

The questions of dealing with child prisoners/soldiers belonging to unrecognised armed forces

Introduction

This is an issue concerning underage individuals partaking unwillingly in certain activities related to unrecognised armed forces, whether that is to fight for them or being potentially abused in various ways by them.

Key terms

Non-state armed groups:

Also known as non-state armed actors, are individuals and groups, wholly or partly independent of state governments, who threaten or use violence to achieve their goals.

Militia:

*A **militia** is generally an army or some other fighting organization of non-professional soldiers, citizens of a state , or subjects of a nation , who can be called upon for military service during a time of need. It is distinct from a professional force of regular, full-time military personnel, or historically, members of a noble warrior class (e.g., knights or samurai). Generally unable to hold ground against regular forces, it is common for militias to be used for aiding regular troops by skirmishing, holding fortifications, or irregular warfare, instead of being used in offensive campaigns by themselves. Militia are often limited by local civilian laws to serve only in their home region and to serve only for a limited time; this further reduces their use in long military campaigns.*

List of shame:

The list of shame is a list created by the United Nations and includes 50 countries which have still not outlawed the action of imprisoning or recruiting children for military and other purposes.

Armed force:

The laws, rights and duties of war apply not only to armies, but also to militia and volunteer corps under the following conditions:

- 1) To be commanded by a person responsible for his subordinates;*
- 2) To have a fixed, distinctive emblem recognizable from a distance;*

- 3) *To carry arms openly; and*
- 4) *To conduct their operations in accordance with the laws and customs of war.*

In countries where militia or volunteer corps constitute the army or form part of it, they are included under the denomination "army".

Any armed forces that do not fulfil these criteria are considered unrecognized armed forces. Such forces would be rebel groups or terrorist organisations.

Countries and organisations involved

Children from countries such as Afghanistan, the Democratic Republic of the Congo, Iraq, Somalia, South Sudan, Syria and Yemen, suffer an unacceptable level of violations by parties in conflict, with at least 4,000 verified violations committed by Government Forces and over 11,500 by non-State armed groups in the 20 country situations covered in the report.

Syria:

The number of children recruited and used during the reporting period more than doubled compared to 2015, with 851 verified cases. A total of at least 1,299 children were killed or maimed.

Somalia:

1,915 children have been recruited and used.

Afghanistan:

Afghanistan has recorded the highest number of verified child casualties since the UN started documentation of civilian casualties in 2009, with 3,512 children killed or maimed in 2016; an increase of 24% compared to the previous year.

Nigeria:

The majority of child casualties resulted from the use of children as human bombs and from deaths caused by suicide attacks in general.

Yemen:

A total of at least 1,340 children have been killed or maimed.

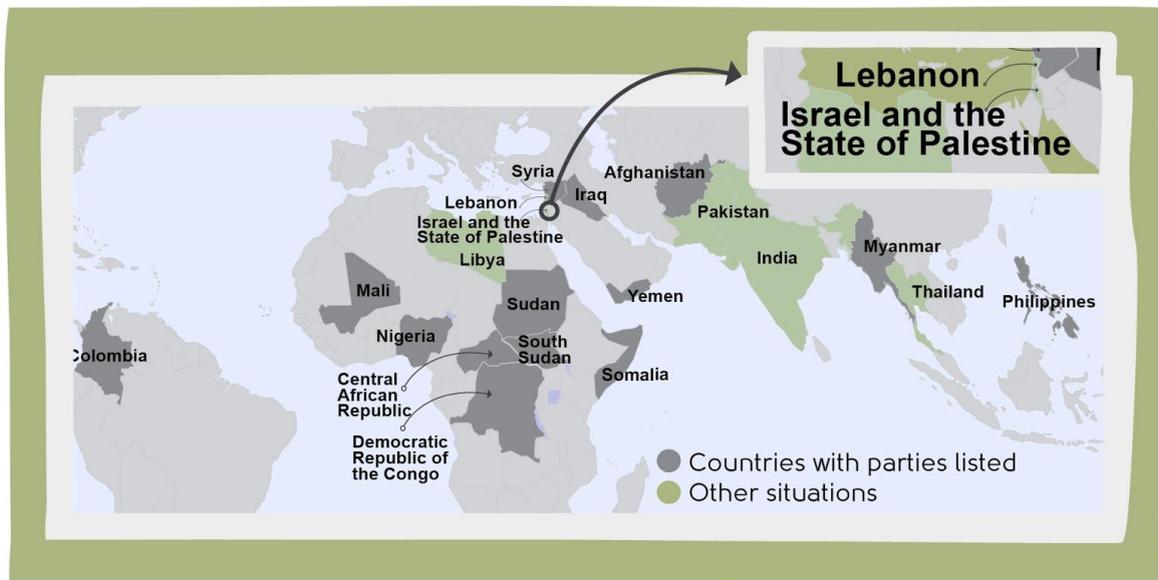
Central African Republic:

