

CHILD SOLDIERS: PROBLEMS OF DEFINITION, ROLE AND FACTORS FOR RECRUITMENT

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INTRODUCTION

War violates every right of a child – the right to life, to be with family and community, to health, to the development of personality and to be nurtured and protected. Many of today's conflicts last the length of a childhood, meaning that from birth to early adulthood, children will experience multiple and accumulative assaults.¹

The campaign for children's cause had its genesis during and after World War I, when the rights of children to special protection, was first internationally acknowledged. In 1924, the League of Nations adopted a World Child Welfare Charter and later, after World War II, non-governmental organizations lobbied the newly formed United Nations (UN) to endorse this document. As a result, in 1959, the United Nations General Assembly passed a new version of the Child Welfare Charter in the Declaration of the Rights of the Child, which affirmed in its preamble that "mankind owes the child the best it has to give."²

United Nations Children's Fund (UNICEF), the successor to the United Nations International Children's Emergency Fund, was officially admitted as a fixture in the United Nations system during the 1953 General Assembly.³ Besides carrying on with the original objective of its predecessor organization, UNICEF's mission expanded as the post-colonial era presented it with new challenges. It was set up to meet the emergency needs of children when famine threatened parts of Europe in the aftermath of World War II. Its Executive Director designate at that time, Maurice Pate, made it a condition of his service that there were no caveats about where aid might go, insisting that UNICEF support equally, children in vanquished as well as victorious countries. While in the 1950s, it was involved in mass campaigns against the menace of epidemic disease such as tuberculosis, yaws, trachoma, leprosy and malaria, the 1960s witnessed the transfer of capital and technology from the rich to the poor nations in the name of development. This symbiotic partnership also involved investment in human capital including children. The 1970s saw a different kind of progress as doubts about development experience grew more prominent, and disillusionment with the pursuit of economic growth led to a search for alternative approaches that were more people- and community-centered.⁴

¹ The Gracá Machel Report, "Impact of Armed Conflict on Children," August 1996, www.unhchr.ch

² UNICEF, The State of the World's Children 1996, New York: Oxford University Press, 1996, p. 44.

³ Ibid.

⁴ Ibid., p. 45.

More pressing international issues like hunger and the environment progressively drowned the cause of children. However, in an effort to bring back children into the limelight, non-governmental organizations pressed the United Nations to declare 1979 as the International Year of the Child (IYC). That generated an interest in the well being of children in countries that far exceeded the expectations of many. In many industrialized countries, it also resulted in greater awareness of the situation of children in the developing world. More importantly, it highlighted the need to find effective ways to protect children against neglect and exploitation and provide attention to groups of children confronted, thus paving the way for a new major advance for child rights – the replacement of the 1959 Declaration of the Rights of the Child.

In 1987, UNICEF had come to realize the importance of child survival particularly in the area of children's rights in the midst of the development revolution. Although its support arrived relatively late, UNICEF's capacity for international mobilization was decisive.⁵ Taking cue from the principles championed in the 1959 Declaration of the Rights of the Child, the world community began to chart a new course for children in human rights, and their preparatory work soon encompassed all areas of child welfare.⁶

The breakthrough to these efforts was lime-lighted in the 1989 Convention on the Rights of the Child, the most widely accepted human rights treaty in history. The United Nations General Assembly adopted the Convention on the Rights of the Child in 1989 and nearly every country in the world is now a party to it.⁷ The Convention defines as children all human beings under the age of eighteen, unless the relevant national laws recognize an earlier age of majority.⁸ States are also free to refer in their respective national legislation, to ages over eighteen as the upper benchmark in defining the child. In such instances and others– where national or international law sets child rights standards that are higher than those in the Convention– the higher standard prevails. The Convention reinforces the obligations of states to abide by the international humanitarian law and establishes that the Committee on the Rights of the Child, the supervisory body created by the Convention, in examining the progress made by states in achieving the realization of the obligations undertaken in the Convention.

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⁵ Ibid., p. 63.

⁶ Ibid., p. 6.

⁷ Except Oman, Somalia, the United Arab Emirates and the United States.

⁸ The Convention emphasizes that States substituting an earlier age for specific purposes must do so in the context of the Convention's guiding principles-of non-discrimination, best interest of the child, maximum survival and development and participation of children.

