This report covers the period from April 2001 to March 2004 and the country entries refer to events occurring within this period. Some important developments relating to the recruitment and use of child soldiers between the end of March and the end of July 2004 are referred to in the report's introduction and regional overviews. Country ratifications of relevant international treaties are up to date as of 31 August 2004 and are included in the country data at the top of each entry, and in the global data summary chart.

Research for this report was carried out between January and June 2004. Information for the country entries was sought from a wide range of sources. These included governments, UN agencies and peacekeeping missions, other intergovernmental organizations, news media, academic sources, and human rights and humanitarian organizations. Information was also provided by Coalition members and partners and by local non-governmental organizations, journalists, lawyers, activists and others in many countries. Sources for the information contained in the country entries and the data summary chart are provided in footnotes. In some cases the identity of the source has been withheld and this is indicated in the relevant footnote. The names of child soldiers have been changed throughout this report.

Terms and definitions

Accession: Accession means formal consent by a state to be legally bound by a treaty – essentially a one-step process combining signature and ratification (see below) of a treaty. In most instances it requires action by the national parliament. States acceding to the Convention on the Rights of the Child or its optional protocols must deposit their instruments of accession with the UN Secretary-General.

Armed conflict: The term armed conflict is used to refer to both international and non-international conflicts of high and low intensity.

Armed forces: These generally refer to official government armed forces, including the army, navy and air force.

Armed groups and **armed political groups:** These terms are used to refer to non-state or irregular armed groups which use arms for political reasons. They include opposition forces, factional or tribal groups, armed groups belonging to ethnic or religious minorities and a range of other militia groups. These terms are also sometimes used to refer to armed groups (often paramilitaries or militias) which are backed by or allied to government forces but are not officially part of them.

Child: A child is any person under eighteen years of age. This is consistent with the Convention on the Rights of the Child (Article 1), the African Charter on the Rights and Welfare of the Child (Article 2), and International Labour Organization Convention No. 182 on the Worst Forms of Child Labour (Article 2). The Coalition also refers to “under-18s” in this report, generally when referring to children between the ages of 15 and 18.

Child soldier: While there is no precise definition, the Coalition considers a child soldier any person under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists. Child soldiers perform a range of tasks including: participation in combat, laying mines and explosives; scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour; and sexual slavery or other recruitment for sexual purposes.

DDR: A commonly-used abbreviation for disarmament, demobilization and reintegration (see below).

Demobilization: The formal and controlled discharge of soldiers from the army or from an armed group. In demobilizing children the objectives should be to verify the child's participation in armed conflict, to collect basic information to establish the child's identity for family tracing, to assess priority needs, and to provide the child with information about what is likely to happen next.

Disarmament: The collection of small arms and light and heavy weapons within a conflict zone. It frequently entails weapons collection, assembly of combatants and development of arms management programs, including their safe storage and sometimes their destruction. Because many child soldiers do not carry their own weapons, disarmament should not be a prerequisite for the demobilization and reintegration of child soldiers.

Internally displaced persons: People who have been forced to flee their homes for reasons such as armed conflict, generalized violence, human rights abuses or other disasters, and who have sought safety elsewhere in the same country.

Ratification: Ratification is the means by which governments consent to be legally bound by an international treaty. In most cases, ratification follows signature of the treaty and requires action by the national parliament. States ratifying the Convention on the Rights of the Child or its optional protocols must deposit their instruments of ratification with the UN Secretary-General.

Recruitment: The term “recruitment” refers to three different means by which people become members of armed forces or armed groups: compulsory, voluntary, and forcible (or forced). Compulsory recruitment is defined in national legislation and typically applies to conscripted members of official armed forces. Voluntary recruitment is usually regulated by law or policy and occurs without conscription or force. Forcible (or forced) recruitment entails the illegal use of force, 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 which mean they have little alternative to enlisting in an armed force or group. The Coalition opposes all forms of military recruitment or use of children under the age of eighteen.

Reintegration: A long-term process which aims to give children a viable alternative to their involvement in armed conflict and help them resume life in the community. Elements of reintegration include family reunification (or finding alternative care if reunification is impossible), providing education and training, devising appropriate strategies for economic and livelihood support and in some cases providing psycho-social support.

Signature: A state may sign an international treaty to indicate its preliminary and general endorsement of its aims but a signature is not a legally binding step or a firm commitment to proceed to the next, and final, step of ratification. Nevertheless, signing a treaty creates an obligation of good faith not to undermine the treaty's objectives.

“Straight-18”: The Coalition campaigns for governments to adopt and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in a manner which prohibits the military recruitment or use of all children below the age of 18 years without exception or reservation. This is called the “straight-18” position”.

