



A LAW UNTO THEMSELVES?

Confronting the recruitment
of children by armed groups

CHILD
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p.3	I Executive Summary
p.7	II The Legal obligations of organised non-state armed groups
p.13	III Child recruitment and use by armed groups: defining practices
p.23	IV Non-state armed groups' commitments and policies relating to child recruitment and use
p.35	V Commitments and armed groups' compliance with international standards
p.43	VI Practical measures of implementation
p.53	VII Recommendations
p.62	VIII Armed groups' commitments and policies on child soldiers - 1999 - 2015



Executive Summary

The recruitment of children and their use in hostilities by non-state armed groups has been a serious and persistent problem for decades; such armed groups are responsible for most of the children used in violent conflict today. These alarming reports of grave violations against children across the world prompted the UN Security Council to hold the first ever Open Debate specifically on child victims of non-state groups.¹ Of the 57 parties to armed conflict listed in the annexes of the UN Secretary-General's (UNSG) 2015 report on children and armed conflict, 49 are armed groups operating in country situations as diverse as Afghanistan, Central African Republic (CAR), Colombia, Democratic Republic of the Congo (DRC), Iraq, Mali, Myanmar, Nigeria, the Philippines, Somalia, South Sudan, Sudan, Syria, and Yemen.² Further armed groups with a record of recruiting children are operating in India, Pakistan, Israel/State of Palestine, Turkey and Thailand.³ The number of children associated with such groups is impossible to determine but appears to run into several tens of thousands.

Despite the scale of the problem, fewer sustained international and domestic efforts have been devoted to tackling child recruitment by armed groups than to recruitment by state armed forces, of which more than half have now phased out the recruitment and use of children thanks to sustained international efforts.⁴ The reasons for the disparity of attention are obvious: armed groups outnumber armed forces many times over; they are diverse and often volatile; and, in some cases, their ideologies and disregard for international standards and public opinion present a serious barrier to engagement. Progress has also been hampered by a reduction in international efforts and by the active resistance of some governments.

¹ UN Security Council, 7414th Meeting, 25 March, 2015, UN Doc. SP/PV.7414

² Report of the UN Secretary-General on Children and armed conflict, UN Doc. A/69/926-S/2015/409, 5 June 2015.

³ Report of UN Secretary-General on Children and armed conflict, UN Doc. A/69/926-S/2015/409, 5 June 2015.

⁴ The "Children, Not Soldiers" campaign launched by the Office of the Secretary-General's Special Representative for Children and Armed Conflict (OSRSG) and UNICEF in 2014 focuses exclusively on state armed forces and has resulted in important developments in relation to them. For information on the campaign and its impact see OSRSG, <https://childrenandarmedconflict.un.org/children-not-soldiers>.

Despite these difficulties, some substantial progress has been made. Since 1999, over 60 armed groups have made unilateral or bilateral commitments to reduce and end the recruitment and use of children, leading to changes in internal policies and practices. The number of armed groups that have set 18 years as their minimum age for recruitment has also increased. Although implementation is typically patchy, these commitments demonstrate growing recognition by an increasing number of armed groups of the need to protect children from involvement in military organisations. While attitudes to child recruitment cross a broad spectrum from commitment to indifference, in general armed groups are now more aware and accepting of their international legal obligations than they used to be. These developments are largely attributable to the UN, humanitarian organisations, child and human rights NGOs, and others seeking dialogue with armed groups for the purposes of enhancing the protection of children. Nonetheless, this progress can only be considered a beginning.

Dialogue with armed groups is not always immediately possible. When it is, the required coordinated, funded capacities for engagement are often absent and/or armed groups actively resist it. In order to meet these challenges, Child Soldiers International believes that:

1. The distinct advantages of different stakeholders' methods (UN, NGOs, civil society, peace negotiators) in engaging different armed groups must be explored and exploited more extensively;
2. Greater coordination between different actors is needed to enhance engagement and the agreements that it produces;
3. Sustained pressure is needed on governments that block access to armed groups; and
4. Greater attention should be given to child protection concerns in peace processes in order to ensure that opportunities to support compliance by armed groups are not missed.

In order to strengthen engagement in the long-term, this report explores commitments that armed groups have made, the standards that should be applied, and the measures required for their effective implementation.

The report concludes with recommendations to armed groups and the stakeholders that engage with them, including governments, the UN, donors, NGOs, and peace mediators. The recommendations are intended to complement and reinforce the progress made to date, including the recommendations of the landmark Security Council Open Debate on child victims of non-state armed groups, held in March 2015.⁵

⁵ UN Security Council, 7414th Meeting, 25 March 2015, UN Doc. SP/PV.7414; See Non-paper: Proposals for action to protect children from non-State armed groups or actors (ANSAs), letter dated 21 May 2015 from the Permanent Representative of France to the UN Secretary-General.

Scope of report

This report focuses on organised, armed non-state actors (armed groups) that are outside the effective control of states and are primarily motivated by political, religious or ideological goals. These can encompass a range of different entities including ill-defined, loosely structured groups; groups with a higher level of organisation albeit no territorial control; groups with a clear command structure which exercise some territorial control; and groups that exercise significant government-like functions in the territories they control (including entities that can be considered as de-facto governments).⁶ Critically, armed groups, although bound by certain international standards, lack the legal capacity to become party to relevant international treaties.

The report covers situations in which armed groups are involved in non-international armed conflicts with states and/or with other armed groups as well as post-conflict situations or where the existence of an armed conflict is contested but where armed groups operate and recruit children.⁷ This report does not include examples of a range of armed groups which have so far shown no willingness at all to make commitments or enter into a dialogue on child recruitment, for instance the "Islamic State", Boko Haram and Al Shabab. Child Soldiers International believes that innovative thinking is required to explore the potential of engagement with these groups.

The information contained in the report comes primarily from secondary sources including UN reports, state periodic reports and alternative reports to treaty bodies, and reports of national and international NGOs. Primary research by Child Soldiers International and consultants was undertaken on the Central African Republic, Myanmar, the Philippines and Thailand. Geneva Call's Directory of Armed Non-State Actor Humanitarian Commitments, "Their Words"⁸, was an invaluable source of information on the agreements, statements, declarations, internal regulation and rules, and other commitments and policy documents by armed groups.

⁶ This focus is solely to limit the scope of this report and is without prejudice to definitions of non-state parties to non-international armed conflict under international humanitarian law. It also does not address armed criminal gangs, although it is recognised that many also recruit and use children, and that some of the armed groups discussed in the report are also involved in criminal activities.

⁷ The report does not address irregular paramilitary forces which operate without an explicit legal basis or official recognition but which are under State effective control. For detailed analysis of state responsibility with regards to such groups see: Child Soldiers International, *Louder than words – an agenda for action to end state use of child soldiers*, September 2012, <http://www.child-soldiers.org>.

⁸ Geneva Call, *Their Words*, <http://theirwords.org>



The legal obligations of organised non-state armed groups

Various legal prohibitions exist under international law on the recruitment and use in hostilities of children by armed groups. While there are differences between international humanitarian law (IHL) and international human rights law (IHRL), there is an evolving trend towards recognition that there is a legal prohibition on any form of military recruitment or use in hostilities of persons under the age of 18 years by armed groups. In non-international armed conflict, non-state parties to armed conflict are bound by relevant provisions of IHL. Article 4(3)(c) of the 1977 Additional Protocol II to the 1949 Geneva Conventions relating to the protection of victims of non-international armed conflicts provides that “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities”. However, Additional Protocol II is not applicable in all non-international armed conflicts.⁹

However, customary IHL on the recruitment of children into armed forces and armed groups and on the participation of children in hostilities apply in all non-international armed conflicts, binding all non-state parties to armed conflict. According to the customary IHL rules identified in the 2005 ICRC study on customary IHL, “children must not be recruited into armed forces or armed groups”,

⁹ Additional Protocol II only applies in non-international armed conflicts “which take place in the territory of a High Contracting Party [to Additional Protocol II] between its armed forces and dissident armed forces or other organised armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol”. See Article 1(1) of Additional Protocol II. As such Additional Protocol II does not apply in all non-international armed conflicts and not to all non-state armed groups that recruit children or use them to participate in hostilities. For example, Additional Protocol II does not apply to non-international armed conflicts in which non-state parties to armed conflict fight against each other.

and “children must not be allowed to take part in hostilities”.¹⁰ Although these rules as identified in the ICRC study do not specify a minimum age for recruitment or for participation in hostilities, the accompanying commentary notes that although there is not, as yet, a uniform practice with respect to the minimum age for recruitment and participation in hostilities, there is agreement that it should not be below 15 years of age.¹¹

Recruitment of children and their use in hostilities under IHRL are regulated by the Convention on the Rights of the Child (CRC, article 38) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). Of these IHRL provisions, only OPAC contains a provision specifically addressed to armed groups.¹²

Article 38(2) of the CRC (adopted in 1989) requires states parties to take all feasible measures to ensure that children under 15 years do not take a direct part in hostilities.¹³ The wording of Article 38 limits its application to states parties, so it is not of direct relevance to armed groups. Further, by setting the standards of minimum age at 15 years it does not advance beyond existing standards under treaty IHL, an outcome that was criticised by a great number of governments, experts and NGOs before and after the adoption of the CRC.

Partly to respond to these criticisms, OPAC was negotiated and adopted (in 2000) with a view to offering broader protection to children from recruitment and use in hostilities, including by armed groups.

OPAC raised the minimum standards for protection of children from recruitment and use. Unusually for IHRL, OPAC includes a provision that explicitly addresses the conduct of armed groups: “Armed groups that are distinct from the armed forces of the State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years” (Article 4(1)).

10 See rules 136 and 137 identified in the 2005 ICRC Study on Customary IHL, www.icrc.org/customary-ihl/eng/docs/v1_rul_rule136 and www.icrc.org/customary-ihl/eng/docs/v1_rul_rule137

11 See commentary to the rules notes above. The International Red Cross and Red Crescent Movement promotes the principle that persons under 18 years of age should not participate in hostilities or be recruited into armed forces or armed groups. See ICRC statement to the UN General Assembly on the “Promotion of Protection of the rights of children”, 18 October 2013, www.icrc.org/eng/resources/documents/statement/2013/united-nations-children-statement-2013-10-18.htm.

12 Besides OPAC, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) contains some provisions placing obligations on members of non-state armed groups. Members of armed groups shall be prohibited from “recruiting children or requiring or permitting them to take part in hostilities under any circumstances” (Article 7 paragraph 5(e).) The Kampala Convention defines “child” as “every human being below the age of 18 years” (Article 1(h)). Armed groups are defined as “dissident armed forces or other organised armed groups that are distinct from the armed forces of the state” (Article 1(e)). As of 3 December 2014, the Kampala Convention has been ratified by 22 out of 54 African Union member states, <http://www.internal-displacement.org/assets/library/Africa/Kampala-convention/201412-map-kampala-convention-en.pdf>

13 Article 38(3) requires states parties not to recruit children under 15 years into their armed forces.

The extent to which armed groups are bound by IHRL generally, and have a legal obligation under OPAC Article 4(1) specifically, continues to be debated.¹⁴ There is an emerging consensus that organised non-state armed groups exercising a stable control over territory may have de facto human rights responsibilities.¹⁵ Armed groups more generally (not limited to those who exercise control over territory) are also increasingly called upon to respect, and are judged against their compliance with, IHRL, including in relation to the military recruitment and use of children. Some have recognised their responsibilities in this regard.

The UN Security Council has increasingly called on armed groups to respect human rights, in addition or even independently of the obligations under IHL.¹⁶ In doing so, the Security Council has addressed armed groups for grave violations of children’s rights, notably on the issue of child soldiers.¹⁷ The UNSG also applies the standards of OPAC article 4(1) when assessing compliance with international law for armed groups active in states parties to OPAC. In particular, the criteria applied for the “listing” of armed groups that recruit and use children in the annexes to the UNSG’s annual report on children and armed conflict specifies that in states that have ratified OPAC, “... non-State armed groups are held to that higher standard, prohibiting all recruitment and use of children under 18.”¹⁸

The same approach has been adopted by the Independent International Commission of Inquiry on Syria which found that, by virtue of Syria being a party to OPAC, article 4(1) applies to armed groups active in the armed conflict in Syria.¹⁹ In Child Soldiers International’s view, article 4(1) of OPAC is applicable to armed groups operating in countries that are parties to the treaty. For those organised armed groups that are party to armed conflict but which operate in territories of states which are not party to OPAC, at least

14 In relation to OPAC, the use of “should” rather than “shall” in Article 4(1) is sometimes interpreted to mean that the article does technically create legally binding obligations for armed groups. However, it was during the negotiations that the intention to address and regulate the practices of armed groups was clearly expressed (see Report of the working group on the draft OPAC on its second session, UN Doc. E/CN.4/1996/102, 21 March 1996, para 31). Additionally, the use of “under any circumstances” also signals the intention of the drafters to create a legal obligation on armed groups.

15 See, for example, Human Rights Council, *Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya*, UN Doc. A/HRC/17/44, 1 June 2011, para 72. See also, ICRC, *Report on International Humanitarian Law and the challenges of contemporary armed conflicts*, 31st International Conference of the Red Cross and Red Crescent, Geneva, October 2011.

16 Aristotle Constantinides, “Human Rights Obligations and Accountability of Armed Opposition Groups: the Practice of the UN Security Council”, *Human Rights and International Legal Discourse*, Volume 4, 2010.

17 See, for example, UN Security Council Resolution 1509 on Liberia, UN Doc. S/RES/1509, 2003; UN Security Council Resolution 2121 on CAR, UN Doc. S/RES/2121, 2013; and UN Security Council Resolution 2098 on the Democratic Republic of Congo, UN Doc. S/RES/2098, 2013.

18 Report of the UNSG on children and armed conflict, UN Doc. S/2002/1299, 26 November 2002, para 31.

19 Fourth Report of Commission of Inquiry on Syria, UN doc. A/HRC/22/59, 5 February 2013, para 44. This was confirmed in subsequent reports of the Commission of Inquiry.

IHL standards would apply, although in some cases such groups have adopted the higher standard set by OPAC (see Myanmar examples below).

When applying IHRL to armed groups, the higher minimum age under OPAC for recruitment by them (18 years) compared with states (18 years for compulsory recruitment and 16 for voluntary recruitment into state armed forces) has been criticised for setting double standards. However, state practice is making the distinction less relevant: over two thirds of states have set the minimum age of voluntary recruitment at 18 years or above in the binding declarations that they are required to deposit when becoming party to OPAC.²⁰ So while international standards require, and there is almost universal acceptance, that any form of compulsory recruitment of persons under 18 is prohibited, there is also growing consensus among states of the need to prohibit the voluntary recruitment of under-18s into their armed forces.²¹

Claims by armed groups that OPAC is unfavorable to them should therefore be assessed in each context. In most contemporary non-international armed conflicts where armed groups operate, the governments have made legally binding commitments under international law not to recruit under-18s in their armed forces. In these cases, the minimum recruitment age under IHRL for armed forces and armed groups is the same.²²

In relation to participation in hostilities, Article 4(1) of OPAC provides that “armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years”. The majority of states, although only required to take “all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities” (OPAC, Article 1), have in law, policy and practice, set 18 years or above as the minimum age for participation in hostilities.²³ As such, any discrepancy in the minimum age

²⁰ Of the 163 states parties to OPAC (as of March 2016) approximately 2/3 have set at 18 or above the minimum age for voluntary recruitment in their declaration under Article 3 of OPAC.