Prevailing international law sets fifteen as the minimum age for military recruitment and participation in armed conflict.⁹ However, with the alarming figure of 200,000 children under the age of sixteen being engaged in armed conflicts in 1988,¹⁰ it is understandable why there is a universal call to raise the minimum age for military recruitment. An optional protocol to the said Convention was also drafted to formally raise the minimum age for recruitment into the military to eighteen.¹¹

In the year 2000, a dramatic breakthrough was achieved in efforts to end the use of children as soldiers. On 21 January 2000, after six years of negotiations, governments from around the world agreed on a new international treaty to prohibit the use of children as combatants.

The new child soldier's protocol establishes eighteen as the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by non-governmental armed groups. It is technically an Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict. The new protocol was adopted unanimously by the United Nations General Assembly on 25 May 2000 and opened for signature in early June. By early November 2000, seventy-four countries had signed it, and three countries had ratified it. The United States initially opposed the protocol, arguing that it needed to be able to deploy its seventeen-year old recruits. However, less than 3,000 of the 1.3 million on active duty are under the age of eighteen. The United States through President Bill Clinton became the eighth country to sign the new protocol in January 2000.

The Convention in the Rights of the Child and the new protocol to the Convention is not the only human rights treaty addressing the issue of definition of a child or age barrier to conscription. The 1990 African Charter on the Rights and Welfare of the Child defines a child as "every human being below 18 years." The Charter also ensures that no child shall take direct part in hostilities and refrain in particular, from recruiting a child. However, not many states have become parties to this Charter to bring it into force.¹²

Caution should be made here on the technical definition of a child soldier. It is not always necessarily one who bears arms or one who is systematically recruited into an armed group or force. In the case of Palestinian children involved in the present conflict with Israel, these under-18 youths use stones and petrol bombs rather than guns, and if many of

⁹ Article 4 (3) Additional Protocol 11 of 8 June 1977 relating to the Protection of Victims of Non-International Armed Conflicts, www.hrw.org and; Article 38 Convention on the Rights of the Child, www.hrw.org and; Article 77 Additional Protocol to the 1949 Geneva Conventions, and relating to the Protection of Victims of International Armed Conflicts, www.hrw.org

¹⁰ UNICEF, *The State of the World's Children 1996*, p. 2.

¹¹ Rachel Brett, "Child Soldiers: Law, Politics and Practice," *The International Journal of Children's Rights*, Vol. 4, No. 2, 1996, pp. 115-128.

¹² www1.umn.edu/humanrts/africa/afchild and; Goodwin-Gill and Cohn, *Child Soldiers— The Role of Children in Armed Conflicts*, p. 163.

these children are killed there are no casualties on the Israeli side as a result of the children's *intifada* activities.¹³

There are a number of reasons for seeking eighteen as the minimum age for recruitment and participation in hostilities. Firstly, eighteen is the legal voting age set by the laws of an overwhelming number of countries. It marks the formal transition from childhood to adulthood, with the legal and moral responsibilities incumbent on the individual recognized by his or her community. Secondly, it is in accord with the general definition of a child in international human rights law – for all purposes other than military recruitment and participation in armed conflict – as set out in the 1989 Convention on the Rights of the Child.¹⁴

THE ROLE OF THE CHILD SOLDIER

Human Rights Watch estimates that 300,000 children under the age of eighteen are currently participating in armed conflicts in more than thirty countries on nearly every continent. Age does not guarantee their immunity from the battlefield because while most are in their teens, some are as young as seven years old. Being so tender in age, they may start out as cooks, messengers, porters or guards, but often end up on the frontlines of combat.¹⁵

In Liberia, many boys some as young as nine or ten man checkpoints. The authority that goes with the responsibility gives them the free rein to harass, loot, terrorize and sometimes, kill civilians. Manning checkpoints gives a child power and influence, even if he is twelve years old. There have been instances where fifteen or twenty boys man a checkpoint and the commander is only ten years old.¹⁶

In long-drawn-out conflicts, children also become a valued resource. Many current disputes have lasted a generation or more, with half of those under way in 1993, had been going on for more than a decade. Children who have grown up surrounded by violence see this as a permanent way of life. Having been orphaned, they are left on their own and are often frightened, bored and frustrated, leaving them with little options but to fight. When schools are closed and families fragmented, there are few influences that can compete with a warrior's life.¹⁷ As

¹³ "Children at Risk in Israel/Palestine," *Children of War* (Radda Barnen), No. 3-4/00, December 2000, p. 3.

