



Implementing Measures to Combat the Use of Children as Soldiers

UNICEF

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Introduction

The recruitment and usage of child soldiers were commonplace in history and remains prevalent up until now, the 21st century. Unlike the past, today such acts of recruitment of children are serious moral, legal, and humanitarian violations. Even so, child soldiers are still widely utilised, not only by non-state armed groups such as militias or terrorist groups but also by state armed forces, meaning the military and other such government institutions. Recruitment can occur due to multiple reasons. Coercion and abduction as well as voluntary enlistment due to poverty or lack of safety are among such reasons. Between 2005 and 2020, 93,000 children were verified to have been recruited and used in conflicts, of which 25,700 of them were confirmed to have been abducted. The actual numbers are assumed to be much higher. Even if a child soldier survives, adverse psychological effects and estrangement by community members, lead to difficulties in reintegrating into society.

Definition of Key Terms

Armed conflict

Although in principle each incident involving opposing parties with guns is an armed conflict, in practice this term is reserved for confrontations that take place over a significant time, involving opponents with a degree of organisation. A special case of armed conflict is where the opposing parties are States.

Child Soldier

A human being less than 18 years old has been recruited by a party in an armed conflict.

Demobilisation

Release from an armed force or armed group

Non-state Armed Groups

All armed combat parties that are not part of a government defence organisation. These include militia, insurgents, terrorists, large organised-crime syndicates, etc.



Recruitment

involuntary and voluntary enlistment of persons into an armed force or armed group

Reintegration

Return of demobilised children to their family and civil society

State Armed Forces

Military personnel in government defence organisations (Navy, Army, etc.).

General Overview

As mentioned in the introduction, the recruitment and usage of child soldiers do not originate from the contemporary period but trace back to long ago. The Spartans had the custom to train children in a militaristic manner from the age of seven, separating them from their parents. Furthermore, although they did not entertain the idea of a child army, they did make the children work as aides to the senior warriors. In medieval Europe, young nobles sent to other aristocrats to train, also known as pages, were commonplace. Similar to the child aides of the Spartans, pages would be trained and would perform similar duties for their liege, preparing them for battle. In addition, they also learned how to use the crossbow, using their skills to participate in actual combat. Further East, the Ottoman Empire. Between the 14th and 19th centuries, the Ottomans employed the Janissaries in combat. An elite infantry unit composed of children from 7 to 18 years old, resourced by kidnapping children from local non-Muslim families or Christian communities during their military campaigns. All of them would be converted to Islam and were considered the Sultan's slaves. Their status was not of ordinary slaves and therefore many considered their high standing to be an honour. They were implemented in major military campaigns including the conquest of Constantinople and during the Battle of Mohacs. From then on more children were utilised as aids as well as soldiers by various countries. The British Royal Navy used them to service the artillery guns on warships, a fairly dangerous and life-threatening job in those days. Young boys were recruited as war drummers during the American Civil War, many died though some who survived gained some fame. The First World War had British Youth movements teaching young boys and girls practical medical and survival skills. This led to many young boys lying about their age to join the army. The youngest recorded was 12 years old. Fast-forwarding to the Second World War, German children were recruited into the Hitler Youth and the League of German Girls. They endured quasi-military training and towards the end of



the war, they were even sent to the frontlines as a desperate measure with very few surviving.

