

The Child Soldier Prevention Act of 2007
(S. 1175 & H.R. 3028)
Questions and Answers

Q: What Problem is Being Addressed?

A: Up to 250,000 children are exploited each day in state-run armies, paramilitaries and guerilla groups around the world. Called “child soldiers,” they serve as combatants, porters, human mine detectors and sex slaves. Their health and lives are endangered and their childhoods are sacrificed. Some of these children serve in the armies or government-supported paramilitaries of nations that receive U.S. foreign military financing and other military assistance. These countries and these children are the focal points of this legislation.

Q: What is the Goal and Strategy of the Bill?

A: *The Child Soldier Prevention Act of 2007* is designed to encourage governments to disarm, demobilize, and rehabilitate child soldiers from government forces and government-supported militias. Using the Department of State’s Country Reports on Human Rights as a barometer, this bill would place limits on the provision of U.S. International Military Education and Training, Foreign Military Financing, and other defense-related assistance in our foreign operations programs for countries in violation of the bill’s standards. Countries that are clearly identified in the Human Rights Report as recruiting or using child soldiers in government armed forces or government-supported paramilitaries or militias in violation of international standards would be eligible only for military assistance to address the issue of child soldiers and otherwise professionalize their armed forces until the problem is remedied.

Q: Why Was This Bill Introduced?

A: U.S. military assistance should not go to finance the use and exploitation of children in armed conflict. Such practices directly contravene U.S. policy, practice and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which the United States ratified in 2002. It is also in our own national security interest to reduce the incidence of child soldiers in the world: our commanders do not want U.S. troops to confront the specter of an armed child in a combat situation. The proposed bill is in alignment with U.S. policies and DoD goals to help professionalize military bodies abroad.

Children suffer higher mortality, disease, and injury rates in combat situations than adults. The lasting effects of war and abuse may also remain with them long after the shooting stops. Both girls and boys may be stigmatized and traumatized by their experience and left with neither family connections nor skills to allow them to transition successfully into productive adult lives. This bill both underscores the importance of the issue within United States foreign policy and provides concrete means and incentives to help countries end their reliance on children as soldiers.

Q: What Assistance Programs Are Involved?

A: Foreign Military Sales (FMS), Direct Commercial Sales (DCS), Excess Defense Articles (EDA), International Military Education and Training (IMET), and Foreign Military Financing (FMF).

Q: What Countries May Be Affected?

A: Burundi, Chad, Colombia, Congo (Democratic Republic of), Cote d’Ivoire, Sri Lanka, Sudan, Uganda could potentially be affected.

Q: Does the Bill Include Waivers, a Phase-In Period, or “Safety Valves?”

A: The bill takes into account that there may be circumstances that require flexibility to allow for strategic military engagement or diplomatic positioning or other national interests. This bill will not automatically cut off aid to countries that are identified by the State Department as using or tolerating child soldiers. Countries that are seeking to implement demobilization measures would be eligible for assistance in that process and in the professionalization of their armed forces for up to two years before prohibitions on assistance would be imposed. Moreover, the bill provides the President with the authority to waive restrictions if he determines that such a waiver is in the national interest.

Q: Doesn’t the U.S. allow 17 year olds to serve?

A: In 2000, the United Nations adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, obliging governments to take all feasible measures to ensure that members of their armed forces that have not attained the age of 18 do not take a direct part in hostilities, and prohibiting any compulsory recruitment of children under the age of 18 into governmental armed forces, or any recruitment (whether forcible or “voluntary”) or use in hostilities of children under age 18 by non-state armed forces. The Optional Protocol allows government armed forces to accept volunteers into their armed forces from age 16, with certain safeguards such as parental permission and informed consent.

The United States ratified this treaty in December 2002, and subsequently, the U.S. armed forces adopted new deployment policies to prevent the use of seventeen-year old soldiers in combat situations. In fact, in order to meet U.S. legal obligations, the policies adopted by the armed services are quite restrictive: the US Army’s policy is not to assign or deploy soldiers less than 18 years of age outside of the continental United States, Puerto Rico or territories or possessions of the United States. The U.S. Navy will not assign members under age 18 to commissioned vessels or operational squadrons. Instead, it will extend training or assign soldiers to shore duty until they turn 18.

Q: What Definition of “Child Soldier” is Being Used?

A: In this Act, the term “child soldier” means:

- 1) any person under age 18 who takes a direct part in hostilities as a member of governmental armed forces;
- 2) any person under age 18 who has been compulsorily recruited into governmental armed forces;
- 3) any person under age 16 voluntarily recruited into governmental armed forces;
- 4) any person under age 18 recruited or used in hostilities by armed forces distinct from the armed forces of a State;
- 5) persons described in 2, 3, and 4 includes those serving in any capacity, including in support roles such as, but not limited to, cooks, porters, messengers, medics, guards, sex slaves, etc.

(This definition was ratified by the U.S. Senate as part of the Optional Protocol to the Convention on the Rights of the Child).

Q: What Other U.S. Legislation and Policy Applies To Child Soldiers?

A: Section 502B(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(3)) provides that “the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.”

Both chambers of the United States Congress have made clear their position on this issue in recent years as articulated in a series of resolutions, “Expressing condemnation of the use of children as soldiers and the belief

that the United States should support and, where possible, lead efforts to establish and enforce international standards designed to end this abuse of human rights” (S. CON. RES. 72, H. CON. RES. 348, H. CON. RES. 209, H. CON. RES. 309, H. CON. RES. 202). In addition, the Congress now requires that the U.S. Department of State to monitor and report on this problem in their annual report on human rights practices.

The United States is a party to international treaties banning the use of child soldiers, including the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (ratified by the U.S. in 2002) and ILO Convention 182 on the Worst Forms of Child Labor (ratified in 1999).

Q: Who Are the NGO Supporters?

A: World Vision, Human Rights Watch, the Center for Defense Information and Amnesty International USA are the lead NGOs behind this bill. They represent an extensive coalition that focuses on child soldier issues. A sign-on letter in support of the bill is being circulated to expand this list of supporters.