²¹ OPAC, Article 2 prohibits the compulsory recruitment of under-18s by state armed forces. Research conducted by Child Soldiers International in 2012 indicates that the vast majority of states have set at 18 or above the minimum age for conscription into their armed forces. See, Child Soldiers International, *Louder than words – an agenda for action to end state use of child soldiers*, September 2012, http://child-soldiers.org/global_report_reader.php?id=562.

²² Of the situations listed in the annexes of the 2015 UNSG annual report on children and armed conflict, Afghanistan, Colombia, DRC, Iraq, Mali, Nigeria, the Philippines, Sudan, Syria, and Yemen are states parties to OPAC with a legally binding declaration that sets the minimum age for voluntary recruitment at 18 years or above. CAR, Myanmar, Somalia, and South Sudan are not parties to OPAC, although they all have legislation and/or have signed action plans with the UN to prohibit voluntary recruitment of under-18s in their armed forces.

²³ To Child Soldiers International's knowledge, the only countries with legislation that permits the participation of under-18s in hostilities are Armenia, Azerbaijan, Iran and Vietnam. See, Child Soldiers International, *op.cit.*

between use of children by state forces and armed groups is also becoming less relevant.

Standards applicable to armed groups (Article 4(3)(c) of Additional Protocol II to the Geneva Conventions, customary IHL and Article 4(1) of OPAC) address participation of children in hostilities without referencing it as “*direct* participation”.

The prohibition on using or allowing children to participate in hostilities under IHL and IHRL therefore covers activities such as engaging in active combat, undertaking suicide missions, preparing and planting IEDs and other explosives, manning checkpoints, patrolling, guarding military objectives, acting as bodyguards, scouting, spying, acting as couriers, and transporting supplies, whether, in the particular case, these activities constitute direct participation in hostilities for the purposes of targeting or not.

However, children are also used in armed conflict for other tasks which may not amount to participation in hostilities but which may nevertheless constitute violations of IHL or IHRL, as applicable. In some cases, depending on the circumstances, they can also constitute crimes under international law, such as rape, sexual slavery and other forms of sexual violence.²⁴

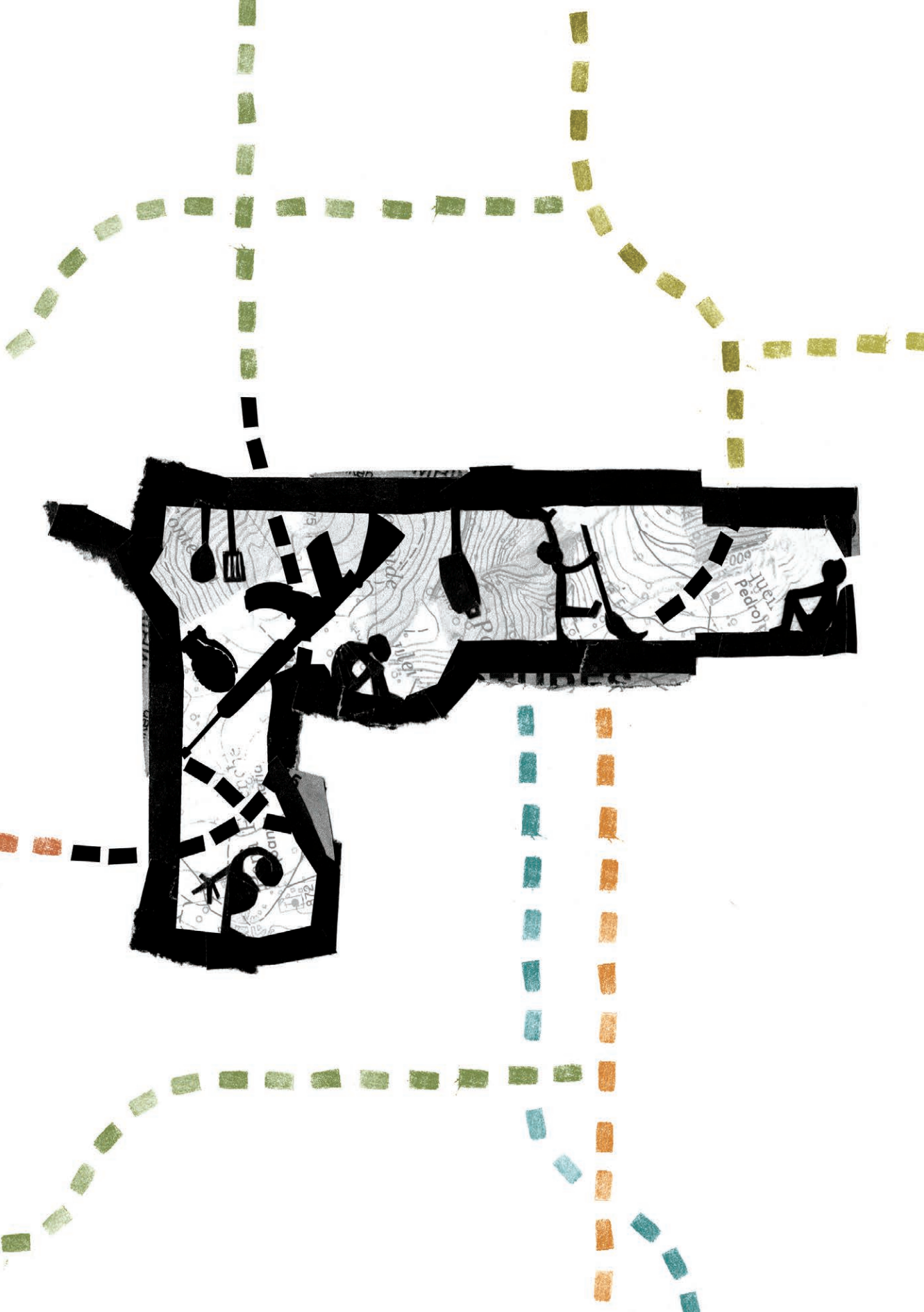
“Association” of children is a broader concept that captures this fuller spectrum of children’s involvement with fighting forces, for which the definition is contained in the Paris Principles and Guidelines on children associated with armed forces or armed groups (Paris Principles).²⁵

The Paris Principles, which have now been endorsed by 105 states²⁶, are primarily intended to inform both the conduct of parties to armed conflict and to support programmatic responses aimed at protecting children from involvement in such conflicts. Under the Principles, a child associated with an armed force or armed group is defined as “any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.” While some forms of association would therefore amount to recruitment and use as per IHL and IHRL, others may not but may nevertheless entail other abuses of children’s rights or in some cases crimes under international law.

²⁴ See, for example, Cecile Aptel, “Children and accountability for international crimes: the role of the ICC and other international and mixed jurisdictions”, *UNICEF Innocenti Research Centre Working Paper*, August 2010, http://www.unicef-irc.org/publications/pdf/iwp_2010_20.pdf.

²⁵ Paris Principles available at <http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>.

²⁶ See: <https://childrenandarmedconflict.un.org/our-work/paris-principles/>



Child recruitment and use by armed groups: defining practices

Recruitment: both a process and a position

Recruitment is both a process (the steps and procedures that accompany the inclusion of an individual into the military ranks) and a position (the condition of being a member of a military force). Recruitment by, and membership of state armed forces, is generally defined in domestic law and expressed through formal integration into recognisable military units irrespective of the role or function performed. In contrast, many armed groups do not have such formal processes or recognisable membership structures.

Reflecting this reality, the Special Court for Sierra Leone held that recruitment into armed groups “cannot narrowly be defined as a formal process” and should be considered “in the broad sense as including any conduct accepting the child as part of the militia.”²⁷ The ICRC Guiding Principles for the Domestic Implementation of a Comprehensive System of Protection for Children Associated with Armed Forces or Armed Groups understands the term recruitment, generally speaking, as meaning the “entire process of recruiting military personnel for the armed forces or armed groups and takes in all the phases of selection and training.”²⁸ According to the jurisprudence of the International Criminal Court (ICC), it is not required that the recruitment of children is for the purpose of using them to participate actively in hostilities.²⁹ By these

²⁷ Special Court for Sierra Leone, *Prosecutor vs. Fofana and Kondewa (CDF Case)*, Appeal Judgment, 28 May 2008, para 144.

²⁸ ICRC Advisory Service on IHL, *Guiding Principles for the Domestic Implementation of a Comprehensive System of Protection for Children Associated with Armed Forces or Armed Groups*, <http://www.icrc.org/eng/assets/files/2011/guiding-principles-children-icrc.pdf>

²⁹ ICC, Trial Chamber I, *Prosecutor v. Thomas Lubanga Dyilo, Conviction Judgement*, ICC-01/04/06, 14 March 2012, para 609.

standards, initiation ceremonies, taking of oaths and admittance into military training camps could constitute forms of recruitment.

However, not all situations are clear-cut, and case by case analysis may be needed to establish whether international standards have been contravened as well as to identify appropriate responses. For example, in the Philippines the status of children associated with the Bangsamoro Islamic Armed Forces (BIAF) (the armed wing of the Mindanao group the Moro Islamic Liberation Front (MILF)) is often unclear because of the informal nature of BIAF military bases and the way that they are situated close to or integrated within communities. Under these conditions children may continue to live with their families (who may also be members of the MILF/ BIAF) or in their communities and may even attend school when not performing military roles.³⁰ Nevertheless, if they receive military training and perform military tasks they would be considered as recruited into the armed groups. The position of children associated with Anti-Balaka in CAR also raises questions: with the decrease in fighting, these children are no longer performing military tasks. They are however still loyal to their commanders and continue to perform tasks for them: they are used as runners and cooks for example, and some are offered payment or some form of compensation for these tasks. Should armed conflict erupt again, they are very likely to be performing military roles, including participating in hostilities.

On the other hand, integration of children in a political wing of an armed group, or in civil administrations that are established by some groups, which have control over territory, would not per se constitute military recruitment. However, in reality few armed groups have clearly separated military and civilian structures and the division of roles between the two is often blurred. Additionally, in some contexts there is a high risk that children's involvement in the political wing of an armed group is a stepping stone to military recruitment prior to their attaining the age of 18.

Modes of recruitment

While all forms of recruitment of children by armed groups are prohibited, understanding the circumstances leading to children's association with an armed group is important for developing prevention strategies and interventions for the release, recovery and reintegration of children.

Very few armed groups rely mainly on physical force for recruiting children, although there are some notable exceptions such as the Lord's Resistance Army that became notorious for its abduction of children for use as fighters. However, forced recruitment covers a

³⁰ Report of the UNSG on children and armed conflict in the Philippines, UN doc S/2013/419, 12 July 2013.

range of other practices from threats and other forms of coercion towards children, their parents or their communities, imposition of quotas (or de-facto conscription), and deception.

There are multiple examples of such practices. They include the Naxalites in India, who are reported to use threats of violence to compel parents to "give" their sons and daughters to the group.³¹ In the DRC, 80 percent of the 124 cases of child recruitment by the M23 group that were documented by the UN between May 2012 and August 2013 were recruited by force and the remaining 20 percent were recruited through deception, including the use of false promises of job opportunities with the Rwandan Defence Forces.³²

In Myanmar, several groups employ quota systems through which children have on occasion been forcibly recruited. Although the practice is denied by the Kachin Independence Army (KIA) it has had for many years an unofficial quota of "one-recruit-per-family" in areas under its control. Research conducted by Child Soldiers International indicates that children have been forcibly recruited during house-to-house visits by KIA recruitment agents to fulfil this quota.³³ Separately, Child Soldiers International was also informed in 2011 by commanders of the Karen National Liberation Army (KNLA) that in times of emergency it operated a quota system for recruitment, putting pressure on families with more than one son to send a male to join the ranks of the KNLA on a rotational basis. In addition, according to UN reports, the United Wa State Army (UWSA) has also imposed quotas that require that one child in each family in the Wa autonomous zones be sent for "military service."³⁴

Child "volunteers"?

Armed groups often claim that all or most under-18 members are volunteers. Legally, as noted above, under Article 4(1) of OPAC all forms of recruitment of children by armed groups, including voluntary recruitment, is prohibited. Further, the extent to which children's recruitment is genuinely free and informed has always been difficult to establish when broader circumstances such as insecurity, lack of education, economic or other opportunities, personal or community injustice, and/or ethnic, religious or other issues of identity are taken into account. Additionally, while external influences, such as poverty or the desire for protection,

³¹ Report of the UNSG on children and armed conflict, UN Doc. A/69/926-S/2015/409, 5 June 2015.

³² UN Stabilization Mission in the DRC (MONUSCO), *Child recruitment by armed groups in DRC from January 2012 to August 2013*, October 2013, <http://monusco.unmissions.org/LinkClick.aspx?fileticket=-DazRcHfpAJo%3D&tabid=10701&mid=13689&language=en-US>.

³³ Child Soldiers International, *A Dangerous Refuge: Ongoing child recruitment by the Kachin Independence Army*, July 2015, http://www.child-soldiers.org/research_report_reader.php?id=836

³⁴ Report of the UNSG on children and armed conflict, UN Doc. A/67/845-S/2013/245, 15 May 2013.

revenge or to escape situations of domestic violence can motivate children to join, some groups, while stopping short of coercion, proactively entice children into their ranks.

In southern Thailand, for example, research conducted by Child Soldiers International and Cross Cultural Foundation in 2014 found that recruitment by the Patani Malay National Revolutionary Front (BRN) often follows indoctrination in Malay ethnic nationalism and jihad against the Thai state by religious teachers and in some Islamic schools.³⁵ The exposure of children to these types of radicalised ideologies that incite violence and result in recruitment by some armed groups is an issue of growing concern, with reports of Islamic schools having been used by armed groups as places for indoctrination and recruitment in countries such as Mali, Nigeria, Pakistan, Somalia and Syria.³⁶ While such approaches do not necessarily employ physical violence or open threats, they still constitute a form of pressure on the child.

Indoctrination is not, however, always so overt. Armed groups may have significant support from the communities in which they operate and both children and adults are strongly committed to the group's aims. In the Philippines for example, the "voluntary" decisions of minors to join the MILF/BIAF are influenced by powerful actors in the context of their upbringing. While there is no deliberate programme of indoctrination targeting children for the purpose of recruitment, many child recruits grow up in militarised MILF-administered or influenced communities and have relatives or friends who are MILF members. In Colombia, given the long time-span of the armed conflict, some child soldiers are sons and daughters of FARC-EP members, pressured to join by their parents.³⁷

In CAR, both Séléka and Anti-Balaka leaders have exploited children's vulnerabilities. They understood and manipulated the children's fears, hopes and grievances, using indoctrination-like methods to both recruit and maintain children in their group on a seemingly "voluntary" basis. During research carried out in June 2015, Child Soldiers International received consistent accounts about how the dangers of military life were downplayed, and its rewards exaggerated. According to informants, children were often incited into religious and ethnic hatred of the perceived "enemy", and feelings of revenge encouraged.³⁸ In January 2014 the Special

³⁵ See Child Soldiers International, *Southern Thailand: Ongoing recruitment and use of children by armed groups*, January 2015, http://www.child-soldiers.org/research_report_reader.php?id=799.

³⁶ See for example, Report of the SRSO-CAAC, UN doc. A/69/212, 31 July 2014.