Multiple conventions and treaties have since been put into action to prevent the recruitment and usage of children in the military. The Geneva Convention of 1949 covers laws regarding the usage of children in wars and conflicts. Article IV of the Geneva Conventions prohibits occupying powers to enlist children in subordinate formations or organisations. Additional Protocols I and II to the Geneva Conventions, adopted in 1977, further address this issue. Article 77 of the Additional Protocol I further enforces parties to a conflict to take measures to not have children take, in any way, part in conflicts and, in particular, not recruit children below the age of 15 to their armed forces. As for those between fifteen and eighteen years old, recruitment is possible, however, priority should be given to the oldest. Article 4 of the Additional Protocol II further reinforces article 77 of the Additional Protocol I stating that children under the age of fifteen "shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities." The 1989 Convention on the Rights of the Child expands Article 77 of the Additional Protocol I to all parties, not just those in conflict. Article 8 of the International Criminal Court Statute (1998) defines the conscription of children under the age of 15 as a war crime whether the conflict is international or not. Article 1 of the Convention on the Worst Forms of Child Labour (1999) takes an important step in addressing the issue regarding all children under 18 years of age. It enforces parties to, with utmost urgency, implement measures to eliminate and prohibit all of the worst forms of child labour. The compulsory recruitment of children under the age of 18 for use in armed conflict falls under the worst forms of child labour. The Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) adopted in 2000 introduces several new rules. Article 2 prohibits the compulsory recruitment of children under 18. Article 3 raises the minimum age for voluntary recruitment and requires states to set forth a description of the measures being taken to ensure that below 18 no forced recruitment is taking place. Also detailed in the article are numerous requirements for such voluntary recruitment to take place. Article 4 prohibits non-state armed forces from recruiting children under the age of 18 under any circumstances and enforces states to take all measures to prevent such recruitment from non-state armed forces, including the prohibition and criminalisation of such acts. Article 6 and 7 have to do with the release of any found recruited against what is defined in the Protocol by states, and the aiding of their full psychological and physical recovery as well as their social reintegration. 170 countries have ratified it but those who haven't are only subject to the lower standards set by the Geneva Convention meaning they can recruit children above 15 in conflicts and maybe even younger volunteers as scouts and such. Even with all these different conventions and agreements in place, there are still other issues to be taken care of. Among those is the topic of war crimes. There is a fierce debate on whether children should be held accountable for war crimes. By international law there is no prohibition on prosecuting these children, however, Article 37 of the Convention on the Rights of the Child limits the punishment able to



be imposed. No capital punishment or life imprisonment can be meted out onto those below the age of 18.

At the moment many countries have non-state armed forces recruiting children. There are yet other countries that are employing these children in their own state armed forces. The Democratic Republic of Congo, Somalia, Syria, and Yemen are the countries with the currently largest number of child soldiers. Apart from them, there are still other countries that either use child soldiers or have armed groups who do within their borders.

Children can be recruited through forceful measures, such as abduction and coercion which are usually employed by non-state armed groups, however, there are also factors that incentivise the children to voluntarily join either non-state or state armed forces. Poverty encourages children to generate income for their families. Those abandoned and alone seek protection, shelter, and food. Others are born and raised in these armed groups. Some seek to protect their communities. Regardless of the circumstances, the recruitment of child soldiers is against humanitarian law and is prohibited.

There are severe consequences for the children who are recruited. In 2020 more than 8,500 were used in various conflicts and nearly 2,700 of them were killed. 5,748 were injured. These values are extracted from an annual UN report. Injuries inflicted can have a long-lasting effect even on those who have been released and are being reintegrated into society. Some may have their physical capabilities reduced due to missing limbs, spinal and nerve damage, as well as burns, and more. Physical injuries are not the only consequence of participating in wars and armed conflicts. Many are mentally scarred, having traumas and other such psychological damage that can prevent their reintegration into society. The difficulty of reintegrating a child into society is not only the process of rehabilitation of the child but also the acceptance of his community members. Community members may fear the released child soldier and may isolate and exclude him. Furthermore, some children may have lost their parents and have no one to rely on. Even children who have parents may be abandoned at times. Once found, child soldiers are meant to be released from the armed forces and full support must be given in their reintegration and full mental and physical rehabilitation but even then, there are multiple difficulties.

Major Parties Involved

United Nations

The UN has several bodies addressing the problem of child soldiers. In particular, the Secretary-General reports annually to the General Assembly on trends regarding the impact of armed conflict on children and information on violations committed,



including details of recruitment of child soldiers. Furthermore, in 1986 the GA appointed (and subsequently renewed the mandate until present) the Special Representative of the Secretary-General for Children and Armed Conflict, seeking to foster international cooperation for the protection of children affected by armed conflict. The incumbent is Virginia Gamba of Argentina. The Committee for the Rights of the Child oversees the eponymous Convention from 1989.

