Who is a child soldier?

For the purposes of this Backgrounder, a child soldier is defined as a person under a prescribed age (see Box on page 2) who is a member, or attached to, a country's armed forces or any other regular or irregular armed force or group, whether or not he or she is involved in armed conflict. Child soldiers fill a variety of roles, from taking part in hostilities to logistical and support functions. They may also be exploited in other ways, for example, as sex slaves. As highlighted in the Cape Town Principles, a set of recommendations for governments and communities adopted at an international symposium in 1997, the term child soldier does not only refer to a child who is carrying or has carried arms.

Why is this issue important?

The underage recruitment of child soldiers is widespread. Children continue to serve on the frontline in numerous conflicts (at least ten according to the 2004 Global Report on Child Soldiers of the Coalition to Stop the Use of Child Soldiers).

The use of child soldiers in conflict can have long-term consequences for the children concerned, seriously harming their psychological, physical and social evolution. It can also have an adverse impact on development, stability, prosperity and democratisation.

There is a growing international consensus that the forced or compulsory recruitment of children - girls and boys under the age of 18, and their use in hostilities by both armed forces and armed groups, is illegal and one of the worst forms of child labour. The recruitment and use of children under 15 is a war crime. This consensus is expressed in a comprehensive set of international legal instruments, such as the Optional Protocol to the Convention on the Rights of the Child and the Rome Statute establishing the International Criminal Court, and is reinforced by a series of UN Security Council resolutions.
The Role of Free Choice in the Dispute over Voluntary Recruitment

While there is a strong consensus that the forced or compulsory recruitment of children is illegal, there is a lively debate among policymakers, international lawyers and activists over the legitimacy of the voluntary recruitment of persons under 18. At the heart of this debate is the notion of free choice. Clearly the transformation from childhood to adulthood takes place along a continuum, as does the capacity of the individual to make independent choices. However, some argue that it is better to make norms concerning the voluntary recruitment correspond exactly to accepted definitions of childhood, which is generally recognised as under 18 in the Convention on the Rights of the Child (1989) and other treaties. Critics of this position counter that this standard is somewhat arbitrary. For instance, many of these critics believe that a 17-year old will be as likely be able to make an independent decision on whether or not to join the military as an 18-year old. Some even argue that such definitions are ethno-centric, though considering that some of the strongest advocates of 18 as the minimum age for voluntary recruitment are from Africa, this charge appears to be unfounded.

What are the main challenges?

Efforts to address the problem of child soldiers require a policy approach that is innovative, multidisciplinary, comprehensive and long term. Some considerations include the following:

- the causes of underage recruitment are complex and diverse, necessitating a holistic approach that looks at all aspects of child protection;
- policy will usually have to be directed not only at governments, but also at non-state actors, since they are the main recruiters of child soldiers;
- child soldiers need to be reintegrated into their original communities; where this is not possible, an alternative solution must be identified;
- success in addressing the issue of child soldiers will in large measure depend upon the overall effectiveness of peacemaking and post-conflict reconstruction efforts, including security sector reform.

How and why are child soldiers recruited?

Individuals are recruited by forced, compulsory or voluntary means, though the distinctions between these categories may easily become blurred.

**Forced recruitment** is enlistment into armed forces or groups by means of abduction and/or the threat or use of violence or other reprisals against an individual or family members. The forced recruitment of child soldiers violates a number of fundamental human rights, including the right to protection “from all forms of physical or mental violence, injury or abuse” (Convention on the Rights of the Child (CRC), Article 19).

Reasons behind the forced recruitment of child soldiers may be that children:

- work for lower pay than regular soldiers;
- can be easily used in battle and are readily manipulated;
- normally constitute no threat to leaders;
- may pose a moral challenge to enemy forces;
- can be easily pressured into illicit activities such as trafficking or be exploited as sex slaves; or
- simply swell the ranks if there is a shortage of adult soldiers (particularly in protracted conflict situations).