³⁷ See, for example, Human Rights Watch (HRW), *Colombia: Children Affected by the Armed Conflict, A Report Prepared for the Committee on the Rights of the Child*, 31 March 2000.

³⁸ Child Soldiers International, interviews with 13 child protection organisations and other actors working closely with children formerly associated with armed forces and armed groups in Bangui, CAR, 2-16 June 2015.

Representative of the Secretary-General for Children and Armed Conflict (SRSO-CAAC) expressed concerns that children were being "manipulated by both sides and divided along religious lines."³⁹ A religious leader who worked closely with children formerly associated with Anti-Balaka forces told Child Soldiers International: "[Children] were told: 'Muslims are our enemies'. It's simplistic but children are not able to see that. Once they got this into their head, there was no stopping them."⁴⁰

As noted previously, recruitment of under-18s by armed groups is unlawful under Article 4(1) of OPAC. Further, the types of pressure to join that children often face render the term "voluntary recruitment" misleading. To be truly voluntary, consent needs to be free and informed. It must be given by a discerning child with the mental maturity to allow a complete understanding of the consequences of their actions and made in conditions where they are not compelled by external circumstances or by pressure from the armed group to join. Further, children who join armed groups, even if "voluntarily", often cannot leave without fear of reprisal for themselves or their families either at the hands of the armed group or state actors. As such, some recruitment described above may be unforced and it would often not meet the criteria of being genuinely voluntary.

Self-defence, protection and humanitarian assistance – a justification for recruitment?

The rationale that armed groups are providing self-defence training to children, protecting them or providing for their humanitarian needs is used as a justification for the recruitment of children. Given the circumstances in which many groups operate, such rationale can be compelling but does not alter the fact that children have been unlawfully recruited and, by virtue of being associated with an armed group, are placed at risk.

For example, the environment which perpetuates recruitment of children by local militias in eastern DRC known as Mai Mai is one of chronic insecurity where association with an armed group that is perceived to defend the interests of their community is seen as a duty for children. In the DRC and other similar situations, expectations of children's responsibilities to families and communities are often reinforced by conditions of poverty and lack of education and employment opportunities. Regardless of the context, their recruitment nevertheless exposes them to dangers including those associated with participation in

³⁹ Statement by SRSO-CAAC Leila Zerrougui to the Security Council on CAR, 22 January 2014: <http://reliefweb.int/report/central-african-republic/statement-srsg-leila-zerrougui-security-council-central-african>

⁴⁰ Child Soldiers International, interview with a religious leader in Bangui, CAR, 6 June 2015.

Beyond active combat, children are used by armed groups in a variety of other military roles that expose them to the dangers of military operations. These include defending military objectives (such as manning checkpoints, guard duties, acting as bodyguards of commanders) and other supporting military activities (such as scouting, spying, sabotage, acting as decoys, couriers, as well as transporting supplies).

Some armed groups have recognised the need to protect children from participation in hostilities and have adopted policies to prohibit their involvement in the fighting, barring them from joining certain military units with the group; or limiting their military training. However, the efficacy of such policies is undermined where recruitment of under-18s is permitted. For example, according to the policies of the Philippines-based group, the NPA, only persons older than 18 years can join combat units (with exceptions for self-defence as noted above). However, there have been verified reports of children associated with the NPA being injured or killed in hostilities in recent years.⁴⁸

Likewise in Syria, the armed opposition groups, the Kurdish People's Protection Units (YPG) and Women's Protection Units (YPJ) have declared that 16 to 18 year olds may only join under "a non-military active category of membership," and committed to keep under-18s away from combat areas.⁴⁹ However, in the context of intensified fighting against the "Islamic State" in 2014, there were allegations that young boys and girls were seen with YPG-YPJ forces,⁵⁰ and according to the UN, children continue to be used in combat roles.⁵¹

Association of children with armed groups

Some armed groups acknowledge children's association with them and argue that this is legitimate because they are not recruited or used for military purposes. However, the lines between recruitment, participation in hostilities and association are frequently blurred and children may perform multiple roles or shift between one role to another, for example from more domestic tasks to combat or military support roles according to circumstance and need. Although girls undergo military training and are used in military roles by many armed groups, the lines between their differing roles can be particularly unclear where, for

example, they are forcibly married to commanders or subjected to sexual abuse including rape and sexual slavery.⁵² However, even when not taking part in hostilities, children associated with armed groups are at risk of the consequences of military attacks by the opposing forces.

It is nevertheless important for informing preventative and remedial measures, and for establishing the degree to which armed groups are responsible for violations of IHL or IHRL to identify, as far as is possible the role(s) that children are performing within the armed groups and establish whether the children were recruited and/or used in hostilities.

⁴⁸ Report of the UNSG on children and armed conflict in the Philippines, UN Doc. S/2013/419, 12 July 2013.

⁴⁹ See reservations entered to the Geneva Call Deed of Commitment on children and armed conflict, 2014, available at <http://theirwords.org>.

⁵⁰ See Geneva Call, *Monitoring the prohibition of child soldiers by Kurdish armed forces*, 7 October 2014, <http://www.genevacall.org/syria-monitoring-prohibition-child-soldiers-kurdish-armed-forces>.

⁵¹ Report of the UNSG on children and armed conflict, UN Doc. A/69/926-S/2015/409, 5 June 2015.

⁵² Boys associated with armed groups are also subjected to sexual violence, although it is largely undocumented.



IV

Non-state armed groups' commitments and policies relating to child recruitment and use

An increasing number of armed groups have made commitments or adopted policies to prohibit or limit child recruitment and use in hostilities. Since 1999, over 60 armed groups in Afghanistan, Burundi, CAR, Colombia, Côte d'Ivoire, DRC, India, Iran, Israel/State of Palestine, Lebanon, Libya, Mali, Myanmar, Nepal, the Philippines, South Sudan, Sri Lanka, Sudan, Syria, Turkey and Yemen have committed to or made unilateral or bi-lateral formal commitments or agreements that relate to or include provisions relating to child recruitment and use.

The motivation for making such commitments differs from group to group. Nevertheless, it is clear that armed groups have recognised the need to protect children from involvement in armed conflict. This has been driven by increased awareness and advocacy on the issue and reinforced by criminal investigations and prosecutions of individuals suspected of recruiting and using child soldiers, primarily by the ICC, and the inclusion of child recruitment and use as a criteria for UN sanctions in some situations.

Types of commitments

A variety of different commitments or forms of commitment have emerged (UN action plans, Geneva Call's Deeds of Commitment, community-based agreements, unilateral declarations, and provisions included in peace or ceasefire agreements). Each commitment is driven by a different interlocutor, notably the UN; peace mediators; humanitarian organisations; communities; or in a few cases is made on the initiative of the armed group itself. The various approaches point to the comparative advantage of different stakeholders in

engaging with different armed groups at different times: for example, where one interlocutor is unable to gain access to or the confidence of an armed group, another may be able to.

Conversely they also point to the need for greater collaboration among different stakeholders to maximise the protection of children against involvement in armed conflict. A commitment is not the goal, but an important next step towards what is often a long, resource intensive process of technical support, support for the release and reintegration of children, and monitoring and verification to ensure compliance, which inevitably requires a broader set of skills, expertise and relationships than possessed by any single interlocutor.

UN engagement: Action plans and other UN-sponsored agreements

Since the appointment of the first SRSG-CAAC in 1997 the post holder has entered into dialogue with armed groups with a view to obtaining a commitment to end the recruitment and use of children and achieving the release and reintegration of those already in their ranks. Among the early agreements were with the Civil Defence Forces and the Revolutionary United Front (RUF) in Sierra Leone and the Congolese Rally for Democracy (RCD) in the DRC not to recruit under-18s; with the Revolutionary Armed Forces of Colombia (FARC-EP) not to recruit under-15s⁵³; and Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka to desist from using under-18s in combat or recruiting children below the age of 17 years.

By 2003, the SRSG-CAAC had received some 60 commitments from 15 parties, including armed groups. Among these early interventions, the SRSG-CAAC obtained commitments by a range of armed groups not to recruit or use children. These commitments were in some cases translated into bilateral agreements and/or internal policies of the relevant armed groups.⁵⁴ However, as noted in the SRSG-CAAC's annual report to the UN General Assembly that year, although they set important advocacy benchmarks, a number of the commitments were unobserved and, as with other standards, the challenge was to ensure systematic monitoring and the application of pressure for enforcement.⁵⁵

53 OSRSG-CAAC, *Colombia: UN Special Representative for Children and Armed Conflict welcomes FARC-EP's decision to end child recruitment*, 11 February 2016, <https://childrenandarmedconflict.un.org/press-release/colombia-farc-decision-to-end-child-recruitment/>.

54 Report of the SRSG-CAAC to the Commission on Human Rights, UN Doc. E/CN.4/2000/71, 9 February 2000. For an assessment of the implementation of these early commitments, see also report of the SRSG-CAAC to the UN General Assembly, UN Doc. A/58/328, 29 August 2003.

55 Report of the SRSG-CAAC, UN Doc. A/58/328, 29 August 2003.

Since UN Security Council Resolution 1539 (2004) called upon listed parties to prepare concrete, time-bound action plans to halt the recruitment and use of children, action plans agreed between the UN and parties to armed conflict have largely superseded the more individualised agreements pursued by the SRSG-CAAC in the early days of the mandate. Although each action plan is specific to the context, all require parties to commit to ending the recruitment and use of children under the age of 18 years (unlike earlier agreements referred to above) and to releasing all children within their ranks. Because the texts of the plans are confidential unless the signatories agree to publish them, a full comparative analysis is not possible. However, based on those reviewed for this report, groups have committed to implementing measures such as the appointment of child protection focal points, training to prevent child recruitment, issuing of orders or directives, and allowing unrestricted access to the UN to support the release and reintegration of children and to monitor and verify compliance with the action plan.⁵⁶

As of August 2015, 12 armed groups in CAR, Côte d'Ivoire, Nepal, the Philippines, Sri Lanka and Sudan had entered into action plans with the UN to end child recruitment and use (see Annex I). Although there are active action plans with only two of the 49 armed groups listed in the latest UNSG report on children and armed conflict (the MILF, and the SPLA-IO), on-going dialogue is reported to be taking place with armed groups in CAR, Mali, Myanmar, the Philippines, Sudan, South Sudan, Syria and Yemen.⁵⁷

Although action plans are now the most common form of agreement, the UN continues to negotiate other types of agreements with armed groups aimed at securing the release of child soldiers, particularly in situations where the conclusion of fully fledged action plans is not possible, including because of government opposition and other factors such as security and access. These include a range of commitments with armed groups operating in Darfur, Sudan. In July 2010, a memorandum of understanding (MoU) between the Justice and Equality Movement (JEM) and the UN was signed in Geneva, whereby the armed group committed, inter alia, to prevent the association, recruitment and use of individuals under the age of 18 years. The MoU was followed in 2012 by the establishment of an Operational Mechanism to prevent and end the recruitment and use of children in September 2012.⁵⁸ The United Nations-African Union Hybrid Operation in Darfur (UNAMID) has also negotiated commitments with several other armed groups active in Darfur,

56 Reviewed Action Plans were for: the Forces Armées des Forces Nouvelles (FAFN); Front de libération du Grand Ouest (FLGO); Mouvement Ivoirien de Libération de l'Ouest de la Côte d'Ivoire (MILOCI); Alliance patriotique de l'ethnie Wé (APWé); Union patriotique de résistance du Grand Ouest (UPRGO); Unified Communist Party of Nepal Maoist (UCPN-M); Moro Islamic Liberation Front (MILF); and the Sudan Liberation Army Minnawi (SLA Minnawi).

57 Report of the SRSG-CAAC, UN Doc. A/69/212, 31 July 2014.

58 Geneva Call, *Their Words*, <http://theirwords.org>.

resulting in the adoption of command orders by armed groups and leading to the release of child soldiers.⁵⁹ A meeting between the SRSG-CAAC and representatives of the Sudan Liberation Movement/Army-Minni Minnawi (SLM/A-MM) and JEM in May 2015 resulted in a joint statement where the groups pledged to prevent grave violations against children.⁶⁰

NGO-initiated commitments: Geneva Call's Deed of Commitment

In recent years, NGO engagement with armed groups has also increased and has also resulted in commitments by them. These approaches have often involved groups that the UN has been unable to reach or which have been unwilling to engage with the UN. By far the most prominent NGO in this field is the Swiss-based organisation, Geneva Call which launched its Deed of Commitment for the Protection of Children from the Effects of Armed Conflict in 2010.⁶¹

As of August 2015, the Deed of Commitment had been signed by 17 armed groups operating in India, Iran, Myanmar, Sudan, Syria, and Turkey (see Annex I).⁶² Geneva Call's ability to secure commitments on child protection results in part from its long-standing relationships with armed groups on other issues (all but four of the 17 armed groups had previously signed commitments on the ban on anti-personnel land mines).⁶³ It has also sought to complement UN initiatives by identifying gaps, including by reaching out to armed groups with whom UN engagement has been prevented by governments' or where security constraints prevent access to groups.

59 See, for example, Report of the UNSG on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2013/225, 10 April 2013, reporting on the release of children by the SLA Historical Leadership and JEM-Gibril Ibrahim (paragraphs 53 and 54); and Report of the UNSG on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2012/548, 16 July 2012, reporting on the SLA-Free Will (paragraph 49).

60 OSRSG-CAAC, *Darfur: Armed-group leaders issue child-protection pledges after meeting with Leila Zerrougui*, 4 June 2015, <https://childrenandarmedconflict.un.org/darfur-armed-group-leaders-issue-child-protection-pledges-after-meeting-with-leila-zerrougui>

61 The Deed of Commitment is not the only tool Geneva Call uses. In some circumstances, the organisation encourages armed groups to make other kinds of commitments, such as unilateral declarations or amendments to their codes of conduct. In Lebanon for example, the Palestinian factions have adopted a joint declaration on child protection. See details here <http://www.genevacall.org/palestinian-factions-lebanon-adopt-declaration-protection-children>.

62 By signing the Deed of Commitment, the armed group binds itself unilaterally to respect the provisions contained therein, while Geneva Call co-signs as a witness to signal its role in monitoring the commitment, and the Canton of Geneva co-signs as custodian. For a regularly updated list see, <http://www.genevacall.org/how-we-work/armed-non-state-actors>.

63 Geneva Call, *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*, launched in 2000.

Among these are two ethnic armed groups, the Karen National Union/Karen National Liberation Army (KNU/KNLA) and the Karenni National Progressive Party/Karenni Army (KNPP/KA) listed in UNSG reports since 2003 and 2005 respectively but to whom access by the UN was until 2012 hampered by the Myanmar government's restrictions. The two groups nevertheless signed Geneva Call Deeds of Commitment in 2013 and 2012 respectively. These commitments, and the training which accompanied them in the backdrop of on-going peace negotiations with the Myanmar government, have, in turn, facilitated the process of engagement with the UN which is now in dialogue with these groups to negotiate action plans.

Elsewhere, Geneva Call has focused its efforts on armed groups that are not listed, but which nevertheless recruit or use under-18s and/or which have indicated willingness to publicly commit to protecting children from involvement in armed conflict. Among these are armed groups in India, Iran, and Turkey.