Reported cases has almost doubled compared to 2015, with 98 children abducted.

Democratic Republic of the Congo:

A total of 193 children have been abducted, leading to the listing of three new non-state armed groups.

Abhorrent tactics used by armed groups like **Al-Shabaab**, **Boko Haram**, **ISIL**, **ISIS** and the **Taliban**, have included sexual violence and the use of children as human bombs.



Map showing the countries most affected by the issue of child prisoners/soldiers belonging to unrecognised armed forces.

Source: <https://childrenandarmedconflict.un.org/countries-caac/>

Why the issue exists

This issue exists for many reasons. Children of all ages are more vulnerable than most adults, more easily abused, exploited and influenced. Furthermore, children are more able bodied than older people to perform multiple tasks that adults do not want to or cannot do. Children are cheap, easily manipulated and look to adults for protection and guidance.

They can be unpaid most of the time and they can be more easily threatened, frightened or intimidated so they are more obedient than adults. Not many young people are suspicious if they are treated badly unlike adults. A child's life does not matter as much as an adult's according to the perpetrators.

Children also have little or no sense of their own mortality; thus, they will be more willing to perform dangerous tasks which may prove fatal for them, such as fighting in a war or becoming a suicide bomber.

For many children it is simply a case of lack of alternatives and opportunities. Therefore they face being forced to be child soldiers or prisoner as their everyday

reality and future. For some who voluntarily join such forces this may provide a short-term source of money, security, protection etc to their families; something occasionally essential, depending on the country. An example would be the way the Al-sahaab organisation recruits their child soldiers from villages that are illiterate and in need, solely in exchange for honour and supplies to their family.



Facts related to the issue

1. In the last two years, 20 states have been reported to have child soldiers in government, government-affiliated and non-state armed groups. Additionally, 40 states still have minimum age recruitment requirements under 18 years.
2. Girls make up an estimated 10 to 30 percent of child soldiers used for fighting and other purposes. They are especially vulnerable when it comes to sexual violence.
3. A few of the countries who have reported use of child soldiers since 2011 are Afghanistan, Colombia, India, Iraq, Libya, Mali, Pakistan, Thailand, Sudan, Syria and Yemen.
4. Despite a government agreement in the District of Chad to demobilize the recruitment of child soldiers, there were between 7,000 and 10,000 children under 18 serving in combat and fulfilling other purposes in 2007.
5. The recruitment of child soldiers breaks several human-rights laws. Children who have committed crimes as soldiers are looked upon more leniently and crimes committed voluntarily are subject to justice under the international juvenile justice standards.
6. Child soldiers are any children under the age of 18 who are recruited by a state or non-state armed group and used as fighters, cooks, suicide bombers, human shields, messengers, spies or for sexual purposes.
7. In the last 15 years, the use of child soldiers has spread to almost every region of the world and every armed conflict. Though an exact number is impossible to define, thousands of child soldiers are illegally serving in armed conflict around the world.
8. Some children are under the age of 10 when they are forced to serve.