**Compulsory recruitment**, also known as conscription, is service required by statute in regular state armed forces. Compulsory recruitment of persons younger than 18 years is forbidden by the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.
Compulsory recruitment of child soldiers is primarily conducted to fulfil state needs for soldiers in times of conflict, though in principle it could be used to sustain a large peacetime army.

**Voluntary recruitment** implies that a choice to join the armed forces has been freely made. The *Optional Protocol* sets 16 years as the minimum age for voluntary recruitment for government forces, with the stipulation that no person under 18 is to take direct part in hostilities.

Various factors may push children to enlist voluntarily in armed forces:
- **political and security** (abuse by state or non-state forces, conflict, invasion or occupation);
- **economic and social** (economic destruction, poverty, unemployment, lack of education, domestic violence or exploitation);
- **the need for protection** (loss of family or home, harassment and discrimination of individuals or their families);
- **cultural** (value systems that glorify military life, peer pressure);
- **ideological** (fighting for what is believed to be a ‘just’ cause);
- **personal** (gaining of military privileges, an education, money or status).

**Who recruits child soldiers?**

The examples below are taken from the Child Soldiers Global Report 2004 published by the Coalition to Stop the Use of Child Soldiers:
- governments: e.g., Burundi, the Democratic Republic of Congo, Guinea, Liberia, Myanmar, Sudan and Uganda
- government-backed paramilitary groups and militias: e.g., in Colombia, Somalia, Sudan, Zimbabwe and Uganda
- non-state armed groups (opposition forces of various types including warlord, rebel and terrorist groups): e.g., in Afghanistan, Chechnya, Colombia, the Democratic Republic of Congo, India, Laos, Nepal, Nigeria, Sri Lanka, Sudan, Yemen and Uganda

**How is the problem of child soldiers being addressed?**

There are four basic approaches to addressing the issue of child soldiers: prevention, norm development, enforcement, and Disarmament, Demobilisation and Reintegration (DDR) programmes.

**Prevention** is focused on addressing the factors that lead to the recruitment and the use of child soldiers. In addition to the wide variety of efforts that work to prevent conflict from occurring, a number of countries and international organisations have issued guidelines for their own personnel working in potential conflict situations. For instance, the EU has issued *Guidelines on Children and Armed Conflicts* that require its missions abroad to take into account the status of children in conflict areas, including in their preventive and early-warning programs. The three other approaches addressed below may also play a preventive role.

**Norms** on child soldiers are progressively evolving in a variety of areas (see box above). The minimum age for recruitment and participation in hostilities is one of the most important. A number of advocates continue to campaign for a prohibition of all recruitment for under-18s. Another norm is the obligation for countries that have used child soldiers to demobilise and reintegrate them into society, whether by reuniting them with their families, providing vocational training or assisting them by other means.

There are also a variety of **enforcement mechanisms** for dealing with child soldiers (see Box on page 6). **Punitive mechanisms** include courts for trying individuals and sanctions against states, groups and individuals that use child soldiers. **Monitoring mechanisms** seek to publicise or otherwise make known the use of child soldiers. **Expertise and capacity-building mechanisms** aim to increase general awareness about issues relating to child soldiers and find solutions to problems arising in specific countries or regions.
In conflict and post-conflict situations, DDR programmes are the main policy vehicle for dealing with child soldiers once the armed force or group has agreed to their demobilisation. DDR programs for child soldiers should be established separately and independently of DDR programmes for adults and must take into account a range of special considerations (see Box on page 5).

Experience with DDR programmes has shown that:

- DDR programmes for children should not wait for or be dependent on post-conflict reconstruction efforts, and whenever possible should even begin during the conflict itself, as has been done in Colombia, the Democratic the Congo, Sierra Leone, Sri Lanka and Sudan; and

**DDR programmes must be integrated into peace negotiations and resulting peace agreements;**

- the structures and programmes for demobilised child soldiers require sufficient resources to ensure sustainable rehabilitation and prevent re-recruitment.