By signing up to the Deed of Commitment, armed groups agree to a set of provisions aimed at ending all forms of recruitment (forced and voluntary) and use in hostilities (direct and indirect) of under-18s, ensuring their safe release, and protecting them during armed conflict. It also prohibits forced association of children with armed groups and contains positive obligations such as providing aid and care for children in areas controlled by them and avoiding the use of schools for military purposes.⁶⁴ The Deed of Commitment is monitored by Geneva Call and is accompanied by an implementation plan to ensure compliance.

Other NGO initiatives

The comparative advantage of different stakeholders is visible elsewhere where national NGOs whose knowledge of the context and direct or indirect links to influential community leaders and/or members of armed groups have been able to secure informal commitments by armed groups or have facilitated others to do so.

The role of national NGOs among other stakeholders in supporting efforts to prevent and end children's association with armed forces or groups is recognised in the Paris Principles which also stresses that programmes for the identification, release and reintegration of children should build on, support and develop regional, national, local and community efforts and capacity to prevent unlawful recruitment or use of children by armed forces or armed groups.⁶⁵ The UN Security Council has likewise called for

64 See full text of the Deed of Commitment at http://www.genevacall.org/wp-content/uploads/dlm_uploads/2013/12/DoC-Protecting-children-in-armed-conflict.pdf

65 See Paris Principles, paragraph 3.21.

the development and strengthening of the capacities of local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict.⁶⁶

Although a comprehensive mapping of national NGO activities vis-à-vis armed groups is beyond the scope of this report, several initiatives in recent years show their potential in contributing to the protection of children from recruitment and use in hostilities by armed groups.

In eastern DRC, for example, inter-ethnic community structures, known as *Barazas*, have used their moral authority to raise awareness of and initiate a discourse on protecting children against recruitment and use by Mai Mai armed groups in communities. Because such communities are both the target of Mai Mai recruitment of children and also home to Mai Mai members, including commanders, local structures such as *Barazas* are often well-placed to influence attitudes and behaviours.

Following a series of workshops in 2011 facilitated by Child Soldiers International in North and South Kivu, and the publication and distribution of materials in local languages setting national and international norms on child recruitment and use, representatives of *Barazas* undertook awareness raising activities in their communities which complemented and strengthened prevention efforts by NGOs, the UN and the government. The *Barazas'* discreet advocacy towards armed commanders as well as opinion leaders with influence in communities and with local Mai Mai groups is reported to have contributed to shifts in community understandings of and discourse on the negative implications for children associated with them. While it is difficult to assess direct impact of this work in the broader context of prevention work being undertaken by UN and government agencies, the release of almost 70 children from two separate armed groups in 2011 and 2012 was achieved following engagement with *Barazas* by local NGOs which resulted in oral commitments to desist from recruiting children in the future.⁶⁷

66 UN Security Council Resolution 2143 on children and armed conflict, A/RES/2143, 7 March 2014, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2143\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2143(2014)).

67 In September 2011, 16 children were released by Mai Mai Mupekenya and in June 2012, 53 children were released from *Forces Républicaines Fédéralistes* (FRF).

Ceasefire and peace agreements

There is growing recognition of the importance of including child protection, including child recruitment and use where relevant, in peace processes and concern that it still features inconsistently on the agenda of peace mediators. The UN Security Council has urged that the protection, welfare and rights of children are taken into account during peace processes. Most recently, in its March 2014 Resolution on children and armed conflict, the Security Council called on Member States, UN entities and other concerned parties to "... ensure that child protection provisions, including those relating to the release and reintegration of children formerly associated with armed forces or armed groups, are integrated into all peace negotiations, ceasefire and peace agreements, and in provisions for ceasefire monitoring."⁶⁸

The entry point provided by mediation and peace processes to enhance child protection has also been highlighted by the SRS-CAAC who has pointed to the way in which incorporation of specific commitments into political settlements, ceasefire arrangements, peace agreements and relevant implementation mechanisms can provide opportunities to agree new or revitalise old action plans and accelerate their implementation. In support of this, the SRS-CAAC has set out "core principles" for inclusion in such agreements including commitment by the parties to the conflict to immediately stop and protect children from recruitment and use; the swift and safe release, return and reintegration of children and provisions to address the special needs of girls, including girl soldiers.⁶⁹

Encouragingly, child protection provisions have been included in several recent peace deals and the issue is on the agenda of other on-going negotiations. In South Sudan, for example, where at least 15,900 children have been recruited by state armed forces and armed groups, the 26 August 2015 Agreement on the Resolution of the Conflict in South Sudan, contains a commitment by the government of South Sudan and the Sudan People's Liberation Movement / Sudan People's Liberation Army-In Opposition (SPLM/SPLA-IO) to unconditionally release "... child soldiers who are under their command or influence upon the signing of this Agreement through the International Committee of Red Cross (ICRC) and UNICEF."

Likewise, among the achievements of the May 2015 Bangui National Forum on Reconciliation (the Bangui Forum) aimed at ending more than two years of armed conflict in CAR was an agreement by the Anti-Balaka, factions of the ex-Séléka and other armed groups to end the recruitment and use of children and

68 UN Security Council Resolution 2225 on children and armed conflict, S/RES/2225 18 June 2015, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2225(2015)).

69 See, Report of the SRS-CAAC, UN Doc. A/68/267, 5 August 2013.

to release all under-18s associated with them⁷⁰ (estimated to be between 6,000-10,000⁷¹). As testimony to the potential of peace processes to impact concretely on child protection more than 300 children were released in the days following the Bangui Forum.⁷² Since the Forum, 1,475 additional children associated with fighting forces have been handed over to child protection agencies.⁷³

The Nationwide Ceasefire Agreement between the government of Myanmar and eight ethnic armed groups currently includes a provision to end forced labour and calls on parties to deter from recruitment of underage persons, forced conscription, killing and maiming, molestation or other forms of gender-based violence and abduction.

The 2006 Darfur Peace Agreement and the 2011 Doha Document for Peace in Darfur also contained specific provisions requiring signatories to prohibit the recruitment and use of under-18s and release children associated with them, including in the latter through the development of actions plans. The peace process helped to facilitate engagement with armed groups in Darfur and led to the signing of commitments between the UN and several of them, including the SLA-Mother Wing (Abu Gasim) in April 2010, the SLA-Free Will in June 2010 and the JEM-Peace Wing in December 2010.

However, without the political will of the relevant parties, independent monitoring and effective and adequately resourced programs for the release and reintegration of children, clauses

70 "Commitments from Politico-Military Armed Groups Participating in the Bangui Forum to End the Recruitment and Use of Children as well as Other Grave Violations of Children's Rights" (*Engagements des groupes politico-militaires participant au forum de Bangui pour mettre fin au recrutement et à l'utilisation des enfants ainsi que les autres violations graves des droits de l'enfant*), 5 May 2015. The agreement was signed by the Anti-Balaka, the Democratic Front of the Central African People (*Front Démocratique du Peuple Centrafricain/FDPC*), the Popular Front for the Rebirth of Central Africa (*Front populaire pour la renaissance de la Centrafrique/FPRC*), the Movement of Central African Liberators for Justice (*Mouvement des Libérateurs Centrafricains pour la Justice/MLCJ*), the Patriotic Rally for the Renewal of Central African Republic (*Rassemblement pour le Renouveau de Centrafrique/RPRC*), Revolution and Justice (*Révolution et Justice/RJ*), Séléka Rénovée, the Union for Peace in the Central African Republic (*Union pour la Paix en Centrafrique/UPC*), the Union of Democratic Forces for Unity (*Union des Forces Démocratiques pour le Rassemblement/UFR*), the Union of Republican Forces (*Union des Forces Républicaines/UFR*) and the Union of Fundamental Republican Forces (*Union des Forces Républicaines Fondamentales/UFRF*).

71 UNICEF, *Armed groups in the Central African Republic agree to release thousands of children*, 5 May 2015, http://www.unicef.org/media/media_81771.html

72 The Bangui Forum brought together nearly 700 leaders from CAR society, including the transitional government, national political parties, the main opposing armed groups (the Séléka and Anti-Balaka), the private sector, civil society, traditional chiefs, and religious groups. For further information see, Brookings, *Five Takeaways from the Bangui Forum for National Reconciliation in the Central African Republic*, 15 May 2015, <http://www.brookings.edu/blogs/africa-in-focus/posts/2015/05/15-bangui-forum-central-african-republic-copley-sy>. See also, UNICEF, *New release of children by armed group in Central African Republic brings total to more than 600 since May*, 28 August 2015, <http://www.unicef.org.uk/Media-centre/Press-releases/New-release-of-children-by-armed-group-in-Central-African-Republic-brings-total-to-more-than-600-since-May>.

73 Report of the UNSG on children and armed conflict in CAR, S/2016/133, 12 February 2016, paragraph 66.

in ceasefire or peace agreements are likely to have little impact and could even prove counter-productive. Recruitment drives by armed groups in the DRC, Darfur and Myanmar, for example, have been attributed to the desire of armed groups to gain political leverage during peace negotiations or to increase numbers in advance of integration into state security forces.⁷⁴

Unilateral declarations

In addition to commitments with or involving third parties, some armed groups have publicly expressed their policies to prohibit the recruitment and use of children in unilateral declarations.

In several cases, declarations have been made following the listing of the armed group in the annexes of the UNSG's reports and have expressed willingness to engage with the UN in developing and implementing actions plans. For example, the National Coalition of Syrian Revolution and Opposition Forces and the Supreme Military Command of the FSA (first listed in 2013) issued a communiqué in June 2014 (*Communiqué to End and to Prevent the Recruitment and Use of Children*) committing to prohibit child recruitment and use and stating its readiness to work with the UN to agree an action plan.⁷⁵ However, cases of recruitment and use of children by the FSA following this commitment have since been verified by the UN.⁷⁶

Following their listing in the annual report of the UNSG, two Myanmar armed groups, the KNPP/KA and the KNU/KNLA adopted unilateral declarations in 2007 stating their commitment not to recruit or use children and expressing their intention to engage with the UN on the development of action plans. These declarations were made in the context of the Myanmar government's refusal to permit access by UN agencies to the groups, and were subsequently followed by further expressions of intent to address the issue through their signing of Geneva Call's Deed of Commitment in 2012 and 2013 respectively.⁷⁷

74 See Report of the Group of Experts on the DRC, UN Doc. S/2008/772, 12 December 2008; Report of the UNSG on children and armed conflict, UN Doc. S/2011/250, 23 April 2011; International Crisis Group, *Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*, 27 January 2014; and Report of the UNSG on children and armed conflict in Myanmar, UN Doc. S/2013/258, 1 May 2013.

75 Communiqué text available at <http://www.etilaf.us/caacommuniqué>.

76 Report of the UNSG on children and armed conflict, UN Doc. A/69/926-S/2015/409, 5 June 2015.

77 Declarations and Deeds of Commitment available at <http://theirwords.org>.

The role of governments

While the cooperation of armed groups is vital, the negotiation of commitments and their fulfilment may also rely on a range of other factors beyond their control but which can significantly influence, positively or negatively, the extent to which children are protected from recruitment, use or association with them. In this regard, the role of states is critical.

States have international, legally binding obligations to take all feasible measures to prevent recruitment and use of children by armed groups, “including the adoption of legal measures necessary to prohibit and criminalise such practices”.⁷⁸ What constitutes “feasible measures” depends on each context. Governments should not provide support (military, logistical, etc.) to armed groups that recruit or use children and should allow access to armed groups by independent humanitarian organisations for the purpose of protecting children affected by armed conflict, including by ensuring their identification, demobilisation and reintegration.

When the government supports such access, it can yield positive results. For example, the government of the Philippines has by and large been supportive of the UN’s engagement with the MILF on the issue of the recruitment and use of children, leading to the signing of the action plan in 2009.⁷⁹

Negotiations of action plans to address recruitment and use by state armed forces have also provided an entry point to gaining the cooperation of several governments in facilitating dialogue with armed groups. The action plans with the governments of Afghanistan and DRC, for example, contain specific commitments to facilitate UN dialogue with armed groups in order to end the recruitment and use of children and ensure their release and reintegration. Similarly, the Myanmar government, which had for many years refused the UN permission to access armed groups, committed, under its 2012 action plan with the UN on ending child recruitment and use by state armed forces, to also facilitate UN engagement with armed groups to “conclude Action Plans with Non-State Armed Groups who are under the legal fold to prevent their use and facilitate their release”. Although access by the UN to areas in which listed armed groups operate remains limited the Myanmar government has shown greater willingness to allow access to at least those armed groups that have signed ceasefire agreements.

⁷⁸ See OPAC, Article 4(2): “States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.”

⁷⁹ The first UNSG’s report subsequent to the signing of the action plan cited the Government’s “openness” to the process as a successful factor to the conclusion of the plan. Report of the UNSG on children and armed conflict in the Philippines, S/2010/36, 21 January 2010.

Opportunities to obtain governments’ support with regard to engagement of armed groups may also present themselves in the context of conflict resolution initiatives, when negotiations on ceasefire or peace agreements may create the conditions for the development of a dialogue with armed groups to address child recruitment and use.⁸⁰

However, several governments continue to oppose or limit UN or other engagement with armed groups. Reasons for such opposition vary, but it is commonly argued that engagement would lend international legitimacy to groups that challenge the government’s authority (often a particular concern where an armed group has been designated by the governments concerned as a “terrorist organisation”). In some contexts, such opposition has prevented or seriously hampered efforts to engage armed groups on their recruitment and use of children.

