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## International Security Meeting Summary

# Better than Cure: Preventing the Recruitment and Use of Children in National and Proxy Armed Forces

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## Introduction

Despite near-universal condemnation of the use of children in armed forces, and the widespread ratification of the 1989 Convention on the Rights of the Child and its 2002 Optional Protocol on the involvement of children in armed conflict, children continue to be used in government and proxy armed forces around the world. This summary highlights the key themes and findings of a roundtable discussion held at Chatham House in May 2012, in which participants examined international cases of child recruitment in Chad, Sri Lanka, Burma and Libya. Existing preventive mechanisms and existing international, institutional and governmental approaches to child recruitment provided the basis for discussion on a future preventive agenda and the path towards its promotion. As part of a wider discussion on prevention mechanisms and best practice for the prevention of child soldiering, Child Soldiers International presented their report, *Better than Cure: Preventing the recruitment and use of children in the Chadian national army*.

## Context

The outbreak of conflict in certain countries has come to be equated with the active recruitment of children into armed forces. Yet, while some of these conflicts have come to a close, the risk of child recruitment has remained, as have the conditions under which recruitment occurs, demonstrating the need for effective and institutionalized protection as well as for peace and stability. However, recent experience demonstrates that the child soldiers agenda has hitherto mostly focused on response – release, rehabilitation and reintegration of children – rather than protection. There is an urgent need to address child recruitment and use in the broader context of prevention.

An internal conflict broke out in 2005 between the government and a multitude of armed groups opposing the growing concentration of power and wealth into President Déby's hands. Meanwhile, a proxy war between Chad and Sudan arose following the influx of Darfuri refugees into eastern Chad. In the resource-scarce east, the conflicts aggravated existing localised ethnic and communal tensions. It is widely recognised that both governmental and non-state forces employed child soldiers, and that child recruitment peaked at the height of the conflict in 2005 to 2008. Of the children enrolled, a vast majority were male, most were fifteen to seventeen years old, and nearly 100 per cent were Muslim, indicating that recruitment occurred mostly in villages and refugee camps in the northeast, near the Chad-Sudan border. Owing to a

variety of political, economic and security factors, child recruitment was both forcible and voluntary.

Although extensive demobilisation of children has taken place under an agreement signed between the Chadian government and the United Nations Children's Fund (UNICEF) since 2007 (over 1,000 child soldiers are estimated to have been demobilised), there is growing concern that child recruitment will resume in the event of renewed conflict, due to the lack of institutional change. Greater attention must be given to the responsibility of states to develop laws, policies and practices that explicitly and durably prevent child recruitment.

### Protection Gaps

Chad's political and socio-economic context (rampant poverty; weak rule of law; lack of education opportunities) accounts for the deep-rooted causes for the military exploitation of children. Conflict and instability create more immediate triggers (such as manpower needs, or economic opportunities). Set against these causes, structural weaknesses in child protection constitute a set of enabling factors that allow child recruitment to occur during and beyond the conflict (informal recruitment practices; absence of age verification procedures; impunity; etc). CSI's report examined failures at the level of 'enabling factors' and identified four specific areas that have created an enabling environment for child recruitment: legislation on army recruitment, procedures and practices of recruitment, demobilisation and reintegration, and accountability.

In the area of legislation, although Chad has set the minimum age for voluntary enrolment and conscription at eighteen and twenty respectively, these standards were never strictly implemented and informal recruitment prevailed during the most recent period of conflict. Furthermore, from a purely legal standpoint, there is a fundamental ambiguity on the minimum age for voluntary enrolment into the Chadian armed forces as a draft Child Protection Code (*Code de protection de l'enfant*) prepared by the Ministry of Justice currently allows for the voluntary recruitment of under-eighteens.<sup>1</sup>

Second, adherence to the minimum age policy remains a challenge in practice owing to the absence of effective age verification mechanism. Birth registration in Chad is one of the lowest in Africa with only 9-16 per cent of

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<sup>1</sup> Draft Child Protection Code, Section 4, Paragraph 396 (translation by Child Soldiers International), in 'Better than Cure: Preventing the recruitment and use of children in the Chadian National Army', Isabelle Guitard, *Child Soldiers International*, 16<sup>th</sup> April, 2012. Last accessed 26<sup>th</sup> June 2012, [http://www.child-soldiers.org/Better\\_than\\_cure.16April2012.pdf](http://www.child-soldiers.org/Better_than_cure.16April2012.pdf).  
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under-fives registered at birth according to UNICEF). This is due to a combination of insufficient state infrastructure and registration being free for only two months following birth.<sup>2</sup> CSI therefore advocates for birth registration to be made free and compulsory in practice.