¹⁴ "Why Exclude under-18s from Armed Forces," *Stop Using Child Soldiers*, Radda Barnen, London, 1998, p. 7.

¹⁵ Human Rights Watch, "Child Soldiers and the Child Labor Convention," 15 June 1999, www.hrw.org/background/crp/labor615.htm

¹⁶ Lois Whitman and Janet Fleischman, "The Child Soldiers", *Africa Report* Vol. 39, No. 4, July/August 1994.

¹⁷ UNICEF, *The State of the World's Children 1996*, p. 17.

mentioned by Mary Robinson, United Nations High Commissioner for Human Rights (UNHCR):¹⁸

The human rights violations that occur when children are used in hostilities are not limited to children killing and being killed or injured. Girls also are used as soldiers, have been victims of rape and other sexual abuse. The human rights impacts... are terrible and far-reaching, ...[and] have an impact not only on those children directly concerned but also on the families and communities, and continue long after the hostilities have ended.

A report conducted during the period under review from 1999 till 2000, on the involvement of girls in the government militaries, paramilitaries, and armed opposition groups revealed that there were confirmed reports of girls operating within government forces, paramilitaries/militias, and or armed opposition groups in 39 countries, with abduction as a means of source of recruitment in 65 per cent of the countries under study. Besides being the continent that has the highest propensity for girls entering forces or groups via abduction or gang pressing, Africa is also the region with the highest number of children in armed opposition forces, numbering to approximately 120,000.¹⁹

In addition to being participant in combat, girl soldiers are often required to perform sexual services. In some cases, girls are in fact primarily recruited or abducted as 'wives' or 'concubines',²⁰ a common practice in Angola, Burundi, Cambodia, Columbia, Honduras, Myanmar (Burma), Mozambique, Peru, Rwanda, Sierra Leone and Uganda.²¹

Girls are also used for suicide missions and as mine sweeps, a practice confined to Asia. Among the common roles found in countries from every region of the world was the use of girl soldiers as porters, cooks or made to perform a variety of domestic labor, as well as spies and looters in villages taken over by armed forces or armed opposition groups.²²

WHY CHILDREN BECOME CHILD SOLDIERS?

Research indicates that most child soldiers are from poor or disadvantaged sections of the society in conflict. Children, who live in the conflict zones by

¹⁸ Quote from the paper on The Working Group on Engendering the Rwanda Criminal Tribunal, 2000, www.waraffectedchildren.com/involved-e.asp

¹⁹ Susan McKay, "Girls in Militaries, Paramilitaries, and Armed Opposition Groups," University of Wyoming, USA, www.waraffectedchildren.gc.ca/girls-e.asp

²⁰ "Girls with Guns, An Agenda on Child Soldiers for 'Beijing Plus Five'," Coalition to Stop the Use of Child Soldiers, www.imagesasia.org/girlwithgun.html

²¹ McKay, "Girls in Militaries, Paramilitaries, and Armed Opposition Groups," www.waraffectedchildren.gc.ca/girls-e.asp

²² Ibid.

themselves are often recruited. Also, those children with disrupted families or no families at all are more likely to become child soldiers.²³

Technological development of arms today weighing less than seven pounds and costing about US\$6 is so advance that even an illiterate child of ten could strip, reassemble, load and fire it.²⁴ This mere knowledge however, did not make them skilled soldiers.²⁵ On the contrary, they suffer much higher casualty rates than their adult counterparts, in part because of their lack of maturity and experience that leads them to take unnecessary risks. Their frail bodies are more susceptible to complications if injured, and they are more likely to fall ill in the rough conditions of military camps. Child soldiers are viewed as more expendable and therefore receive less training and must undertake the most dangerous tasks such as checking for mines or spying in enemy camps.²⁶