Responding to concerns that some government policies affect the capacity to engage armed groups on measures to protect civilians, the UNSG has endorsed the recommendations contained in a 2013 independent study, by the Office for the Coordination of Humanitarian Affairs (OCHA) and the Norwegian Refugee Council, that “donor States and intergovernmental bodies should avoid promulgating policies that inhibited engagement with non-State armed groups, including those designated as terrorist, which controlled territory or access to the civilian population.”⁸¹

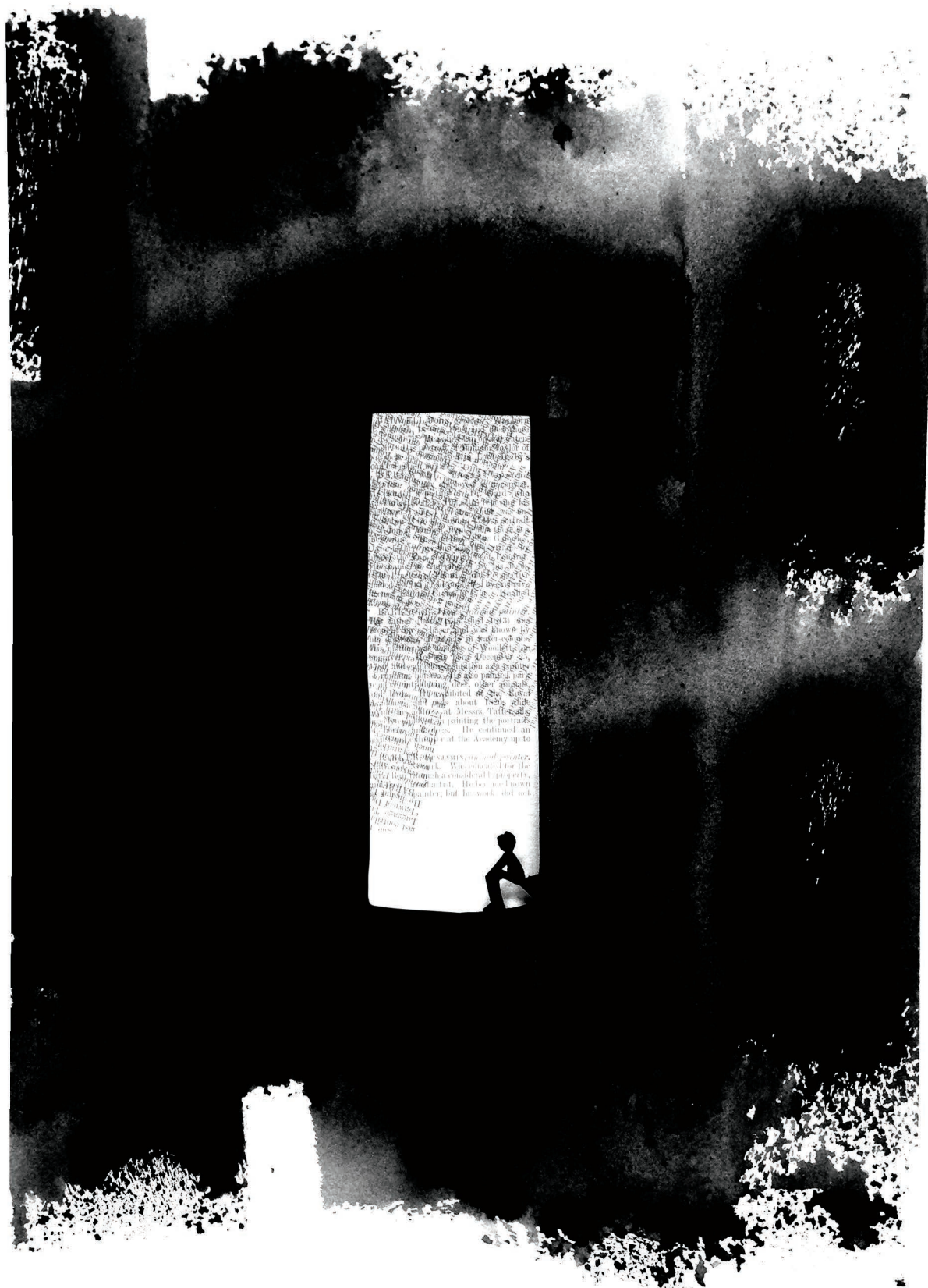
Under Security Council Resolution 1612 (2005), the UN has the mandate to engage armed groups in peace processes where it exists, and with the consent of the government concerned. This limits the capacity of the SRS-CAAC to reach out to armed groups for the negotiations of action plans.⁸² Political pressure on governments that prevent engagement has been often lacking. In particular, UN Security Council recommendations to states to facilitate the development and implementation of time-bound action plans with parties that recruit or use children have not been systematically followed through,⁸³ and the Security Council Working Group on children and armed conflict has not put sustained pressure on relevant governments to facilitate engagement by the UN or other international organisations.

⁸⁰ See Report of the SRS-CAAC, UN Doc. A/69/212, 31 July 2014.

⁸¹ UNSG, *Report on the protection of civilians in armed conflict*, UN Doc. S/2013/689, 22 November 2013, para 40.

⁸² UN Security Council Resolution 1612(2005): “any dialogue established under the framework of the monitoring and reporting mechanism by United Nations entities with non-state armed groups in order to ensure protection for and access to children the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned government”.

⁸³ See, for example, UN Security Council Resolution 2143 on children and armed conflict, A/RES/2143, 7 March 2014.



V

Commitments and armed groups' compliance with international standards

As the number of commitments has increased so has the number of armed groups that have declared 18 years as the minimum age of recruitment and use in hostilities. Moreover, a significant number have stated their commitment to respect international standards relating to the involvement of children in armed conflict and some have explicitly recognised the applicability of OPAC Article 4(1) standard, even in some cases when the territorial state has yet to ratify the treaty.

Ceasefire agreements concluded between parties to armed conflict in CAR and Sudan, for example, contained commitments not to recruit children in accordance with the African Charter on the Rights and Welfare of the Child, the CRC and OPAC.⁸⁴ In its 2009 action plan with the UN, MILF in the Philippines included reference to its acceptance of obligations under IHL and IHRL, and specifically to the provisions of OPAC. In Myanmar, the unilateral declarations of the KNLA (2006) and KIA (2007) and another by the Chin National Front/Chin National Army (2009) likewise, state adherence to the principles of OPAC, before Myanmar signed it.

Other commitments or agreements that specifically recognise and pledge to adhere to relevant provisions of OPAC include the 2012 MoU regarding Protection of Children in Darfur between the UN and JEM; the December 2013 Declaration by the Factions of the Palestine Liberation Organization (PLO) and the Forces of the Palestinian National Coalition in Lebanon on the Protection of Children from the effects of Armed Conflict; and the 2014 Communiqué to End and to Prevent the Recruitment and Use of Children by the National Coalition

⁸⁴ Ceasefire agreement between seven armed groups (*Accord de cessation des hostilités en République Centrafricaine*), 23 July 2014. Ceasefire Agreement between the Government of Sudan and the Liberation and Justice Movement (LJM), 18 March 2010.

of the Syrian Revolution and Opposition Forces and the Supreme Military Command of the FSA.

To Child Soldiers International's knowledge, the only commitment by an armed group that expressly rejects the application of OPAC is the Declaration and Program of Action for the Rights, Protection and Welfare of Children, by the National Democratic Front of the Philippines (the political front of Filipino "revolutionary forces" including the armed group the NPA) in which it specifies that OPAC (unlike Article 4 (3) of the Additional Protocol II to the Geneva Conventions and Article 38 of the CRC) does not impose legal obligations on them. The Declaration also notes that OPAC introduces an asymmetric legal regime, biased against armed groups.

Commitments to minimum ages for recruitment and use

Even where OPAC is not explicitly referenced, many armed groups *de facto* recognise the standards established by it through their commitments and in internal policies and regulations on the minimum age of recruitment and use in hostilities. Based on publicly available documents reviewed by Child Soldiers International, since 1999 at least 60 armed groups have committed to or adopted policies aimed at ending the recruitment and participation in hostilities of persons under 18 years (these include armed groups in Afghanistan, Burundi, CAR, Colombia, Côte d'Ivoire, DRC, India, Iran, Israel/State of Palestine, Lebanon, Libya, Mali, Myanmar, Nepal, the Philippines, South Sudan, Sri Lanka, Sudan, Syria, Turkey and Yemen (see Annex I)).⁸⁵

In some cases, policies have evolved over time and the minimum age of recruitment and use has been raised as the group becomes more aware of their role and responsibilities in relation to child protection, responds to engagement and advocacy, or because of changing circumstances which support or make it advantageous to demonstrate compliance with international standards.

For example, in a response in reference to the recruitment of one child by the KNLA (Myanmar) in a report of the UNSG in 2009, its political wing the KNU issued a public statement in which it acknowledged it had previously accepted children above the age of 16 years into its ranks, but revised its policy in 2003 to set at 18 the minimum age for recruitment. This policy was noted in its unilateral declaration of 2007 and confirmed in its 2013 Geneva Call Deed of Commitment. The statement reflected both sensitivity to international criticism and a willingness

⁸⁵ This figure does not include generic commitments to end child recruitment and use contained in many ceasefire and peace agreements: while these documents do not specify an age or provide a definition of who is a 'child', there is a strong presumption that they implicitly refer to children under the age of 18 years.

to take action to respond to it, including by investigating the allegations and once again affirming its recognition of international standards and inviting the UN to monitor and verify its adherence to them.⁸⁶ According to the UN, the Free Syrian Army (Syria) had a policy of not recruiting any child below the age of 17 years.⁸⁷ In its unilateral declaration of June 2014, the age was raised to 18 years.

Other groups have made commitments that fall short of setting at 18 the minimum age but which nevertheless can be viewed as positive incremental steps towards meeting this standard and which therefore have the potential to contribute to achieving increased, if not full, protection of children against military recruitment and use.

FARC-EP's earlier 1999 commitment to the SRSR-CAAC pre-dated OPAC (which entered into force only in February 2002) but by setting 15 years as the minimum age for recruitment, the agreement reflected obligations under IHL (although in reality even this was routinely violated). In the context of on-going peace negotiations with the Colombian government, FARC-EP announced a new commitment to raise the minimum age to 17. Observers regarded this as an intention to improve the image of the group and to provide them with greater leverage in the negotiation process. According to informed sources, orders relating to it have been issued to troops, although modalities for implementation are still under discussion and no independent means of monitoring or verifying implementation of the new policy have been established. In a further development, the SRSR-CAAC welcomed the commitment made by FARC-EP to stop recruiting children under the age of 18.⁸⁸

The minimum age of recruitment by the armed wing of the Kurdistan Workers Party (PKK), the People's Defence Force (HPG),⁸⁹ in Turkey has likewise been raised incrementally although has yet to reach 18 years. When first formed in the 1980s no minimum age of recruitment or use in hostilities was specified in PKK's policies. Over the years, an age limit of 16 years for compulsory recruitment (1995) was introduced and subsequently prohibited under-16s from taking up arms and under 18s from participating in "armed clashes" (Rules of Conduct for Warfare, 2004). On signing the Geneva Call Deed of Commitment in

⁸⁶ See KNU Press Statement on the report of the UNSG, 27 April 2009, http://theirwords.org/media/transfer/doc/1_mm_knu_knla_2009_15-c5ba1b0d4d447a7dedad037e2e8e1e45.pdf.

⁸⁷ Report of the UNSG on children and armed conflict, UN Doc. S/2012/261, 26 April 2012.

⁸⁸ OSRSR-CAAC, *UN Special Representative for Children and Armed Conflict welcomes commitment by FARC-EP to end child recruitment in Colombia*, 5 November 2015, <https://childrenandarmedconflict.un.org/press-release/special-representative-for-children-and-armed-conflict-welcomes-commitment-by-farc-ep-to-end-child-recruitment-colombia/>.

⁸⁹ The HPG was, until the late 1990s, known as the Kurdistan's People's Liberation Army (ARGK).

2013, the PKK committed to prohibit both direct and indirect participation in hostilities of under-18s but entered a reservation on the age of voluntary recruitment allowing for 16 year olds to join the group under a “non-military active category.”

This scope for reservations on the minimum age of recruitment in the Geneva Call Deed of Commitment, while consistent with NSAG obligations under IHL, does cause inconsistencies with the interpretation of applicable standards in which armed groups are held to the same standard as states where the state is party to OPAC (see Section II above). This is evidenced in the case of the PKK which permits recruitment from the age of 16 for non-combat roles, in a context where Turkey is party to OPAC and has committed not to recruit persons under the age of 18 years in its armed forces in its binding declaration. A similar situation arises in relation to the YPG-YPJ (and the Democratic Self-Administration in Rojava) which also entered reservations into its Deed of Commitment to allow for the voluntary recruitment of children over 16 years into non-combat units, but where the Syrian state is also a state party to OPAC and where the minimum age for military recruitment is 18 years.

The Geneva Call Deeds of Commitment are nevertheless significant as they show a greater recognition by armed groups of the need to protect under-18s from participation in armed conflict; and that this can be incrementally achieved. Moreover, continued engagement with the groups on the implementation of the agreements creates the potential for dialogue on raising the age of recruitment.

The scope of commitments

Definitions of recruitment and use contained in commitments, agreements, rules, regulations and other expressions of policy can be critical to the level of practical protection that they offer. Different approaches have been adopted by different groups reflecting the time and context in which they were agreed. Some provide detailed definitions which can help ensure clarity. However, there is a risk that overly narrow definitions can miss the responsibility of armed groups with regards to the broader category of children associated with them.

An early action plan agreed between the UN and Côte d’Ivoire armed group, the Forces armées des Forces nouvelles (FAFN) in 2005, for example, committed to end the recruitment of under-18s and their use in hostilities. However the definition of “use in hostilities” was narrow, covering only “the deployment of child soldiers (...) to the frontlines or to conflict zones”, and “the use of minors for purely military tasks including carrying and handling weapons, acting as bodyguards or manning military

checkpoints”.⁹⁰ The definition therefore excluded a whole range of uses to which children may be put by armed groups and failed to acknowledge broader forms of association from which children also need to be protected.

Given that commitments often constitute the most developed articulation of an armed group’s position, it is important that they combine clear and inclusive definitions of ‘recruitment’ and ‘use’ and also address the protection needs of other children associated with armed groups.

The Geneva Call Deed of Commitment contains precise definitions of what constitutes recruitment of children and their use in hostilities. The Deed of Commitment requires signatories to ban the use of under-18s in hostilities (direct participation in combat operations, defending military objectives, participation in military activities and direct support functions) and prohibit all forms of recruitment of under-18s, whether voluntary, forced, formal or informal. It also goes some way to recognising and restricting the broader association of children with armed groups by requiring armed groups to ban forced association (interpreted to include violence, threats of violence or intimidation). However, it does not prohibit association of children entirely. Rather it requires that the best interest of the child are taken into account, when considering whether to permit a child to associate with the armed group, and for measures to be taken to keep any children associated with the group, or even just in areas controlled by armed groups, away from active conflict. This recognises that children associated with armed groups are at increased risk of attack and in certain circumstances may be drawn into participation in hostilities.⁹¹

Several action plans or other agreements by armed groups have gone further by directly addressing the issue of association through explicit references to the Paris Principles. For example, the MILF’s action plan (2009) notes in its preamble that the plan is “guided by the Paris Principles”. The signatories to the Action of Forces de Résistance du Grand Ouest de la Côte d’Ivoire (Front pour la libération du grand ouest (FLGO), Alliance patriotique du peuple Wê (APWE), Union Patriotique de résistance du Grand Ouest (UPRGO) and Mouvement ivoirien de libération de l’ouest de la Côte d’Ivoire (MILOCI) (2006) in Côte d’Ivoire agreed to

90 “Nous, Forces Armées des Forces Nouvelles () déclarons avec application et diffusion immédiate : L’arrêt du recrutement des enfants âgés de moins de 18 ans dans les FAFN,

L’arrêt de l’envoi des enfants soldat ou mineurs combattants déjà recrutés sur les lignes de front ou dans les zones de combat,

L’arrêt de l’utilisation des mineurs a des tâches purement militaires, dont le port et le maniement d’armes, les gardes rapprochées, et les surveillances des barrages militaires.” *Déclaration relative à la démobilisation et à la réinsertion des enfants soldats des FAFN*, 15 September 2003.

91 Deed of Commitment under Geneva Call for the Protection of Children from the Effects of Armed Conflict, Article 4.

be guided by the Paris Principles in the process of disarming, demobilising and reintegrating children associated with them. In its action plan with UNICEF the SLM/A/MM (2007) likewise pledged to be guided by the Paris Commitments in the process of handing over and facilitating the release and reintegration of children associated with its forces. JEM's MoU with the UN (2010) also commits to be guided by the Paris Principles and in its subsequent Action Plan: Operational Mechanism to prevent and end recruitment and use of child soldiers (2012) "child soldier" is defined in accordance with the definition contained in the Paris Principles.

Such recognition of the broader spectrum of children's relationships with and roles within armed groups, beyond "recruitment" and "use" as addressed by IHL and IHRL, is a positive trend which in practice can facilitate greater protection for children and reduce the scope for confusion over what constitutes recruitment and use.