UNICEF

UNICEF is deeply involved in several aspects of protecting child soldiers, among others by creating safe spaces, reuniting former soldiers with their families, helping them reintegrate in liaison with other UN (e.g., peacekeeping) and national/regional entities in the field.

The Office of the United Nations High Commissioner for Human Rights

It serves as the secretariat for the Human Rights Council and monitors and assists governments in implementing human rights, including monitoring violations such as child recruitment.

Security Council

The Security Council created its dedicated working group on Children and Armed Conflict, with bi-monthly meetings to generate and oversee the execution of cross-cutting (i.e. involving all relevant UN and national bodies) Action Plans for each of the major conflict areas identified in the Secretary General's status report on Children and Armed Conflict.

UN Peacekeeping Operations and UN National Desks are further elements involved in making progress towards the prohibition of recruitment and use of child soldiers.

The International Criminal Court

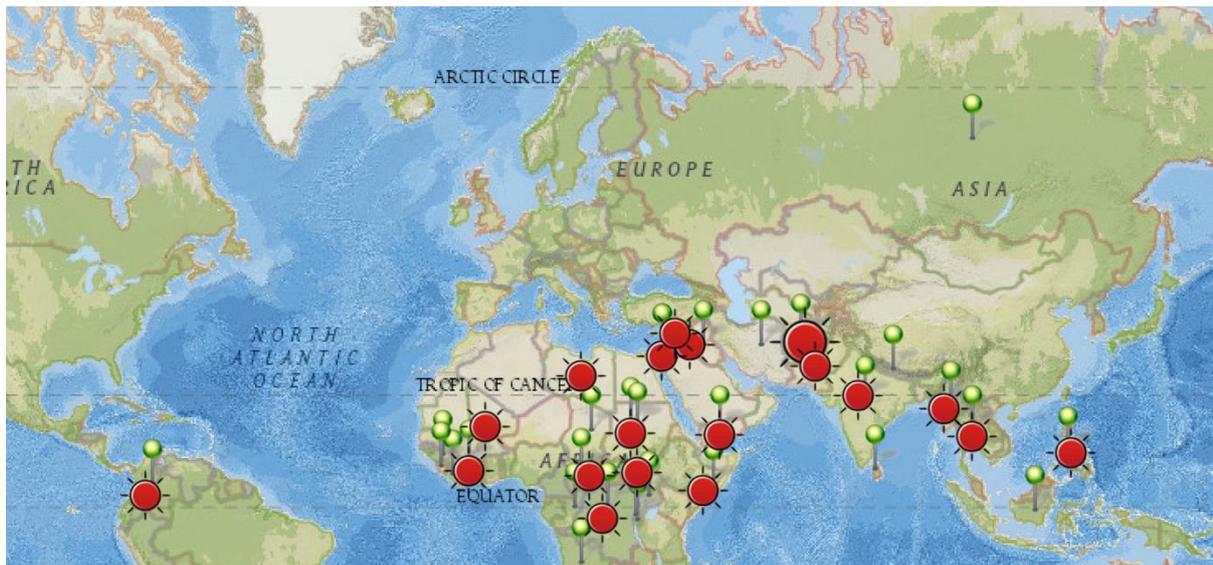
It is prosecuting parties that recruit child soldiers (see Rome Statute below).

Non Governmental Organisations and other civil-society parties

Numerous organisations are addressing child well-being, and therefore also seek to prevent recruitment of children and assist in subsequent elements of the chain of children's involvement in the war (liberation, trauma treatment, reuniting with families, reintegration).

The International Committee of the Red Cross is active in all of the present conflict areas where child soldiers have been recruited and an NGO that specifically addresses this topic the Watchlist on Children in Armed Conflict which supports the UN monitoring and reporting mechanisms.

Countries with child soldiers in active and recent conflicts



Map Viewer,

<https://www.arcgis.com/apps/mapviewer/index.html?webmap=da3ae9114b654a20bb93bc7db1d67314>.