9. Two-thirds of states confirm that enrollment of soldiers under the age of 18 should be banned to prohibit forced child soldiers, as well as 16- and 17-year-old armed-forces volunteers.
10. Children who are poor and/or displaced from their families, have limited access to education or live in a combat zone are more likely to be forcibly recruited.
11. Children who are not forced to be soldiers volunteer themselves because they feel societal pressure and are under the impression that volunteering will provide a form of income, food or security and thus willingly join the group.

Timeline

1949 - Protocols I and II of the four Geneva Conventions set the age for involvement in war to 15 years old. 15 was believed to be an acceptable and reasonable age.

1984 - UNICEF conducted studies on child soldiers in Uganda and South America. They were trying to find out how war affects children and what those who have experienced it have gone through.

1985 - In UN, a seminar reaches a conclusion that child soldiers are a form of exploitative labor. The UN believes that children under the age of 18 should not be required to participate in combat. The UNICEF published "Children in Especially Difficult Circumstances". This included a section explaining why child soldiers should not be used.

1990 - The African Charter on the Rights and Welfare of the Child is adopted by the Organization of African Unity (OAU). It would like to make 18 the required age for conflict and believes no child under that age should be forced or allowed to fight in wars.

1994 - The Human Rights Watch begins to publish articles regarding special reports on child soldiers in Africa. These reports recount the current conditions of child soldiers and the current status of some of the child soldiers at war.

1996 - A special report on the impact of armed conflict is published. The UN secretary general promotes Olara Otunnu as the Special Representative for Children and Armed Conflict

1998 - Rome Statute of the International Criminal Court rules that forcing any child under the age of 15 to fight war is considered a crime. Those who do not follow that rule will be punished.

1999 - Resolution 1261 is passed. It states that child soldiers are a threat to international security and is considered by the UN as an even more severe crime than exploitative child labor.

May 25, 2000 - After six long years of difficult negotiations, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted by the UN General Assembly. It declares that states are not allowed to recruit children under the age of 18 to fight or participate in wars.

June 2000- Optional Protocol is opened for signatures. Canada becomes the first nation to sign, soon followed by others.

2001- Resolution 1379 is passed by the UN. It exhorts states to prosecute those who attempt to use children in combat. It also wants the Secretary General to create a list of parties that violate this law.

2002- The Secretary General generates this list of offending parties. The list shows who violated the law prohibiting the use children in war and where.

2003-UN passes resolution 1460 which states that all countries using child soldiers need to say how they are trying to reduce their use.

2004-UN passes resolution 1539 stating that if states do not follow resolution 1460 the UN will take more action in the elimination of the use of child soldiers.

2005-UN passes resolution 1612 that creates a monitoring and reporting system of all of the child soldiers being used. This was necessary so that the states using child soldiers would begin the elimination of their use, even though this issue is still relevant today.

Past resolutions

There are several past resolutions concerning this matter. There is a resolution which expands the criteria for the Secretary General's "list of shame" reporting on children and armed conflict, beyond the recruitment of children, to include the killing and maiming of children and/or rape and other sexual violence against children as proposed in the Security Council of the 4th of August 2009.

<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201882.pdf>

There was another similar resolution proposed in the Security Council on the 12th of July 2011, expanding the criteria for the listing of parties in conflict in the Secretary General's report on children and armed conflict to include parties that attack or threaten schools and hospitals.

<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201998.pdf>

Possible solutions

Certain solutions that would require local and global effort and that would be compatible with the U.N spirit would be:

- a. Sustainable economic, educational and other positive-effect opportunities available for children in conflict-affected areas
- b. Support for community-based protection mechanisms
- c. Demobilising children from armed groups and forces at the first available opportunity
- d. Their release should not depend on a peace process or on adult demobilisation
- e. Children's demobilisation should be prioritised at all times
- f. Resources need to be provided to facilitate this
- g. Reintegration programmes should be founded on an inclusively community-based approach to support all children who have been affected by armed conflict; not just those who have been associated with the armed forces
- h. Those working with children associated with armed forces and groups should ensure that resources and support are not directed solely at those carrying weapons or otherwise directly involved in hostilities but also reach children carrying out other tasks.

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