VI

Practical measures of implementation

While a commitment might signal the intention to end child recruitment and use, genuine will is demonstrated only when commitments are translated into practical measures. A significant number of the commitments reviewed such measures in detail. These range from the issuing and disseminating of military orders expressly prohibiting the recruitment and use of children; training members of armed groups on child protection and child rights; imposing disciplinary and other sanctions against those suspected of recruiting or using children; setting up mechanisms for the identification of children within their ranks and to facilitate their release; establishing self-monitoring mechanisms; and allowing the UN and other actors access for monitoring of compliance.

Measures of prevention

Internal rules

Internal rules of armed groups including oaths, codes of conduct and military or command orders, can play an important role in ensuring respect for IHL and IHRL depending on levels of organisation and the efficacy of command and control structures.

In some cases, internal rules have been introduced or revised to operationalise specific external commitments to end child recruitment and use. For example, the MILF issued the Supplemental General Order for General Orders Nos 1 and 2 in 2010 in support of the action plan with the UN.⁹² A Presidential Order by the Sudan Liberation Army – Minni Minnawi in 2013 and Command Order on Prohibiting Recruitment was reissued by JEM in 2012 following agreement with UNAMID on the establishment of an Operational Mechanism

92 Available at <http://theirwords.org>.

to identify any children that may be associated with its forces for demobilisation and reintegration.⁹³ According to Geneva Call, after signing the Deed of Commitment, seven signatory groups, the KNPP, NMSP, PNLO, SPLM-N, PDKI, PKK/HPG and YPG issued command orders and/or amended their internal code of conduct to incorporate the prohibition of child recruitment and use in hostilities.

Internal rules are often not publicly available. However, of the nine reviewed for this report, four have set 18 years as the minimum age of recruitment and use (KNLA Order 2003 and subsequent directives in 2007 and 2009, prohibiting only recruitment (Myanmar); MILF Supplemental General Order, 2010 (Philippines); JEM Command Order on Prohibiting Recruitment, 2012 (Darfur); and the SLA/Minni Minnawi Presidential Order, 2013 (Darfur).

Others prohibit the use of under-18s in hostilities but permit the voluntary recruitment of younger children. For example, the PKK's 2004 Rules for the Conduct of Warfare establish a minimum age of 16 for taking up arms but sets a minimum age of 18 for participation "in armed clashes".⁹⁴ The Basic Rules of the NPA in the Philippines (as per a 1999 amendment) set 18 as the minimum age for "combatants", but permit children of 15 years and above to be admitted for training and assignment to "self-defence, militia and other combat units and tasks".⁹⁵ Likewise, the Libyan Liberation Army Code of rules and attitudes of the organisation for the successful conduct of the fighting set 15 years as the minimum age of enlistment but 18 for the participation in hostilities (2011).⁹⁶ As noted previously, policies which prohibit the participation of under-18s in hostilities are often ineffective when the recruitment of younger children is permitted.

Lack of clarity or policies that allow room for interpretation can also undermine protection. The Ejército de Liberación Nacional (ELN) Code of Conduct (1995) in Colombia, for example, while prohibiting the recruitment of children under the age of 15 years into permanent military forces sets no minimum age limit for involvement for what are vaguely described as "revolutionary activities other than participation in hostilities."⁹⁷

93 Available at <http://theirwords.org>.

94 Available at <http://theirwords.org>.

95 Available at <http://www.bannedthought.net/Philippines/CPP/1999/MinimumAgeForNPA-991015.pdf>.

96 Available at <http://theirwords.org>.

97 Available at <http://theirwords.org>. The FARC-EP 1999 Statutes also specify a minimum voluntary recruitment age of 15 years, but it is anticipated that these will be revised in accordance with the groups February 2015 policy change. Other armed groups not listed above claim to have incorporated prohibitions on child recruitment and use in their internal rules (see, for example, statements by the Karenni National Progressive Party/Karenni Army, 18 April 2009; Chin National Front/Chin National Army's contribution to Geneva Call paper, *Their Words*) or to have issued specific orders to prohibit child recruitment and their use in hostilities, but have not made them publically available (for example, the UN reported that on 3 July 2014, a command order prohibiting the recruitment and use of children was issued by General Joseph Zoundeiko, military chief of staff of the ex-Séléka (report of the UNSG on CAR, UN Doc. S/2014/562, 1 August 2014).

In the case of the Myanmar ethnic armed group the KIA, the ambiguity of its policies appears to have resulted in contradictory understandings by senior officers on the minimum age of recruitment. To Child Soldiers International's knowledge the KIA does not have written policies relating to military recruitment and use of children, but a 2011 written note to brigade commanders implies that recruitment of children is discretionary and based on various criteria, including why the child wants to join and whether the recruit has a family/home.⁹⁸ In contrast, the 2011 Frontline Manual of the Free Libyan Army leaves little room for interpretation in its instruction: "DO NOT [*capitals in original*] allow persons who are less than 18 years of age to fight, even if they have volunteered to do so".⁹⁹

Dissemination and training

Issuing military orders to prohibit child recruitment and use or incorporating such prohibition in other internal rules of the armed groups are important steps, but are only effective if shared with and understood by the membership of armed groups. The capacity to communicate policies to rank and file members and provide training varies and can pose particular challenges for less organised groups with weaker command structures. However, some armed groups have found innovative ways of disseminating rules and regulations among its members. In Libya, for example, where events unfolded rapidly following the 2011 uprising against former President Gaddafi and opposition forces were comprised largely of untrained fighters with no prior instruction on the laws of armed conflict, extracts of the Frontline Manual of the Free Libyan Army were disseminated in various ways including by text messages on mobile phones.¹⁰⁰

UN action plans generally include commitments to disseminate policies and train armed group members. Several action plans have gone further in agreeing to appoint designated focal points with responsibility for child protection, including in relation to military recruitment and use. The MILF, for example, committed to provide training to BIAF members on child protection and child rights and to appoint child protection focal points under its 2009 action plan that was extended in 2014 (its 2010 Supplemental General Order also refers to the establishment of child protection units within the ranks of MILF/BIAF). In the context of the 2013 peace deal with the Philippines government, concrete steps were reported to have been taken to implement these elements of the action plan, including the appointment of focal points in all base and front commands, the displaying command orders prohibiting recruitment and use of

98 Note obtained by Child Soldiers International during research mission to Myanmar in 2014.

99 Available at http://theirwords.org/media/transfer/doc/1_ly_ntc_2011_03-ef921ee4a9e2826b1ad-8c267b8254c97.pdf.

100 See Iain Scobbie, *Operationalising the Law of Armed Conflict for Dissident Forces in Libya*, 31 August 2011, <http://www.ejiltalk.org/operationalising-the-law-of-armed-conflict-for-dissident-forces-in-libya/>

children, and providing orientations on the roles and responsibilities of BIAF members in relation to the action plan.¹⁰¹

Signatories to the Geneva Call Deed of Commitment likewise commit to disseminate and provide training to its members on the content of the Deed of Commitment. All signatories except one have done so, often with Geneva Call support. One of its most recent signatories, the Sudan People's Liberation Movement-North (SPLM-N) has previously established a Commission on child, women and civilian protection.¹⁰²

Age verification

Implementation of policies on child recruitment and use also requires the ability to verify the age of recruits but can also pose significant challenges for armed groups, particularly when operating in countries with low birth registration rates or where there is no other documentary evidence to provide objective means of age verification.

The SLA (Minni Minnawi) action plan is the only one reviewed for this research that contained an explicit commitment to setting up an age verification process for any future recruitment. Critically the action plan also specifies that the burden of proof to establish that the individual is over 18 years rests with the armed group and that where there is doubt about the age, the person should be considered a child and not recruited. The MILF action plan, however, also addresses the issue through its commitment to work with UNICEF to strengthen birth registration in the areas under its control as a way to prevent under-age recruitment. The MILF had itself identified the lack of systematic registration of births in rural and conflict-affected communities of Mindanao, as an obstacle to the implementation of its commitment to end the recruitment of under-18s.¹⁰³

In other cases age verification may be possible in theory although not necessarily practiced. For example, in a communication to Geneva Call in 2014, the military wing of the PKK, the HPG stated that they did not have any difficulty in determining the age of

101 Report of the UNSG on children and armed conflict, UN Doc. A/69/926-S/2015/409, 5 June 2015. Other action plans or agreements that have included commitments to appoint focal points include: FAFN action plan (Cote d'Ivoire, 2005); UCPN-M action plan (Nepal, 2009); the JEM action plan operational mechanism (Darfur, 2012). Additionally the Communiqué of the National coalition of Syrian Revolution and Opposition Forces and the Supreme Military Council of the Free Syrian Army (Syria, 2014), commits to designating high-level political and military representatives to cooperate with the UN.

102 Geneva Call, *First African signatory to the Deed of Commitment protecting children in armed conflict*, 20 June 2015, <http://www.genevacall.org/first-african-signatory-deed-commitment-protecting-children-armed-conflict>.

103 MILF submission to the Geneva Call Publication, *Their Words*. Retrieved at www.theirwords.org.

candidates for recruitment because they carry identity cards.¹⁰⁴ The rigour with which checks on age by the PKK are carried out is, however, not known. In Myanmar the political wing of the KIA, the Kachin Independence Organisation (KIO) maintains a list of households at township and village levels which includes names and ages of household members which has been used by KIA recruitment officers to enforce the unofficial recruitment quotas of "one-recruit-per-family" (a practice that is denied by the KIA). Despite the fact that the ages of household members are included in the list, children are commonly recruited by the KIA often during house-to-house visits by recruiting officers.¹⁰⁵

Other methods, while not infallible could in some situations provide the means to verify the age of potential recruits. For example, in the absence of official identity documents, school diplomas or other school records or interviews with family members or community leaders could be used to provide evidence of proof of age applied. Although even these options may not be practical in some situations, the responsibility to verify that recruits are not underage rests with armed groups and in case of doubt over the age, the individual should not be recruited.

Sanctions

Policies and internal rules require systems of enforcement, including the capacity to effectively investigate violations and impose sanctions where rules are breached. However, the imposition of sanctions by armed groups raises concerns about due process and about the nature of punishments that may be meted out. Sanctions, such as deprivation of liberty, require the capacity and the authority to establish courts compliant with international standards of due process. It is contested whether armed groups may legitimately deprive persons of their liberty and if so, under what circumstances.¹⁰⁶ Nevertheless, a range of disciplinary actions can be envisaged that, if applied fairly and consistently, could contribute to deterring underage recruitment or use; for example, suspension or removal from the ranks, demotion, and confiscation of weapons.

Provisions on accountability have been included in the action plan with the UCPN-M (Nepal), including commitments to cooperate fully with investigations of the monitoring mechanism into violations of the terms and conditions of the plan and to take appropriate disciplinary measures against perpetrators. The Geneva Call Deed of Commitment also requires signatories

104 HPG letter to Geneva Call, April 2014.

105 See, Child Soldiers International, *A Dangerous Refuge: Ongoing child recruitment by the Kachin Independence Army*, January 2015.

106 See for example, Jonathan Somer, "Jungle justice: passing sentence on the equality of belligerents in non-international armed conflict", *International Review of the Red Cross*, Issue 867, 2007.

to initiate appropriate investigations and impose sanctions in accordance with international standards.

Several armed groups have also incorporated accountability provisions into internal rules prohibiting child recruitment. In the Philippines, for example, the NDFP Declaration and Program of Action for the Rights, Protection and Welfare of Children specifies that violations of the prohibition of the recruitment and use of children will be dealt through the internal rules of the NPA and that credible reports of violations will be promptly investigated and appropriate disciplinary action, in line with international standards, applied. Under the MILF's 2010 Supplemental General Order anyone found to have recruited, used in hostilities or permitted to take part in hostilities a person or persons under the age of 18 years is subject to dismissal, a fine of 3,000 Philippine Pesos (approximately US \$75) and three months' imprisonment. However, Child Soldiers International has not obtained information to show whether any prosecutions have resulted from this Order. While less specific, the 2013 Presidential Order of SLA/Minni Minnawi, and 2012 JEM Command Order on Prohibiting Recruitment also specify that action will be taken against those who recruit and use children in violation of their respective policies

According to information provided by Geneva Call, YPG/YPJ have reportedly punished seven officers for having recruited children in April 2015: three were expelled from the group and four were demoted. To Child Soldiers International's knowledge, however there are no other examples of sanctions having actually been imposed by these or other armed groups for breaches of policies or orders relating to child recruitment and use: a situation which significantly undermines the effectiveness of policies.

Identification and release of children

To facilitate the release of children associated with them, some armed groups have agreed to set up mechanisms and procedures to verify the presence of children in their ranks. These include commitments to undertake screenings of members to identify under-18s, compile lists of minors to hand over to the UN or other child protection stakeholders for the purpose of rehabilitation and reintegration, or providing access to child protection actors to conduct verification.¹⁰⁷

Even in cases where action plans or other commitments have not been fully implemented, the process of engagement to secure and monitor such agreements has often resulted in children being released or in enhanced protection for children. In CAR, for example, within three months of the May 2015 Bangui Forum

¹⁰⁷ See for example action plans with FAFN (Côte d'Ivoire), MILF (Philippines), and UCPN-M (Nepal).

hundreds of children had been released by participating armed groups and, access permitted to humanitarian actors to their facilities for purposes of identification and separation of children under the age of 18 years.¹⁰⁸

Likewise, in Darfur armed groups that entered into agreements with the UN such as JEM and the now defunct SLA Historical Leadership identified children in their ranks and facilitated their release and reintegration in conjunction with the UN and local authorities.¹⁰⁹ In the Philippines, following the signing of the action plan by the MILF, an initial registration process was reported to have taken place with support of the UN during which more than 500 children were registered by trained community members with a view to ensuring that they had access to basic services including education, health and community programmes in order to prevent their recruitment.¹¹⁰

However, there are equally cases where the identification and release of children has been actively hindered by armed groups despite commitments. In other cases, armed groups have reported difficulties in safely releasing children from their ranks, due to the risk of prosecution or reprisals by the state which they face upon return to their families and communities. The head of the PKK military forces for example is reported to have stated in 2012 that they could not always release children who had already joined the PKK, for security reasons.¹¹¹ Geneva Call has reported similar concerns in relation to the release of children by the YPG/YPJ in Syria after the demobilisation of 149 children in July 2014. According to Geneva Call, a few of these children returned to their families but various factors including armed operations, closed schools, poverty, domestic violence, forced marriage, a lack of child protection actors on the ground, a lack of reintegration programmes and their own desire to join the armed groups meant that a safe and sustainable return was unlikely for many.¹¹²

¹⁰⁸ See, Brookings, *Five takeaways from the Bangui National Forum on Reconciliation in the Central African Republic*, 15 May 2015, <http://www.brookings.edu/blogs/africa-in-focus/posts/2015/05/15-bangui-forum-central-african-republic-copley-sy>. Child Soldiers International research mission to Bangui, CAR, June 2015, and subsequent telephone interviews with UNICEF in December 2015.

¹⁰⁹ See Reports of the UNSG on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2013/225, 10 April 2013 and UN Doc. S/2013/22, 15 January 2013.

¹¹⁰ See Report of the UNSG on children and armed conflict in the Philippines, UN Doc. S/2013/419, 12 July 2013.