The following countries are mentioned in the 2021 annual report of the Secretary-General as areas where parties in armed conflict, either non-state or state, have recruited children. The report list for each country the verified numbers of recruits and other verified violations of children in armed conflict. Independent reports by NGOs contain estimates of total child recruitments (verified and unverified) with reports ranging from several tens of thousands to 100,000 and more.

- Afghanistan
- Burkina Faso
- Cameroon
- Central African Republic
- Chad
- Colombia
- Democratic Republic of the Congo
- India
- Iraq
- Israel and the State of Palestine
- Lebanon
- Libya
- Mali
- Myanmar
- Niger
- Philippines
- Somalia
- Sudan
- South Sudan
- Syria
- Yemen

Timeline of Key Events

- 1924 Formal establishment of the Hitler Jugend, which in subsequent years became involved in domestic incidents of violent nature and finally in combat against the Allied Forces. From 1939 onwards conscription was mandatory and the Hitler Jugend grew to 8 million members.
- 1949 Geneva Convention, which forbids Occupying Powers to enlist children.
- 1977 The Additional Protocols 1 and 2 to the Geneva Convention, which states that children below 15 may not be recruited nor involved in hostilities and that the oldest should have precedence when recruiting children above 15 years.
- 1989 Convention on the Rights of the Child: a treaty that binds its 196 signatories to protect children. Its implementation is supervised by the UN Committee for the Rights of the Child
- 1997 Cape Town Principles by UNICEF introduces measures to prevent recruitment of child soldiers in Africa
- 1997 General Assembly resolution 51/77 urges "States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour"
- 1998 Rome Statute of the International Criminal Court, establishes the basis for criminalizing the recruitment of child soldiers)
- 2000 UN General Assembly adopted the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict
- 2001 UN security council resolution 1379 requesting the Secretary-General to report on the countries where children are recruited as soldiers.
- 2006 Resolution of the Security Council establishing its Working Group on Children and Armed Conflict
- 2007 Paris principles on the involvement of children in armed conflict, address the right of child soldiers to be released from armed forces or armed groups
- 2015 UN Adoption of the Sustainable Development Goals: goal 8.7 aims to "secure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and by 2025 end child labour in all its forms."



2017 Vancouver Principles mark the 10th anniversary of the Paris Principles and prioritises efforts to eliminate recruitment and accelerate demobilisation for all UN peacekeeping mandates

Previous attempts to resolve the issue

Most successes to date have been achieved with the reduction of child soldier recruitment by the State Armed Forces. In general, the international treaties above have resulted in many signatory States abandoning recruitments. Further leverage has been found in various ways: in 2007, the Special Court for Sierra Leone initiated the first conviction for the crime of recruiting child soldiers. In 2008, the US Congress adopted the Child Soldiers Prevention Act, which restricts US military support to countries recruiting child soldiers, forcing among others de DRC and Chad to take measures.

For the (non-State) armed groups the successes have been very limited in the field of recruitment, and a slightly better success rate has been achieved with reintegration and demobilisation but overall, the leverage of international actors is very limited.

Possible Solutions

In general, there are frameworks in place to monitor and enforce the treaties and resolutions to influence State actors. It is always possible to increase efforts and attention, and make it less attractive for State actors. Apart from direct pressure, it is important to seek solutions that reduce voluntary State recruitments, by reducing child poverty, child abuse, improving education, and enhancing alternative perspectives for children. Also, solutions that impede involuntary recruitment by State actors are important.

But the more difficult field of non-State conflict parties is more difficult to address and here there is a lot of opportunity for new ideas. Behind every non-state actor, there is a chain of stakeholders, and in many cases, these chains reach beyond the country's borders, into other countries. Examples are the militia controlling mining, drugs, or ivory. In all these examples the stakeholder chain crosses borders and reaches entities that can be influenced by measures from Treaty signatories.

Appendix/Appendices

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- Children and Armed Conflict, Home. <https://childrenandarmedconflict.un.org/>
- International Committee of the Red Cross, Home. <https://www.icrc.org>



- Watchlist on Children and Armed Conflict, Home. <http://watchlist.org>

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