United Nations High Commissioner for Refugees

Topic B: Child Soldiers

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Child Soldiers

Introduction

It is prohibited by international law to recruit any person less than 18 years of age (Amnesty). Yet, hundreds of thousands of children are coerced into joining government armed forces, paramilitaries, civil militia and armed groups (Amnesty) in order to directly or indirectly partake in hostilities. An estimated 250,000 to 300,000 children (Humanium) are currently involved in armed conflicts throughout the world, particularly in Central Africa, including the Central African Republic, Chad, Democratic Republic of Congo, and Rwanda. Although many children are abducted and threatened into submission, others join voluntarily in order to escape poverty, and to defend their families, among other reasons (Children and Armed Conflict). Their role within armed groups is not limited to active combat, as they may serve as porters, cooks, spies, messengers, bodyguards, mine detectors and sex slaves (Humanium). Such children are deprived of their fundamental rights and often suffer from danger, physical and mental abuse, as well as sexual violence, particularly in the case of girls. The recruitment and use of child soldiers is a grave humanitarian issue that deserves worldwide attention. Child soldiers must be demobilized, disarmed and reintegrated into their respective communities so that they are once again able to live a dignified life.

It is estimated that from the nearly 34 million refugees protected by the UNHCR, at least half are children (UNHCR). Children serve as easy targets for armed forces and groups as they can be easily manipulated (Humanium). Separated and displaced children are at even greater risk of recruitment. Displaced children lack adequate food, shelter and social structure. Hence, they may see their best alternative for survival within an armed force. It is important that additional measures are taken to protect displaced children and refugees, whether in refugee camps or in host communities, from the dangers of unlawful recruitment. States must ensure the protection of refugees from the
infiltration of combatants into camps (The Paris Principles). Education also serves as a primary means of recruitment prevention. In fact, a mere 36% of refugee children receive access to education (UNHCR). Effective education would give older children the life skills and vocational training necessary to meet their needs, protect themselves and build a sustainable life.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Countries Using Child Soldiers</th>
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<tbody>
<tr>
<td>1</td>
<td>Burma</td>
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<tr>
<td>2</td>
<td>Central African Republic (CAR)</td>
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<tr>
<td>3</td>
<td>Chad</td>
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<td>4</td>
<td>Democratic Republic of the Congo (DRC)</td>
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<td>5</td>
<td>Rwanda</td>
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<td>6</td>
<td>Somalia</td>
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<td>7</td>
<td>South Sudan</td>
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<td>8</td>
<td>Sudan</td>
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<td>9</td>
<td>Syria</td>
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<td>10</td>
<td>Yemen</td>
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(US Department of State)

Rehabilitation and reintegration of former child soldiers is a significant yet, complex process. Children and young people are abused, witness death and killing, and are forced to commit atrocities, including rape and murder, leading to long-term psychological consequences (Humanium). States must ensure that adequate psychosocial care is provided for former child combatants and that their transition into active civilians of society is monitored. In 2011, UNHCR partnered with other multilateral organization in order to demobilize 50 child soldiers (UNHCR).
Although this is highly commendable, such programs must be expanded in order to cater the large mass of unlawfully recruited child soldiers. Furthermore, reintegration can often pose challenges to former child soldiers. Age, gender and community perceptions of committed atrocities can all influence the ability of such children to return home (Child Soldiers International). This issue is especially true for female child soldiers due to the stigma associated with rape and the bearing of “rebel babies” (Children and Armed Conflict).

The United Nations Convention on the Rights of the Child, adopted in 1989, is the most ratified treaty pertaining to human rights (Amnesty). Hence, all nations have a responsibility to ensure that the rights of all children are met. The unlawful recruitment of children evidently denies children their fundamental rights and as conflicts begin to increase, greater efforts will be required to ensure the protection of children from the horrors of war and armed forces.
Background and Current Situation

Development

The recruitment of children as soldiers has been a phenomenon seen throughout history as children are increasingly vulnerable to social, economic, or political instability. These conflicts are extremely characteristic of Africa where 40% of the world's estimated 200,000 to 300,000 child soldiers are currently operating (Vautravers). The issue of child soldiers is most prevalent within Central African Countries- Central African Republic, Chad, Democratic Republic of Congo, and Rwanda.

An examination of each of these countries shows that they are plagued by internal conflicts and instability, encouraging the recruitment of children. The Central African Republic is currently inundated by fighting that started in 2012 as a fight for power between the government and Séléka, a coalition of rebel groups. In 2013, the former president Francois Bozizé fled as Séléka eventually captured the capital and elected Michel Djotodia as the interim president. During this time, however, child soldiers have been recruited as fighting continues between various armed groups and Séléka and Bozizé supporters. The instability has progressed as uncertainty follows Michel Djotodia's resignation on January 10, 2014. In Chad, child soldiers were used extensively in the 2005-2010 Chad-Sudan proxy war. Although the conflict is over, many of the conditions that facilitated the use of child soldiers continues especially within various rebel groups. Meanwhile, the Democratic Republic of Congo has been struggling for stability since a five-year conflict involving the Democratic Republic of Congo and six other countries ended in 2003. This is a country divided by differences in ethnicity and language, and characterized by violence due to various armed groups, including those based on Uganda and Rwanda, vying for the country’s natural resources. For
example, Rwanda is suspected of training child recruits for the M23 rebels in the Democratic Republic of Congo.