Third, despite an understanding between the Government of Chad and UNICEF in 2007 that created a demobilisation and reintegration programme for child soldiers, a lack of basic government cooperation undermined these efforts, particularly with regard to screening the Chadian National Army (*Armée nationale tchadienne*/ANT) for child recruits. Excessive government control over the process (denying child protection agencies access to ANT units; requiring advance notice; supervising verification visits) also inhibited meaningful scrutiny of the armed forces. It is widely suspected that a large number of child recruits were demobilised outside of official government channels, to avoid international condemnation. In contrast, armed opposition groups underwent a much more rigorous screening process, as 95 per cent of children demobilised under the program were released from armed groups. To date, there has been no comprehensive screening of the national army. CSI therefore advocates for permanent monitoring of ANT units pending a thorough reform of the security sector as a whole.

Finally, leaving aside major, long-term drawbacks – such as the weakness of the judiciary and systematic immunity enjoyed by members of the political and military establishment – from a purely legal standpoint, there is concern that child recruitment has not yet been criminalised in Chadian national law. Child recruitment is illegal but not yet accompanied by penal sanctions. However, by virtue of its international commitments, Chad is obligated to adopt national legislation to establish child recruitment and use as a crime.<sup>3</sup> CSI argues that impunity encourages further breaches of the law.

The above institutional weaknesses demonstrate that measures taken so far are inconsistent with Chad's legal obligation in that they are nominal, incomplete or too slow. They do not effectively fill the protection gaps and fail to effectively tackle enabling factors. An Action Plan signed by the Chadian government and the UN in June 2011 lists key commitments that would address all the gaps identified above and includes time bound and measures objectives, including clarifying the legal prohibition on child recruitment;

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<sup>2</sup> United Nations Children's Fund, *The State of the World's Children 2009: Maternal and Newborn Health*, 2009, p. 150. Last accessed 26<sup>th</sup> June 2012, <http://www.unicef.org/sowc09/docs/SOWC09-FullReport-EN.pdf>.

<sup>3</sup> Under the Optional Protocol on the involvement of children in armed conflict, ratified in 2002, and the Rome Statute of the International Criminal Court, ratified in 2006.

reforming the Chadian civil registry; ensuring free and regular access of child protection agencies to ANT installations; criminalizing child recruitment/use.

Unfortunately, one year after the signature of the document, none of these commitments have yet been implemented. CSI's research suggests that child recruitment is not regarded as a priority by the Chadian government, and competes with other issues for government and UN attention, not least the drought and resulting nutrition crisis affecting the Sahel region. The UN Country Team was also found to lack both the financial and logistical capacity to implement commitments from the 2011 Action Plan. Compounded by an absence of monitoring and little transparency from the government, measures taken so far to prevent the recruitment and use of children have amounted to processes rather than effective and durable institutional changes.

The government and the UN have made public commitments and taken welcome steps to end the use of child soldiers in Chad, but unless these are comprehensively and scrupulously implemented with all concerned actors and monitored over a sufficient period of time, children will continue to be at risk.

Despite competing issues and limited resources, the Chadian government has recently signalled a clear desire to tackle child recruitment. Participants discussed a number of necessary changes towards effective child protection measures. One participant pointed to American military and developmental assistance to Liberia as an example of how external actors are able to create a viable policy framework and provide resources for progress in child protection. However, another participant articulated the necessity for child protection to become an internally-driven process owing to the inconsistency of international engagement. To this end, it was suggested that support from the international community could be used as an incentive to gain compliance from the Chadian government. Participants also discussed the importance of community-based protection as an alternative source of prevention, effective above all through provision of education to children. It was also noted that without a rigorous and fully-supported programme, children involved in demobilisation could degenerate into a life of organised crime. The shift of foreign assistance in Chad, from traditional French support to the more recent impact of US lobbying efforts in the context of the US Child Soldiers Prevention Act, was noted as potentially having a strong impact.

## Institutional Weakness

Participants then turned their focus to South and Southeast Asia, where they noted a failure by states to recognise that the underlying causes of conflict have allowed child recruitment to take place without accountability. In Sri Lanka, for example, perceived state prejudice against particular ethnic groups and socio-economic groups led to a conflict in which the recruitment and use of children by armed groups was widespread. Similarly, in Burma (Myanmar), the suppression of democracy and ethnic identity by an authoritarian and oppressive government led to the use of children in conflict.

The endemic nature of weak institutional structures in Burma has allowed the military nature of the ruling regime to undermine effective child protection. For example, the ages of child recruits discharged from the military have been falsified by the military, blurring accountability and increasing the impunity of military personnel. Furthermore, cases of child recruitment were not addressed in a criminal court system. Instead, these cases are handled in opaque military courts, in which disciplinary actions were limited to reprimands such as the loss of salary for seven days, highlighting the lack of gravity with which child recruitment is treated. Existing measures for accountability have thus failed to constitute an effective deterrent to child recruitment in Burma.

Poor governance, the lack of accountability and the collapse of the rule of law in post-conflict Sri Lanka were said by participants to have created a breeding ground for child recruitment. Despite the enactment of an UN Action Plan in 2002, two non-state armed groups - the Liberation Tigers of Tamil Eelam (LTTE) and the Karuna faction (led by Vinayagamorthy Muralitharan, otherwise known by his nom de guerre, Col. Karuna Amman, previously the Eastern Commander of the LTTE, who left to form his own political party in 2004, the TMBP) – have been the main perpetrators of child recruitment. That Karuna was made a government minister in 2005-6 (Chief Minister of the Eastern Provinces) was deemed by discussants to be indicative of active complicity by the military in child recruitment, through the Karuna faction. Furthermore, no attempts were made at establishing accountability for child recruitment in the post-conflict period in Sri Lanka for Karuna or any state security forces that may have assisted him.