Often children are recruited through abduction in massive sweeps of homes, schools and streets. In some situations, child survivors of village raids and massacres are forcibly inducted.²⁷ Abduction is only the first step in a process that uses fear, brutality and psychological manipulation to achieve high levels of obedience in converting children into killers. In many countries, child recruits are subjected to beatings, humiliation and acts of sadism. In Honduras for example, boys wearing only underwear were exposed by government troops to the 'the ram', in which they were forced to roll naked on a stony or thorny surface while being beaten or kicked by a squad leader. A frequently used tactic in indoctrinating children to violence is exposing them progressively to violence, thus numbing them so that they might someday commit acts of sadism on fellow humans. Child recruits in Colombia, for example, were forced to cut the throats of domestic animals and drink its blood.²⁸ The armed forces in El Salvador through 1991 and until today in Guatemala, use round-ups to fill the ranks, taking young men out of buses and cars, away from market-places or churches or as they walk down the road. Many of these victims do not have or do not carry any identification either because their birth was not formally registered, or the registry had been destroyed in the fighting, or because identifications are not issued until their eighteenth birthday.²⁹

²³ Laura Barnitz, "Child Soldiers: Overview of a Human Wrong," Youth Advocate Program International, Vol. 1, No. 2, Winter 1996-1997, www.yapi.org

²⁴ Carol Thompson, "Beyond Civil Society: Child Soldiers as Citizens in Mozambique," Review of African Political Economy, June 1999, Vol. 26, No. 80, www.roape.org

²⁵ This is not the case in the Mozambican National Resistance (RENAMO). Children are preferred over adults because of their stamina, better at surviving in the bush, do not complain and follow instructions.

²⁶ Neil Boothby and Christine Knudsen, "Children of the Gun," Scientific American, June 2000, Vol. 282, No. 6, www.scientificamerican.com

²⁷ Everett M. Ressler, "Torture, Abuse, Imprisonment, Recruitment," Children in War, UNICEF, New York, March 1993, p. 117.

²⁸ Mike Wessells, "Child Soldiers," Bulletin of the Atomic Scientist, Vol. 53, No. 6, Nov/Dec 1997.

²⁹ Rachel Brett and Margaret McCallin, Children, The Invisible Soldiers, Stockholm: Radda Barnen, 1998, p. 24 and; UNICEF, The State of the World's Children 1996, p.17.

The recruitment of children into combats, whether forced or otherwise, is basically a reflection of the state's economic status. Life in the army appears to be the alternative to a life of vagrancy. Hunger and poverty may drive parents to offer their children for the service, which in some cases, armies pay a minor soldier's wages directly to the family. Yet in some case studies, parents encourage their daughters to become soldiers if their marriage prospects are poor.³⁰ However, children who volunteer for economic reasons are particularly prone to deception. The expectation of adequate food and clothing are not as forthcoming as initially anticipated.³¹

Certainly, not all inductions of children are forced. Those old enough to understand the underlying cause of the conflict want to join adults in a revered cause. Others participate to prove themselves and please adults while yet there maybe victims or have family members who were victims, join to seek revenge.³² For some of the child soldiers among the 6,000 strong troops of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, patriotism appears to be the driving force for enlistment. Their willingness to sacrifice their youth and sometimes life as suicide bombers is borne out of a sense of frustration endured by the minority Tamils in Sri Lanka. Being intimidated by the Sri Lankan Army is a daily fact of life for many Tamils, while young Tamils can look forward to only the bleakest economic prospects. One proud parent of three martyr sons who were in the service of the Tigers recalls the moment when he heard news of his third son's death: "...I know that they had gone for a cause, for the country, for the people."³³

Experiences of physical and structural violence also contribute to the desire of a youth to take up arms. Revenge or the desire to carry on the cause of a loved one becomes the prime motivating factor in this case.³⁴ The desire for revenge can also be instilled or exacerbated by religious or military leaders, teachers and parents, as the experiences of Iranian and Afghan children confirm.³⁵ Iranian children have known to be propelled into combat with minimal training but adequately armed with headbands with religious slogans and khaki jackets, bearing the message that they have 'permission' of the *imam* (religious leader) to enter heaven, along with keys on chains around their necks ensuring such entry. An Afghan child spy trained by the Russians captured by the Mujahedin would be 'rehabilitated' and brought back to Islam and sent back to Kabul as a Mujahedin spy.³⁶

Many communities glorify war and teach children at an early age to view military activity as prestigious and glamorous. Militaristic values may be transmitted via parades, ceremonies to honor war heroes and the

³⁰ Goodwin-Gill and Cohn, Child Soldiers: The Role of Children in Armed Conflicts, p. 68.