Glossary and explanatory notes

Frequently used abbreviations

ACRWC	African Charter on the Rights and Welfare of the Child
AFP	Agence France-Presse
AI	Amnesty International
AP	Associated Press
AU	African Union (formerly Organization of African Unity)
BBC	British Broadcasting Corporation
BBC Mundo	BBC Latin American Service
CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women (1979)
CEMAC	Communauté Economique et Monétaire de l'Afrique Centrale (Economic and Monetary Community of Central African States)
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child. Also, UN Committee on the Rights of the Child
DCI	Defence for Children International
DDR	disarmament, demobilization and reintegration (see Methodology, terms and definitions, pages 354–356)
ECOWAS	Economic Community of West African States
EU	European Union
FIDH	Fédération internationale des ligues des droits de l'Homme (International Federation for Human Rights)
GC AP I	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977

GC AP II	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
HRW	Human Rights Watch
ICC	Rome Statute of the International Criminal Court
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	internally displaced persons (see Methodology, terms and definitions, pages 354–356)
IGAD	Intergovernmental Authority on Development
IISS	International Institute for Strategic Studies
ILO	International Labour Organization
ILO 138	C138 Minimum Age Convention, 1973
ILO 182	C182 Worst Forms of Child Labour Convention, 1999
IMF	International Monetary Fund
IPS	Inter Press Service
IRIN	UN Integrated Regional Information Networks
KFOR	Kosovo Force (NATO)
MONUC	UN Mission in the Democratic Republic of the Congo
NATO	North Atlantic Treaty Organisation
NGO	non-governmental organization
OCHA	UN Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the UN High Commissioner for Human Rights
Optional Protocol	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
OSCE	Organization for Security and Co-operation in Europe
PANA	Panapress (Africa)
SFOR	Stabilisation Force in Bosnia and Herzegovina (NATO)
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNAMSIL	UN Mission in Sierra Leone
UNDOF	UN Disengagement Observer Force (Golan Heights)

UNDP	UN Development Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNFICYP	UN Peacekeeping Force in Cyprus
UNHCR	Office of the UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNMEE	UN Mission in Ethiopia and Eritrea
UNMIK	UN Interim Administration Mission in Kosovo
UNMIL	UN Mission in Liberia
UNOMIG	UN Observer Mission in Georgia
UNPAN	UN Online Network in Public Administration and Finance
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East
UNTSO	UN Truce Supervision Organization (Middle East)
US, USA	United States of America
WAO Afrique	World Association for Orphans (Africa)

Internet Sources

Websites for a particular document or source are given at first reference in the endnotes. In most cases the link to the home page is provided (rather than a link to the specific document), so the reader can locate the specific document using the site's own search engine or from its home page. Where additional guidance may be helpful for locating a specific document or web page, it is given in brackets.

Frequently cited sources in this report include:

Amnesty International (AI): <http://www.amnesty.org>; documents under Library tab at <http://web.amnesty.org/library/index>

BBC: <http://news.bbc.co.uk>

Human Rights Watch (HRW): <http://www.hrw.org>

International Crisis Group (ICG): <http://www.crisisweb.org>

Organization for Security and Co-operation in Europe (OSCE): <http://www.osce.org>

UN Integrated Regional Information Networks (IRIN): <http://www.irinnews.org>

UN Office for the Coordination of Humanitarian Affairs (OCHA): <http://ochaonline.un.org>; Reliefweb: <http://www.reliefweb.int>

US State Department: <http://www.state.gov>; Country Reports on Human Rights Practices since 1993: <http://www.state.gov/g/drl/hr/c1470.htm>

Locating UN documents on the internet

UN human rights documents, such as those issued by the Office of the High Commissioner for Human Rights, the Committee on the Rights of the Child (UN Doc. CRC/...) and other Treaty Bodies, or the Commission on Human Rights and its mechanisms (UN Doc. E/CN.4/...), can be found on the website of the Office of the UN High Commissioner for Human Rights, <http://www.ohchr.org>.

Reports of the UN Secretary General to other UN bodies and other documents issued in connection with the UN Security Council (UN Doc. S/...) and General Assembly (UN Doc. A/....) can be found on the main UN website (<http://www.un.org>) under the Documents link or at <http://www.un.org/documents>. The main UN website also provides links to other bodies in the UN system, such as UNHCR (<http://www.unhcr.ch>) and UNICEF (<http://www.unicef.org>).

Material relating to UN peacekeeping missions can be found at the UN Department of Peacekeeping Operations (DPKO): <http://www.un.org/Depts/dpko/dpko/index.asp>.

The UN Treaty Collection on-line service offers (subscription only) access to over 40,000 treaties and international agreements: <http://untreaty.un.org>.