¹¹¹ HRW, "Maybe We Live and Maybe We Die", *Recruitment and use of children by armed groups in Syria*, 22 June 2014, <https://www.hrw.org/report/2014/06/22/maybe-we-live-and-maybe-we-die/recruitment-and-use-children-armed-groups-syria>; Al Monitor, *Kurdish Rebels Ban Child Soldiers*, 28 October 2013, <http://www.al-monitor.com/pulse/originals/2013/10/kurdish-ban-child-soldiers.html#ixzz2u9ilIE8Q>. Also see Radikal, *Karayılan: Çocuk PKK'lılar konusunda BM ile protokol imzalandık*, 15 February 2012, http://www.radikal.com.tr/turkiye/karayilan_cocuk_pkk_lilar_konusunda_bm_ile_protokol_imzalandik-1078798.

¹¹² Geneva Call, *Syria: Monitoring the prohibition of child soldiers by Kurdish armed forces*, 7 October 2014, <http://www.genevacall.org/syria-monitoring-prohibition-child-soldiers-kurdish-armed-forces>.

Such concerns highlight the complexities involved in releasing children from armed groups and achieving safe, successful and durable reintegration with families and broader communities. They also reinforce the need for coordinated and sustained efforts by multiple actors including governments, child protection agencies and the armed groups themselves in pursuit of this goal.

Monitoring and reporting on implementation of commitments

Some armed groups have committed to report on the implementation of the measures taken to end child recruitment and use. For example, armed groups in Sudan (such as JEM, SLA-Minni Minnawi, SLA-Historical Leadership, SLA-Free Will and LJM) have submitted progress reports to UNAMID on the implementation of measures to end child recruitment.¹¹³ Agreements with the UN tend to include the appointment of a focal point within the armed group whose function is to liaise with the UN and report on the progress to address child recruitment and use.¹¹⁴ Under the Geneva Call Deed of Commitment, signatory groups agree to monitor and report on their compliance. This includes establishing focal persons or committees within the group and providing information to Geneva Call.

However, independent monitoring by actors other than the armed groups themselves is fundamental to ensure compliance with international standards and commitments to prohibit child recruitment and use.

Under UN action plans, armed groups have typically agreed to allow access to their facilities and/or areas under their control by the UN for purposes of monitoring compliance, and to ensure their safety and security. Given that removal from the annexes of the UNSG's annual report on children and armed conflict ("de-listing") relies on UN verification that an action plan has been fully implemented, cooperation by armed groups on the issue of access can be a good indicator of the extent of their commitment to end and prevent child recruitment and use. Independent monitoring for compliance is crucial although difficult because access is constrained due to a wide variety of reasons: insecurity, deeply remote locations, restrictions imposed by governments and/or armed groups themselves and finally, ongoing operations during situations of active armed conflict.

¹¹³ These reports tend not to be public, but some information on their contents can be gleaned from the public reports of the UN.

¹¹⁴ See FAFN Action Plan, Cote d'Ivoire; MILF Action Plan, Philippines; UCPN-M Action Plan, Nepal; the JEM operation mechanism, Sudan; Communiqué of the National coalition of Syrian Revolution and Opposition Forces and the Supreme Military Council of the Free Syrian Army, Syria.

Geneva Call undertakes regular field missions but also relies on a combination of self-reporting by armed groups and monitoring by third-parties.¹¹⁵ Here, as is the case with UN and other monitoring efforts, the role of impartial national NGOs and civil society organisations, who may have closer relationships with, and more regular access to, communities in which armed groups operate is often critical and should be supported and capacity enhanced wherever possible.

¹¹⁵ For a description of the monitoring mechanisms employed by Geneva Call, see Pascal Bongard and Jonathan Somer, "Monitoring armed non-state actor compliance with humanitarian norms: a look at international mechanisms and the Geneva Call Deed of Commitment", *International Review of the Red Cross*, Issue No. 883, 2011, <https://www.icrc.org/eng/resources/international-review/review-883-engag-ing-armed-groups/index.jsp>.



VII

Recommendations

There are many ways in which armed groups can express (and have expressed) their commitment to international standards in relation to the recruitment and use of children and to ending the association of children with them. However, the process of engaging armed groups in dialogue, building their trust and securing agreements takes time, resources and expertise and in many cases needs to be accompanied by other measures including political pressure and practical support.

As is the case with state armed forces though, the greater challenge is often in the effective implementation of commitments and policies. Again, achieving full implementation is often a lengthy process that requires political will and practical measures by the armed group itself, as well as monitoring and technical and practical support by national and international stakeholders that are independent of the group.

There can be no monopoly on this process. Rather it is a collaborative effort that requires involvement and support of a wide range of actors and, critically, long-term funding if the safe release and reintegration of children associated with armed groups is to be achieved. To this end Child Soldiers International makes the following recommendations.

Recommendations to armed groups

To protect children from involvement in armed conflict and ensure compliance with international standards armed groups should take the measures set out below. Stakeholders engaging with them should encourage and support their implementation:

- **Publicly commit to end and prevent the recruitment and use in hostilities of under-18s.** Armed groups that have existing commitments or policies that fall short of a ban of recruitment and use in hostilities of under-18s should review them with a view to raising the age limit to 18 years in accordance with their internationally recognised legal obligations under OPAC. In the meantime, such groups should establish effective safeguards (such as separation of under-18s from adults) to ensure that any under-18s are not deployed in hostilities.
- **Seek dialogue with and support from the UN, regional organisations or independent humanitarian organisations for the purpose of developing and implementing action plans and/or other policies and measures to end child recruitment and use and achieving the safe release of any children already associated with the group.** In the course of any peace process, support the inclusion of child protection provisions, including for the release, recovery and reintegration of children associated with them, in ceasefire and peace agreements.
- **Prohibit all forms of association of children as defined in the Paris Principles to ensure maximum protection.** To this end, the Paris Principles definition should guide and inform commitments, policies and practical measures of implementation.
- **Include explicit references to ending recruitment and use of children in declarations, commitments and other policies,** and where appropriate include explicit references to addressing their gender-specific needs.
- **Incorporate the prohibition of all forms of child recruitment (forced, 'voluntary', formal and informal) and use in hostilities (direct and indirect) and association of children in internal rules and other relevant regulations, directives and policy documents.** The prohibition should apply to all types of military units, including self-defence and auxiliary units.

- **Widely disseminate commitments and other policies relating to child recruitment and use, and provide training to all armed group members on them.** Policies should also be disseminated to wider communities in areas where they operate. Armed groups should also consider appointing dedicated personnel on child protection, whose role could include training and raising awareness on prohibitions on child recruitment and use, seeking where necessary, assistance from UN, NGO or other child protection experts.
- **Incorporate age verification mechanisms in the recruitment procedures to ensure under-18s are not recruited.** At the minimum these should include document checks (official ID documents or where unavailable school diplomas, medical and other official records that certify age) and/or cross-checking with family members, community members and others in a position to know the age of the potential recruit. Criteria for establishing age and age verification procedures for recruitment should be included in basic training and reflected in rules, orders and other relevant guidelines. Responsibility for establishing the age of new recruits should lie with the armed group and, in case of doubt, the individual should not be recruited.
- **Avoid targeting children for recruitment, or other activities that may encourage children to join the group or put them in danger through their association with the group.** This includes indoctrination and training or establishing a presence in schools and other locations used by children, or via social media and internet sites designed to attract children. Unregulated and informal recruitment processes should be prohibited as they create a high risk of underage recruitment and use.
- **Systematically, immediately and effectively investigate all credible reports of child recruitment or their use in hostilities.** Armed group members reasonably suspected of recruiting or using children should be removed from their position or otherwise given appropriate disciplinary sanctions imposed in accordance with international standards.¹¹⁶ Armed groups should keep records of the imposition of disciplinary measures (that may be used as evidence to respond to allegations of child recruitment and use and serve as a deterrent for future abuses).

¹¹⁶ Sanctions, such as deprivation of liberty, would require the armed group having the capacity and the authority to establish courts to impose those sanctions in manners that comply with international standards of due process and/or at least to review the deprivation of liberty. Child Soldiers International believes that most armed groups do not have the capacity to comply with such standards.

- **Establish, in cooperation with child protection experts, processes to screen all armed group members to identify and facilitate the release of any under-18s.** Release should not be dependent or made conditional upon the ending of hostilities or the setting up of official disarmament, demobilisation and reintegration (DDR) processes. If the security situation does not immediately allow for the safe release and reintegration of children, the armed group should ensure children are demobilised from their forces, and take measures to protect them from armed conflict. No child, their family or community should in any circumstances be threatened or punished for leaving the group.
- **Establish mechanisms to monitor and keep under review the effectiveness of policies relating to preventing child recruitment and use, as well as to report on progress and identify challenges and assistance required.** Responsibility for monitoring and investigating reports of child recruitment and use and receiving complaints could be among the roles of child protection focal points within the armed group.
- **Allow unhindered access by the UN, regional organisations and independent humanitarian organisations to all facilities for the purpose of monitoring, verification of compliance and identifying, releasing and reintegrating children.** The safety of external monitors should be ensured.

Recommendations to all stakeholders engaging with armed groups

- **Ensure that preventing and ending child recruitment and use is part of the agenda in all forms of engagement with armed groups.**
- **In accordance with the Paris Principles (paragraph 3.26), strengthen communication, cooperation, coordination, information sharing and transparency for all those involved** in preventing the association of children with armed forces or armed groups, supporting the release of children from armed groups, providing protection to such children and facilitating their reintegration (including community, sub-regional, regional, national and international level stakeholders and institutions). Consider establishing an inter-agency group or other coordination mechanisms at national, sub-regional, regional and international levels to define roles and support the development and implementation of strategies.

Recommendations to governments

In support of efforts to end and prevent the recruitment and use of children by armed groups, governments should:

- **Ratify the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict** and commit to the Paris Principles and Guidelines, and Commitments of 2007.
- **Take all feasible measures to prevent child recruitment and use**, including the adoption of legal measures necessary to prohibit and criminalise such practices.
- **Prohibit any form of support (military, logistical, financial etc.) to armed groups that recruit or use children** and investigate credible reports of civilian or military officials involved in providing such support.
- **Facilitate access by the UN and independent humanitarian organisations to armed groups** for the purpose of ending and preventing child recruitment and their use in hostilities and the release and reintegration of children associated with them.
- **Establish comprehensive reintegration and recovery processes for children associated with armed groups**, including self-demobilised children. Specific strategies should be developed to identify and provide effective reintegration assistance to all current and former girl soldiers and their children.
- **Ensure that child soldiers who are released from armed groups, escape, surrender or are captured are treated in accordance with standards of international humanitarian and human rights law** and promptly handed over to child protection actors. Such children should not be detained or prosecuted solely for having been recruited or used by armed groups, nor should they be used for intelligence purposes.
- **Ensure that the release, recovery and reintegration of children associated with armed groups is addressed in all peace or ceasefire negotiations** and agreements with armed groups in line with the UN operational guidelines on addressing children's issues in peace agreements.

Recommendations to the UN

- **Intensify efforts to engage with armed groups listed in the annexes of the Secretary-General's annual report on children and armed conflict for the purposes of securing and implementing action plans to prevent and end the recruitment and use of children.** Where necessary to secure and implement commitments to achieve this, child protection capacity should be increased in UN peace operations and UN Country Teams and individuals deployed who have experience of engaging with armed groups and who are supported by political, human rights and other relevant experts.
- **Pressure governments to permit access to armed groups by the UN, regional organisations and independent humanitarian actors for the purposes of entering into dialogue on child protection and seeking the release of children associated with them.**
- **Reinforce efforts to engage armed groups through other measures aimed at encouraging and monitoring the compliance of armed groups with international standards.** This should include more regular reviews of and more rapid adoption of conclusions by the Security Council Working Group on children and armed conflict on country-specific UNSG reports (which should be immediately communicated to the armed group, surrounding communities and the general public); and in the cases of non-compliance, greater use of other tools available to the SCWG on children and armed conflict, including recommendations for strengthening accountability.
- **Intensify support and develop regional, national, local and community efforts and capacity** to prevent unlawful recruitment or use of children by armed groups (and armed forces) and to support their release and reintegration and protect all children.

- **Consider commissioning an independent review of the impact of UN action to secure and implement commitments with armed groups on child recruitment and use with a view to informing and improving future efforts.** To this end, the OSRSG-CAAC could consider convening a meeting of key stakeholders to explore ways in which cooperation can be strengthened and comparative advantage used to maximum effect to achieve the goal of protecting children from recruitment and use by armed groups.
- **Ensure that international standards are promoted in all dialogue with armed groups on the military recruitment and use of children** and that ending and preventing the recruitment and use *and* the association of children with armed groups is the ultimate goal of such engagements.
- **Take all feasible measures to support the reintegration of all children released from armed groups** in order to ensure their safety and to avoid re-recruitment.

Recommendations to peace mediators

In support of efforts to end the recruitment and use of children by armed groups, the UN, states, regional organisations, NGOs and other actors involved in peace processes should:

- **Systematically mainstream child protection concerns including in relation to the military recruitment and use of children into peace negotiations,** and ensure that provisions for the unconditional release of children suspected of or found to be associated with armed groups and their reintegration are reflected in all peace and cease-fire, political settlements and relevant monitoring or implementation mechanisms. In support of this, specific child protection expertise should be included in mediation teams.

Recommendations to donors

- **Ensure support for UN and other initiatives aimed at preventing and ending the recruitment and use of children by armed groups.** Donors should recognise and support this through funding the long-term engagement of such stakeholders with armed groups that is often necessary to establish dialogue and to secure and support the effective monitoring and implementation of action plans and other commitments.
- **Ensure timely and adequate international support as well as sufficient and predictable funding for programmes and initiatives aimed at the release and reintegration of children associated with armed groups.**

Annex 1

Armed groups' commitments and policies on child soldiers - 1999 – 2015¹

Country/armed group	Name and type of commitment/policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/comments
AFGHANISTAN				
Taliban forces	Codes of Conduct (internal rules)	2009, 2010	Age not specified	
BURUNDI				
Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD)	Ceasefire Agreement	2002	Age not specified	Monitoring: Joint Ceasefire Commission
Palipehutu-Forces nationales de libération (FNL)	Ceasefire Agreement	2006	Age not specified	Monitoring: Joint verification monitoring
CENTRAL AFRICAN REPUBLIC				
Armée populaire pour la restauration de la république et la démocratie (APRD)	<i>Action Plan</i>	October 2011 ¹	18	
Convention des patriotes pour la justice et la paix (CPJP)	<i>Action Plan</i>	November 2011	18	
Union des forces démocratiques pour le rassemblement (UFDR)	<i>Action Plan</i>	2007 (renewed in 2011)	18	
Ex-Séléka ²	Ceasefire Agreement	July 2014	Age not specified	Reference to African Charter, CRC and OPAC; Monitoring: Commission de suivi
	<i>Military order (internal rules)</i>	July 2014		
	<i>Agreement on ending child recruitment and use (and other child rights violations)</i>	5 May 2015	18	Reference to CRC, UNSCR 1612. Definition includes any use (not just participation in combat)

¹ When armed groups made more than one commitment, only the most recent is mentioned, unless earlier ones are relevant to show development of the armed groups' policies on the issue. Commitments and policies in *italics* were not publically available or could not be obtained by Child Soldiers International. The on-line database set up by Geneva Call, Their Words (<http://theirwords.org/>), was used extensively for this research.