Overall, there are measures to protect child soldiers, such as international humanitarian laws that prohibit the participation and recruitment of children conflict. The UN has taken on a significant role in the protection of child soldiers. In 2002, the UN introduced the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict to encourage countries to set a minimum voluntary recruitment age of at least 16 years and protect recruits under the age of 18 from participation in direct hostilities. As of 2013, 152 countries have adopted this protocol and an additional 20 have signed, but not ratified it. Other legislation by the UN include resolutions 1539 and 1612 initiating a monitoring and reporting system to document the use of child soldiers (Human Rights Watch). In 2006, the Security Council placed a travel ban on an armed group leader in Cote d'Ivoire for using child soldiers and later the idea was reintroduced for a similar situation in the Democratic Republic of Congo.

Actions by other organizations include the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (detailing recommendations to protect children from recruitment and to support former soldiers- signed by 66 countries in 2007), the European Union's 2003 Guidelines on children and armed conflict, the African Charter on the Rights and Welfare of the Child, and the conviction of Thomas Lubanga Dyilo in 2012 by the International Criminal Court for the military use of children. Overall many countries, however, still violate these legislations, as there have been limited to no repercussions.

Although these conventions and legislations are in place, the existing solutions for child soldiers focus on preventative measures and reintegration. As such, few recognize the lack of protection for child soldiers who seek safety by obtaining refugee status.
The issues facing child soldier refugees can be split into the legal application process and the treatment of child soldiers with an undetermined status. Once child soldiers are outside of their countries, it is important to secure refugee status, ensuring protection, security, and aid to become re-integrated into society. For the legal process, there is an ongoing debate about the loosely defined criteria excluding child soldiers from gaining refugee status. Although the legislation in every country is different, there is a widespread trend of child soldiers having delayed or denied statuses, as applicants must clear many hurdles. In the United States, for example, applicants are required to show that they are persecuted based on race, religion, nationality, political opinion, or membership of a particular social group. Of these persecution claims, the only one possibly pertinent to child soldiers is membership of a particular social group. Based on the official interpretation though, the group in question cannot be created by its persecutor and the courts usually consider the group 'child soldiers' too broad so child soldiers are often not eligible. Also, current standards prevent people who have committed a crime from gaining refugee status. Often too generalized, these policies do not address the unique circumstances of each situation, such as distinguishing between children and adults. In the United States, for example, children are barred from obtaining any permanent status or protection if their actions are deemed 'terrorist' related such as providing support to, receiving military training from, or fighting with a terrorist organization. Thus, this applies to any child soldier who has fought with a non-state armed force. Furthermore, child soldiers can only be exempt from this law if the United States Department of Homeland Security clears them. However, Homeland Security does not take into account a person's age when making this
decision (Javaherian). Although child soldiers are usually abducted or forcibly recruited and then subjected to numerous human rights violations, they are treated as perpetrators rather than victims (Happold).

When child soldiers flee, the legal processes and protection systems are limited and involve significant delays. In general, the legal process of gaining a permanent residence can take several months to many years. Many may not even gain refugee status. For example, refugees denied a residence permit in Germany cannot be deported if they do not have a passport so they are given an 'exceptional leave to remain'. Currently, more than 22,000 minors have this unprotected status in Germany (Terre des Hommes). During this time period, child soldiers are not only subjected to the social inequality and exclusion that many refugees face, but they also face many limitations and poor treatment. In many countries, refugees do not have the freedom to move about since they are randomly assigned a state where they must obtain permission to travel from. They often live with few benefits and in small quarters where the hygiene and conditions are very poor. For example, Germany’s benefits for these refugees have been given in the form of shopping vouchers or food parcels; the amount has not changed since 1993 and is 35% less than unemployment benefits. Housing has included containers or former barracks, and these refugees are often not given access to state health insurance, psychological care, skills training, counseling, or education (Terre des Hommes). There is also usually a ban on working due to the insecure status of residence. With these restrictions, former child soldiers live in poverty and are unable to obtain the necessary care that allows them to improve their situation or become reintegrated into society.

These poor conditions and prospects have a greater impact on child soldiers since they have already have been traumatized by their past experiences. Many have been witnesses to violence,
victims of kidnapping or abuse, and/or perpetrators of crimes. Thus, over 40% arrive with post-traumatic stress, which can worsen as a result of the refugee process.