Three main issues have emerged from these examples that point to the lack of accountability of both domestic and international institutions entrenched in law. First, the overriding impunity of institutions has become apparent among a highly politicised and corrupt judiciary and police, entrenched in law by the

Eighteenth Amendment Act of 2012, which prevented an independent constitutional council from leading the judiciary and police.<sup>4</sup> Second, in-country reporting and investigation of human rights violations, notably by the Human Rights Commission in Sri Lanka has also been ineffective, manifest in the 2007 downgrading of the commission by an the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Lastly, the framework monitoring and reporting mechanisms laid out in UN Resolution 1612 have been little more than symbolic in impact. Although the resolution facilitated the demobilisation of child recruits by the TMBP in Sri Lanka, its mechanism for monitoring and reporting has been inadequate, given that no-one received punitive measures for their participation in child recruitment.

### **Towards a holistic approach?**

Political turmoil in Libya's civil war in 2011 led to the use of child soldiers by both sides involved in the conflict, and highlighted that the use of children in armed conflict remains prevalent. Little is known about child soldiering in Libya, especially concerning existing protection mechanisms before 2011. However, emerging information from the post-conflict landscape has revealed a lot concerning the impact of child recruitment. The whereabouts of many children is unknown, whilst others are understood to be imprisoned, or in the case of children linked to pro-Gaddafi forces, in hiding. Concerns have been raised though that the children in prison are particularly disadvantaged; they remain a low priority issue on the transitional justice agenda, and they themselves are viewed as being criminal offenders, rather than the figures that recruited them. This has not been helped by the deliberate obstruction of information flow amongst the Libyan population, and within Libyan institutions. Furthermore, the demobilisation and reintegration of children who fought in opposition to Gaddafi forces has proved problematic; the 'hero' status they gained during the period of conflict has undermined the appeal of returning to education.

Nevertheless, Libya is listed as an area of interest to the UN Security Council (UNSC), which, through application of Resolution 1612, has brought about some degree of strengthened monitoring by way of regular reports to the UNSC on child protection issues. Observing that many post-conflict policy recommendations are usually aimed at strengthening legislation (notably the capacity of the police and judiciary, budgetary control and interagency

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<sup>4</sup> *Parliament of the Democratic Socialist Republic of Sri Lanka*, Eighteenth Amendment to the Constitution, Chapter VIIa, 9<sup>th</sup> September 2010. Last accessed 27<sup>th</sup> June, <http://www.lawnet.lk/downloads/18thAmendmenAct-E.pdf>.  
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cooperation), participants suggested a more holistic approach towards child protection in order to address the overlap between different issues and groups of children. A strong desire was also expressed to examine child protection mechanisms that were in place before the outbreak of conflict, at which point a range of initiatives and studies on preventing child recruitment were reviewed. Discussants recommended a project led by Michael Wessells at Columbia University on strengthening community-based child protection mechanisms in Sierra Leone and Kenya, as well as a UNICEF piece on long-term strengthening and reporting mechanisms related to Resolution 1612, work by the Children in Crisis Network on child protection systems in emergency responses, and a UNICEF-commissioned piece examining natural disaster emergencies in conflict that lead to the recruitment of children in armed groups.

In subsequent discussion participants affirmed their desire to see more studies focusing on the performance of child protection systems in advance of the outbreak of conflict in fragile states. It was also agreed that cultural perceptions of child recruitment differ widely, especially with regard to which practices are considered child recruitment, and who can be considered a 'child soldier'. An important point raised by one participant addressed the exclusion of gender from the dialogue of child protection, which gave rise to substantial discussion on the role that mothers play in community responses to child protection, as well as the involvement of female child soldiers in armed forces. It was suggested that women's civil society groups in fragile states could be utilised as a platform for engaging in new child protection initiatives. Additionally, participants debated approaches to child protection, contrasting the benefits of an issues-based approach against a holistic approach. They noted that if adhered to, the UN Action Plans could provide a comprehensive policy combining both approaches.

## **Conclusion**

The need to prioritize resources towards long term prevention is clear. It seems that existing measures have amounted to little more than a series of processes rather than domestic institutional change. These processes themselves are anchored by structural weaknesses that inhibit state capacity to tackle child recruitment and to provide mechanisms for protection and accountability. Protection gaps are further undermined by failures to consult child protection agencies in the implementation process.

Nonetheless, small, issue-based steps could provide the starting point for delivering a holistic approach to child protection, and suggestions by participants for further study on protection systems before the outbreak of conflict provide a path forward for a preventive agenda. Without reform of child protection measures, it was agreed that child recruitment would resume in the instance of renewed conflict in a number of countries.