³¹ *Ibid.*, p. 67.

³² Ressler, "Torture, Abuse, Imprisonment, Recruitment," p. 117.

³³ Charu Lata, "Sri Lanka: Suicide Bombers," Far Eastern Economic Review, 1 June 2000, p. 66.

³⁴ Brett and McCallin, Children, The Invisible Soldiers, pp. 23-43, and; UNICEF, The State of the World's Children 1996, p.17.

³⁵ Brett and McCallin, Children, The Invisible Soldiers, p. 38.

³⁶ *Ibid.*

martyrdom of soldiers. Media images may also play a part. In Sri Lanka, opposition forces have broadcast Rambo-style movies as part of its combat training. In such contexts, boys learn machismo and come to associate military activity with respect and power-compelling attractions for children who otherwise feel powerless.³⁷

CONCLUSION

As is known, basic survival needs take precedence over psychological needs during times of war but there is an increasing concern today that the experiences of war will have damaging effects on not only the psychological but also the social skills, attitudes towards the society they live in, their relationship with others as well as their perspective on life itself will be greatly impaired.

It is sad that children have to watch their role models that include parents, teachers or elders, torture and kill each other while some trade their children for food and security. This act of breaching the expected moral standards of behaviour by authoritative figures are translated by children as betrayal, which in turn are manifested in themselves, as they grow up. These manifestations can take many forms. While studies have shown that school absenteeism and juvenile crimes or attitudes favoring gambling, pre-marital sex and smoking could indicate such altered moral learning in children, acts of physical aggression, imitation of military acts and unwillingness to co-operate with peers are also indicators of developmental damage. Even when the war is over, its effects on children linger on long after the stressful event. They may experience numbing of responsiveness to or reduced involvement with the external world. This may be indicated by a marked diminished interest in activities and surroundings, feelings of detachment or estrangement from others, loss of energy or withdrawal. Such negative developments in the child would influence the child's occupational choice and his relationship with others later in life.³⁸

Poverty appears to be the motivating factor in most of the countries where child soldiers prevail. It is therefore important for relevant sections of the international community to also look at the flaws in the international economy. The economy disparity between the developed and the developing world must be addressed because it is under these dire economic conditions in the developing world that innocent children are recruited as soldiers. Improvement of standards of living is vital to overcome the menace of recruiting children as combatants.

Maybe there is still hope for those unfortunate children who are victims of adults' irresponsibility. A mechanism for international accountability was drafted on 17 July 1998 and open for signatures a year later. However, as in other treaties of the United Nations, it can only come

³⁷ Wessells, "Child Soldiers."

³⁸ Mona Macksound, "Children in War," *World Health*, Vol. 47, No. 2, March/April 1994, www.who.int/bulletin

into force after 60 countries have ratified it.³⁹ As of 12 February 2001, 130 countries had signed the treaty while 29 had ratified it. The United States, as in case of the Optional Protocol is opposed to this legislation. The International Criminal Court will prosecute crimes of genocide, crimes against humanity and war crimes where national courts fail to do their job.

Until the Optional Protocol comes into force when ten countries have ratified it, it lists the use of child soldiers – those younger than fifteen, under Article 8 (2)(b)(xxvi) as the Convention on the rights of the Child – in its catalogue of war crimes. Besides enlisting the conscription, enlistment or use of children in armed conflicts as war crimes, it also recognizes the intentional attacks on educational institutions as a wrongdoing and safe guards the immunity of children under eighteen years from court prosecution.⁴⁰

These unfortunate children of war may be able to regain their childhood but they can reclaim their lives if concerted action is genuinely taken by all parties to address the problem of their recruitment into armed conflicts.

³⁹ "Rome Statue of the International Criminal Court," www.un.org/law/icc/statue/status.htm

⁴⁰ "The International Criminal Court," www.hrw.org