While all countries acknowledge that the use of children in militarized conditions is wrong, few countries are willing to prioritize this problem and bring about necessary improvements to the system. Many countries, including signatories to conventions such as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, have even continued the recruitment process of children. In the past, countries have provided limited actions that tend to involve only international pressure and persuasion. Countries such as the United States have even continued sending military aid to countries known to use child soldiers (Yemen, Chad, South Sudan) (Brown). In the case of Sudan, where rebels are recruiting soldiers from refugee camps, there has been nothing more than requests to end this process. The United States has only gone as far as having the US assistant secretary of state for population, refugees and migration Anne Richard ask the rebels to stop enlistment, a charge which the rebels deny (Holland). Although the issue is complicated and not prioritized as a country's national interest, the UNHCR is set to step in to protect child soldier refugees by solving these problems.

*How to Organize Solutions*

The UNHCR believes that the issues concerning child soldiers obtaining refugee status can be alleviated through solutions that deal with both the legal and humanitarian issues. Legally, countries should consider the creation of international standards and legislation that specifically deals with child soldiers since there currently is none that deals with their status as refugees. One idea, for example, would be an internally recognized minimum age for criminal responsibility since it currently ranges from 7 to 18 years. These considerations could also be used to ensure that
individual countries have refugee legislation in place that takes into greater account a person's age and background and provides better clarification on a person's residence status. A measure such as improved identification would be important as this could qualify child soldiers as particularly vulnerable refugees, saving them from a long application process and the potential for additional trauma and psychological harm as mentioned in the issues section.

Concerning the more humanitarian-based needs of child soldier refugees, the UNHCR often works with countries to ensure the protection and integration process for refugees. In the case of child soldiers, research has shown that child soldiers need long-term and guaranteed residency in order to heal from their experiences and become integrated back into society. Other possible solutions to look at include medical, psychosocial, and psychological support and accommodations for youths such as access to education.
Bloc Positions

The majority of countries around the globe concur that underage children should not be recruited for nor allowed to serve for any military, and that forcible recruitment of children for the military is a violation of human rights. Yet there are countries that are largely unable to enforce protocols that limit the use of child soldiers. These tend to be least developed countries (LDCs) in Africa, including, but not limited to Burundi, Chad, and Somalia, all of which have forcibly recruited child soldiers for resistance efforts and civil wars, by both insurgency groups and governments. Least developed African countries are responsible for the majority of the world’s child soldiers (In-Depth). These countries should consider economic factors; due to lack of resources, there are few alternatives to and defenses against joining a military group for children. Representatives of LDCs should also consider the capacity and willingness of their weak governments to cooperate with UNHCR to protect child soldiers seeking refugee status.

Some countries in the Middle East, such as Iran, Iraq, and Lebanon, have suspended protocols protecting children from military enlistment during times of extreme conflict, but currently do not use children for military purposes.

There are many other countries worldwide, such as Bahrain, India, Norway, and Canada, which allow children under the age of 17 to legally serve in the military. These countries should take into consideration that their legal definitions of children differ, as well as their stance on how children under 17 should be allowed to serve in the military. This should impact how representatives of these countries choose to define the term ‘child soldier’ as well as what conditions qualify child soldiers for refugee status and how best to grant this refugee status.

The other issue in creating a universally accepted solution is the reluctance of some countries to relax their definitions of what constitutes a terrorist. In the Convention on the Rights of Child, no
minimum age is given for prosecution, and thus, child soldiers can be seen as having had committed war crimes. According to the United States Supreme Court, even if such acts were committed under duress, that is not enough to clear one of a crime. Thus, it is possible that some states that follow this interpretation of law, such as the United States, may be wary of taking in former child soldiers (Happold).
Questions to Consider

1. How can the lack of resources in countries most affected by the problem of child soldiers be overcome?
2. What are the humanitarian needs of former child soldiers?
3. What measures have various governmental and non-governmental organizations taken to ameliorate the struggle of former child soldiers?
4. Is a change in legal definitions enough to resolve this issue?
5. What problems might arise from granting a blanket amnesty for all child soldiers?
6. Can former child soldiers still be a threat after they have been decommissioned?
7. Do former child soldiers deserve a special status within countries where they are granted asylum?
8. Would loosening regulations on granting asylum to former child soldiers place a burden on countries who accept them?
9. What organizations and nations are the largest stakeholders in the child soldier refugee crisis?
10. How can apprehensions to allowing former soldiers of any kind to be granted asylum be overcome?
**Recommended Sources**

Report on Child Soldiers and Refugee Status:

[http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1229&context=auilr](http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1229&context=auilr)

UNHCR on Child Soldiers:


RefWorld Account of ICC Case: [http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=4bf3a5e22&skip=0&query=child%20soldiers](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=4bf3a5e22&skip=0&query=child%20soldiers)
Bibliography