**What else can be done to address the problem of child soldiers?**

Advocacy efforts can be strengthened through:

- more direct contacts with authorities (recruiters, military officials, the government) and, wherever possible, non-state groups involved in the recruitment of children;
support for local organisations opposing illegal recruitment (such as local human rights groups, families, teachers, health workers, church or community leaders);

closer cooperation between humanitarian organisations (e.g. OCHA, UNHCR, UNICEF, ICRC) and IGOs (e.g., EU, AU, NATO);

the provision of information to NGOs such as Human Rights Watch, Amnesty International, the Save the Children Alliance, etc.; and

more focused efforts to involve the media.

Gender inequality renders girls vulnerable to abduction and forced recruitment, and subsequent sexual violence within armed forces or groups. Prevention, demobilisation and reintegration programmes need to acknowledge and understand the different vulnerabilities of girls and boys and factor these into planning and implementation processes.

**DDR and Child Soldiers**

Disarmament entails the collection of small arms and other weapons within a conflict zone. Disarmament does not necessarily have to precede demobilisation and reintegration, especially considering that many child soldiers do not carry their own weapons. This is particularly evident in the case of girls associated with armed groups, who often do not hold combat positions.

Demobilisation refers to the formal and controlled discharge of soldiers from the army or from an armed group. In demobilising children the objectives should be to verify the child’s participation in armed conflict, to establish the child’s identity for family tracing, to assess priority needs and to provide information about the process of reintegration.

Reintegration is a long-term process which aims to give children a viable alternative to their involvement in armed conflict and to help them resume life in the community. Elements of reintegration include family reunification (or finding alternative care if reunification is impossible), providing education and job training, devising appropriate strategies for economic and livelihood support and in some cases providing psychological support.

**The International Criminal Court (ICC)**

The ICC is the first ever permanent, treaty based, international criminal court. Its jurisdiction is limited to the most serious crimes of concern to the international community, including genocide, crimes against humanity and war crimes.

Thomas Lubanga, the leader of a militia group in the Democratic Republic of Congo, arrested and transferred to the ICC in 2006, is accused of war crimes relating to conscripting and enlisting children under the age of fifteen and using them to participate actively in hostilities. Joseph Kony, leader of Ugandan’s Lord’s Resistance Army, is accused of 33 counts of individual criminal responsibility, including the forced enlisting of children.

In particular, it is imperative that an inclusive meaning to the term “child soldier” is used, so that all children associated with armed forces are included in DDR programmes. Too often, discrimination and lack of gender analysis has meant that boys with guns are the focus of demobilisation activities and that girls do not obtain the support and protection that they require.

The issue of child soldiers needs to be placed in the broader framework of:

- conflict prevention, including peacebuilding, poverty-reduction strategies and the creation of opportunities for education, vocational training and employment;
- conflict resolution, such as the incorporation of child protection and the well-being of children into peace negotiations and agreements;
- post-conflict reconstruction, including the re-establishment of accountable and effective government institutions and security forces, for which a security sector reform approach can be useful; and
- efforts to ensure that programming in post-conflict and conflict environments is gender sensitive.
The UN Security Council and the Problem of Child Soldiers

Since 1998, the UN Security Council has held an annual debate on children and armed conflict. Resolution 1379 (November 2003) asked the Secretary General (SG) to include in his annual report a list of those parties to armed conflict that recruit and use children in violation of the international obligations applicable to them. His 2005 report listed 42 parties from 11 countries. Resolution 1539 (April 2004) called upon each party listed to prepare action plans to halt the recruitment and use of children. In addition, it called upon the SG to prepare a plan for a systematic and comprehensive monitoring and reporting mechanism to provide information on the recruitment and use of child soldiers and other abuses committed against children affected by armed conflict. Security Council Resolution 1612 (July 2005) called for immediate implementation of the mechanism. In June 2006, the first country report, which addressed the situation in the Democratic Republic of Congo, was presented to the Security Council.
Further Information

War is no Child’s Play: Child Soldiers from Battlefield to Playground
Peters, 2005
www.dcaf.ch/_docs/occasional_8.pdf

The International Coalition to Stop the Use of Child Soldiers
Child Soldiers Global Report, 2004
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