Country/armed group	Name and type of commitment/policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/comments
	DDRR Agreement	10 May 2015		
Anti-Balaka	Ceasefire Agreement	July 2014	Age not specified	Reference to African Charter, CRC and OPAC; Monitoring: Commission de suivi
	<i>Agreement on ending child recruitment and use (and other child rights violations)</i>	5 May 2015	18	Reference to CRC, UNSCR 1612. Definition includes any use (not just participation in combat)
	DDRR Agreement	10 May 2015		
Lord's Resistance Army (LRA)	Agreement on disarmament, demobilisation and reintegration (Juba Accord)	2008	18	Release and reintegration of under-18s; Monitoring: Ceasefire monitoring team responsible for the DDR
COLOMBIA				
Ejército de Liberación Nacional (ELN)	Code of war (internal rules)	1995	15	Under-15s may be involved in revolutionary activities other than participation in hostilities
	Acuerdo de puerta del cielo	1998	16	Commitment to raise the minimum age to 18 years
Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo (FARC-EP)	FARC-EP statutes (internal rules)	1999	15 ³	
COTE D'IVOIRE				
Forces armées des forces nouvelles (FAFN)	Action Plan	November 2005 ⁴	18 for recruitment, deployment in combat areas and use of children for purely military tasks	Reference to IHL and HRs (including CRC); military order; awareness raising; appointment of personnel to identify and release children to UNICEF and NGOs; monitoring by UN
Militia groups affiliated with Presidential camp ⁵	Action Plan	September 2006 ⁶	18	Reference to definition in the Cape Town Principles; prevention: military order; identification and release of children; access to UN and NGOs for monitoring
DEMOCRATIC REPUBLIC OF CONGO				
Allied Democratic Forces (ADF)	Lusaka ceasefire agreement	July 1999	Not specified	Monitoring by Joint Military Commission (with support of AU/UN)
Congolese Rally for Democracy (RCD)	Lusaka ceasefire agreement	July 1999	Not specified	Monitoring by Joint Military Commission (with support of AU/UN)

Country/ armed group	Name and type of commitment/ policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/ comments
Congrès national pour la défence du peuple (CNDP)	Acte d'engagement (Nord Kivu)	2008	Not specified	Prohibition of all forms of recruitment
Mai-Mai groups (Kasindien, Kifufua, Vurondo, Mongol Rwenzori, Simba and PARECO. ⁷)	Acte d'engagement (Sud et Nord Kivus)	2008	Not specified	Prohibition of all forms of recruitment
Mouvement de Libération du Congo	Statuts du Mouvement de Libération du Congo (internal rules)	June 1999	Not specified	
	Lusaka ceasefire agreement	July 1999	Not specified	Monitoring by Joint Military Commission (with support of AU/UN)
Mouvement du 23 Mars (M23)	Déclaration au terme du dialogue de Kampala	December 2013	Not specified	Commitment to no impunity for child recruitment
Forces armées populaires pour la défense du Congo (FAPC)	Unilateral declaration	October 2013	18	Statement made following awareness raising by ADJEDI- KA, a Congolese human rights NGO

INDIA

Government of the People's Republic of Nagaland/Nationalist Socialist Council of Nagaland (GPRN/NSCN)-Khole-Kitovi	Geneva Call Deed of Commitment	July 2014	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Kuki National Organization and armed wings	Geneva Call Deed of Commitment	March 2015	15	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners

IRAN

Democratic Party of Iranian Kurdistan (PDKI)	Geneva Call Deed of Commitment	December 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
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Country/ armed group	Name and type of commitment/ policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/ comments
Komala Party of Kurdistan (KPK)	Geneva Call Deed of Commitment	December 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Komala Party of Iranian Kurdistan (KPIK)	Geneva Call Deed of Commitment	December 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Komalah – Kurdistan Organization of the Communist Party of Iran	Geneva Call Deed of Commitment	December 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Kurdistan Democratic Party – Iran (KDPI)	Geneva Call Deed of Commitment	December 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Free Life Party of Kurdistan/ Liberation Forces of Eastern Kurdistan (PJAK)	Geneva Call Deed of Commitment		18 for participation in hostilities; 16 for voluntary recruitment as non-combatants	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
The Kurdistan Freedom Party (PAK)	Geneva Call Deed of Commitment	June 2015	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners

ISRAEL/STATE OF PALESTINE

Hamas	Statement (unilateral declaration)	April 2002		
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Country/ armed group	Name and type of commitment/ policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/ comments
Palestinian National and Islamic Forces (comprised of the following political factions: Arab Liberation Front; Democratic Front for Liberation of Palestine (DFLP); Fatah; Hamas; Islamic Jihad; Al-Mubadara- Palestinian National Initiative; Palestine Arab Front; Palestine Democratic Union (FIDA); Palestine Liberation Front (PLF); Palestine People's party (PPP); Palestinian Popular Struggle Front (PPSF) (Nidal Front); Popular Front for Liberation of Palestine (PFLP); Popular Front for Liberation of Palestine –General Command (PLFP-GC); and the Popular Liberation War Pioneers (Sa'i'iqah)	Code of conduct on the involvement of children in armed conflict. The code states, inter alia, that "the involvement of children, whether individually or within groups, in armed conflict, is a grave violation of their fundamental rights."	4 May 2010	18	Refers to 4th Geneva Convention, two Additional Protocols to the Geneva Conventions, CRC, OPAC
LEBANON				
Factions of the Palestinian Liberation Organization and of the Forces of the Palestinian National Coalition in Lebanon	Joint declaration (unilateral declaration)	December 2013	18 for direct participation in hostilities	Reference to IHL and HRs (including OPAC)
LIBYA				
Libyan National Transitional Council (NTC) ⁸	Code of rules and attitudes (internal rules)	2011	15 for recruitment; Every effort to prevent under-18s from taking part in fighting	
	Guidelines on fundamental rules of armed conflict (internal rules)		18 for fighting (even if volunteering)	
MALI				
Mouvement national de libération de l'Azawad (MNLA)	Accord Préliminaire à l'élection présidentielle et aux pourparlers inclusifs de paix au Mali	June 2013	Not specified	Monitoring by Mixed Technical Commission (with support of AU/UN)
Haut Conseil pour l'unité de l'Azawad (HCUA)	Accord Préliminaire à l'élection présidentielle et aux pourparlers inclusifs de paix au Mali	June 2013	Not specified	Monitoring by Mixed Technical Commission (with support of AU/UN)
MYANMAR				
Karen National Union/Karen National Liberation Army (KNU/KNLA)	Geneva Call Deed of Commitment	July 2013	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners

Country/ armed group	Name and type of commitment/ policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/ comments
Karenni National Progressive Party/Karenni Army (KNPP/KA)	Geneva Call Deed of Commitment	August 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Chin National Front/Army (CNF/CNA)	Geneva Call Deed of Commitment	March 2014	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
New Mon State Party/Mon National Liberation Army (NMSP/MNLA)	Geneva Call Deed of Commitment	August 2012	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
Pa-Oh National Liberation Organization/Pa-Oh National Liberation Army (PNLO/PNLA)	Geneva Call Deed of Commitment	November 2014	18	Reference to IHL and HRs (including CRC and OPAC); enforcement measures (policy, dissemination, training); protection/assistance measures; self-monitoring and monitoring by Geneva Call and associated partners
NEPAL				
Unified Communist Party of Nepal-Maoist (UCPN-M)	Action Plan ⁹	December 2009	18	Cooperate with investigation; imposition of disciplinary measures; review of armed groups' members; compile list of under-18s for release
PHILIPPINES				
Moro Islamic Liberation Front (MILF)	Action Plan	July 2009	18	Review of armed groups' members; compile list of under-18s for release
	Supplemental General Order (internal rules)	January 2010	18	Creation of child protection units; sanctions for non-compliance
New People's Army (NPA) National Democratic Front of the Philippines (NDFP)	Declaration and Program of Action for the Rights, Protection and Welfare of Children (internal rules)	April 2012	15 for self-defence; 18 for recruitment (but at 15 years old may be admitted as trainee/apprenticeship)	

Country/ armed group	Name and type of commitment/ policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/ comments
SOUTH SUDAN¹⁰				
Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO)	Agreement on the cessation of hostilities with the government of South Sudan	January 2014	Not specified	Monitoring and Verification mechanism with Intergovernmental Authority on Development (IGAD)
	<i>Commitment (with SRSG) to end all grave violations against children</i>	May 2014	Not specified	
South Sudan Democratic Movement/Army (SSDM/A)				Expressed intention to collaborate with UN to release children
SRI LANKA				
Liberation Tigers of Tamil Eelam (LTTE)	Tamil Child Protection Law (internal rules)	2006	16 for recruitment; Over-18 for participation in conflict	Complaint mechanism
	Unilateral Action Plan	15 October 2007	18	
Karuna Group/ Tamil Makkal Viduthalai Pulikal (TMVP)	<i>Action Plan¹¹</i>	December 2008	18	
SUDAN				
<i>Darfur</i>				
Justice and Equality Movement (JEM)	Memorandum of understanding between JEM and UN Regarding the Protection of Children in Darfur	July 2010	18	
	Military order and Action Plan Operational Mechanism to prevent and end recruitment and use of child soldiers	September 2012	18	Sanctions for non-compliance; identification of child soldiers for release; submission of regular reports
JEM-Peace Wing	<i>Agreement with the UN</i>	December 2010 ¹²	18	identification of child soldiers for release
Sudan Liberation Army – Minni Minnawi (SLA-MM)	Action Plan	June 2007	18	Setting up age determination process; identification of child soldiers for release; submission of regular reports
	<i>Operational mechanism (internal rules)</i>	August 2014	18	
	SLA-MM also issued a command order prohibiting the use and recruitment of child soldiers	December 2013		

Country/ armed group	Name and type of commitment/ policy	Date of commitment	Minimum age for recruitment and use in hostilities	Measures of implementation/ comments
Sudan Liberation Army – Free Will	<i>Action Plan</i>	June 2010 ¹³	18	Identification of child soldiers for release; training; command order; submission of regular reports to UNAMID
SLA – Abu Gasim	<i>Action Plan</i>	2010 ¹⁴	18	Command order, access to UN for monitoring and reporting
SLA – Abdul Wahid	<i>Command order (internal rules)</i>	November 2012	18	
SLA – Historical Leadership	<i>Agreement with the UN¹⁵</i>		18	Identification of child soldiers for release; submission of regular reports to UNAMID
Liberation and Justice Movement (LJM)	<i>Agreement with the UN</i>	May 2012	Not specified	
	<i>Military order (internal rules)</i>	July 2012		
Northern Rezeigat tribe	<i>Command order (internal rules)¹⁶</i>	July 2013	Not specified	
Sudan People's Liberation Movement – Sudan (SPLM-N)	Geneva Call Deed of Commitment	June 2015	18	
SYRIA				
Free Syrian Army (FSA) affiliated groups	<i>Policy (internal rules)¹⁷</i>		17 for recruitment	
	Communiqué (unilateral declaration)	June 2014	18	
People Protection Units (YPG), Women's Protection Unit (YPJ) (military wing of the Democratic Union Party, (PYD)) ¹⁸	Geneva Call Deed of Commitment	June 2014	18 for participation in hostilities; 16 for voluntary recruitment in non-combatant category	Reservation entered to allow children above 16 to join in non-combat roles
TURKEY				
Kurdistan Workers' Party/People's Defence Forces (PKK/HPG)	Geneva Call Deed of Commitment	October 2013	18 for participation in hostilities; 16 for voluntary recruitment in non-combatant category	Reservation entered to allow children above 16 to join in non-combat roles
YEMEN				
Al-Houthi rebels				Dialogue with the UN on an Action Plan

- 1 Delisted in 2013 after releasing 1,300 children and being dismantled as an armed group.
- 2 Alliance of various armed groups, including CPJP-fondamentale, the UFDR, *Union Forces Républicaines (UFR)*, and *Convention Patriotique pour le Salut Wa Kodro (CPSK)*. Séléka was formally dissolved by decree on 12 September 2013.
- 3 According to a press release issued by the SRSR, the FARC agreed to stop recruiting under-18s in February 2016. See: Colombia: UN Special Representative for Children and Armed Conflict Welcomes FARC-EP's Decision to End Child Recruitment, 11 February 2016 <https://childrenandarmed-conflict.un.org/press-release/colombia-farc-decision-to-end-child-recruitment/>.
- 4 FAFN was de-listed in 2007 following verification of the implementation of the Action Plan.
- 5 Front de libération du Grand Ouest (FLGO); Mouvement Ivoirien de Libération de l'Ouest de la Côte d'Ivoire (MILOCI); Alliance patriotique de l'ethnie Wè (APWé); Union patriotique de résistance du Grand Ouest (UPRGO).
- 6 Delisted in 2009 following the implementation of the Action Plan.
- 7 A range of armed groups signed the Actes d'engagement for South and North Kivu in 2008.
- 8 This refers to the armed opposition forces that fought against Qadhafi government forces in 2011.
- 9 Delisted in 2011 following the implementation of the Action Plan.
- 10 The Sudan People's Liberation Army (SPLA) signed an Action Plan with the UN in 2009 as an armed group. Following the independence of South Sudan in 2011, the SPLA signed an Action Plan as the country's armed forces in March 2012.
- 11 TMVP was delisted in 2012.
- 12 Delisted in 2013 because no longer active.
- 13 Delisted in 2013 because no longer active.
- 14 Delisted in 2014 because no longer active.
- 15 Delisted in 2014 because no longer active.
- 16 See Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/607, 14 October 2013, paragraph 54.
- 17 UN Secretary-General Report on Children and Armed Conflict, S/2012/261, paragraph 124.
- 18 PYD is a political party. Associated Kurdish militias are the People Protection Units (YPG) for men and (YPJ) for women, and the internal security forces "Asaysh" (APK). These troops are associated with the Supreme Kurdish Committee (DBK) and are led by the security committee that reports directly to the DBK.

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This report addresses the need for coordinated, multi-stakeholder capacities for engagement with non-state armed groups to ensure an end to child recruitment and use by these groups.

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The recruitment of children and their use in hostilities by non-state armed groups has been a serious problem for decades. Despite the scale of the problem, few sustained national and international efforts have been concentrated on tackling this serious concern. In its report *A law unto themselves? Confronting the recruitment of children by armed groups*, Child Soldiers International examines progress made so far in engagement with armed groups, demonstrating that since 1999 over 60 armed groups have made unilateral or bilateral commitments to reduce and end the recruitment and use of children.

The report argues that while implementation is typically inconsistent, these commitments signal a growing recognition on the part of armed groups of the need to protect children from military use. These positive developments have resulted from efforts made by the UN and humanitarian and human rights organisations seeking dialogue with armed groups to enhance the protection of children.

The report recommends that the distinct advantages of different stakeholders' methods in engaging different armed groups must be exploited more fully; greater coordination between different actors is vital to enhance engagement; sustained pressure is needed on governments that block access to armed groups; and greater attention should be given to child protection concerns in peace processes. There can be no monopoly on this process. The safe release and reintegration of children associated with armed groups is a collaborative effort that requires involvement and support of a wide range of actors and long-term funding.

Child Soldiers International was founded in 1998 and works to end the recruitment, use and exploitation of children by armed forces and groups. To achieve our goal, we build community resistance to child recruitment and use, uphold and strengthen crucial laws, policies and standards, and increase pressure on key actors to ensure better protection for children.

**CHILD
SOLDIERS**

INTERNATIONAL

Child Soldiers International
9 Marshalsea Road
London, SE1 1EP
+44 (0) 20 7367 4110
info@child-soldiers.org
www.child-soldiers.org