

## **Briefing on the status of implementation of the June 2011 Action Plan on children associated with armed forces and groups in Chad**

15 April 2013

Although in June 2011 the Chadian government signed an Action Plan on children associated with armed forces and groups, thus committing to ending the recruitment and use of children in its army (*Armée nationale tchadienne/ANT*), it appears that **approximately 30 children were officially enlisted in 2012.**

The fact that under-18s were enlisted as recently as 2012 is particularly concerning at a time when approximately 2,000 troops are engaged in active combat in Mali. Yet, to Child Soldiers International's knowledge, no comprehensive screening of the Chadian contingent was conducted prior to (or since) their deployment to verify that children were not in its ranks.

Last month Chadian troops in Mali officially joined the African-led International Support Mission to Mali (AFISMA) and a re-hatting of AFISMA into a UN peacekeeping operation in Mali is currently being considered. **A thorough, UN-led verification of the Chadian troops would therefore be expected to ensure full adherence to the UN Peacekeeping policy not to accept under-18s in UN peacekeeping operations.** This is particularly relevant given that the ANT is currently listed in the Secretary-General's reports on children and armed conflict as a party that recruits and uses children. According to the terms of the Action Plan signed with the UN, the Chadian government will only be removed from this list "upon verification by the United Nations that the recruitment and use of children have completely ceased, and all children associated with the ANT [...] have been released." To Child Soldiers International's knowledge, no armed force currently listed in the Secretary-General's report on children and armed conflict is contributing significant number of troops to UN peacekeeping operations.

Child Soldiers International conducted a mission to N'Djamena in November 2012, and met with government and UN authorities responsible for implementing the Action Plan in order to understand the reasons why underage recruitment in the ANT is ongoing. In addition, the organisation is in regular contact with UNICEF's Chad office and government ministries, as well as with NGOs and diplomatic sources monitoring the implementation of the Action Plan.

Child Soldiers International remains concerned that despite firm commitments towards prevention, **and despite a long-standing ban on child recruitment in Chad's domestic legislation, the government has not yet taken the necessary measures to enforce the prohibition, and implement Action Plan commitments.**

This is particularly concerning given the role Chadian troops are playing in the armed conflict in Mali, including the possible role they may have in a UN peacekeeping operation.

**This briefing provides Child Soldiers International's assessment of the implementation of the main commitments in the Action Plan.** On the basis of this assessment, Child Soldiers International makes a series of recommendations to the Chadian government to adopt concrete measures to strengthen recruitment procedures, monitoring and accountability. To be fully implemented and

independently verified these measures must be supported by the international community and the UN, which requires additional capacity if it is to offer technical expertise at country level as well as ensure that the necessary pressure is put onto the Chadian authorities to act on their commitments.

## **ASSESSMENT BY CHILD SOLDIERS INTERNATIONAL OF THE STATUS OF IMPLEMENTATION OF THE ACTION PLAN**

### **I. “Demobilisation and Support for Children’s Rehabilitation”**

#### *(a) Issuing policy directive and military orders*

Under the Action Plan, the government committed to issuing “binding policy directives” and “clear military orders” to non-military and military staff respectively, particularly those involved in army recruitment processes, to inform them of the prohibition on child recruitment, specifying appropriate sanctions. However, to Child Soldiers International’s knowledge, no **policy directive** has been issued to non-military personnel, and **military instructions** were only issued in September 2012, months after children had been officially enlisted into the ANT, and following pressure from the international community. Only then did the Minister of Defence issue written instructions to remind commanders of their “*obligation to comply with laws prohibiting the recruitment of minors in the Army.*”<sup>1</sup> In addition, the instructions were given to commanders in military training centres, but to date no guarantee has been made that they reached all members of the armed forces, as required in the Action Plan. Finally, they failed to include a reminder on sanctions imposed on those responsible for unlawful recruitment, as per Action Plan commitments.

#### *(b) Identification and release*

Considering that effective prevention against underage recruitment is not yet in place, ongoing verification of the age of recruits continues to be necessary, with a view to releasing any children enlisted unlawfully. However, to Child Soldiers International’s knowledge, the government made no attempt to establish a system to “identify, monitor, record and plan the release of all children associated with armed forces” on an ongoing basis, and in cooperation with the UN. A **screening** of 2012 recruits was eventually conducted by the Commander of the armed forces (*Chef d’Etat Major Général des Armées/CEMGA*) in the Moussouro training centre but Child Soldiers International is concerned that:

- **The screening was conducted *after* (and because) the presence of child soldiers in the Chadian army had been exposed** and denounced by the UN and foreign diplomats;
- **The screening was delayed** until the second half of October 2012, when new recruits from all five military training centres had been gathered for *brassage* in Moussouro. However, UNICEF and the Ministry of Social Affairs (MAS) had identified 24 suspected underage recruits during a joint mission to Mongo as early as 11 June, and UNICEF started requesting permission to access military sites for verification purposes from August that year. From early June to the end of October, although the children had been stripped of their uniform and were kept out of military training exercises, they were still in the care of the army, away from their families and they missed the start of the school year;
- **The screening was conducted hurriedly and without support of UN and other child protection agencies**, just as UNICEF – who had finally been granted access for verification purposes – was sending a verification team to Moussouro. On arrival, the team was given an oral briefing by the CEMGA on the numbers of children who had just been identified and

<sup>1</sup> Note no. 0341 PR/PM/MDPRCDNAC/EMP/DCM/2012, 26 Septembre 2012 *portant interdiction de recrutement des mineurs dans les rangs des Forces armées et de Sécurité.*

released (18), and UNICEF was unable to find any of the 24 recruits identified as suspected minors in Mongo in June. During this mission, a further 10 children were identified – these were handed over to UNICEF and MAS for temporary care and assistance to reintegration;

- **Children were released unofficially** as the 18 children identified by the CEMGA were simply sent home instead of being entrusted to child protection agencies, while five are said to have “deserted”. There is no documented record of their release.

*(d) & (e) Temporary care and assistance to reintegration*

Actions taken by the government for the **temporary care and reunification** of the children recruited and released in 2012 also fall short of government obligations, under the Action Plan, to conduct “an initial assessment of their well-being, for psycho-social support, for medical [support] and documentation services to help restore family links.” The 10 children eventually identified in Moussouro in October were taken to N’Djamena and handed over to MAS on 1 November, but the government was wholly unprepared to care for them, resulting in severe child protection failings: **the children were kept for two months in an N’Djamena kindergarten without appropriate or sufficient food, physical comfort, medical and social assistance or sufficient contact with their families outside the capital.**<sup>2</sup> They were eventually reunited with their families in January 2013, having missed the start of the school year.

Child Soldiers International is concerned that children released from the ranks of General Baba Laddé’s Popular Front for Redress (*Front populaire pour le redressement/FPR*), which surrendered in September 2012, could have been similarly treated. The organisation’s investigations revealed that the absence of temporary care centres following the closing of the national child DDR program in 2011 resulted in further failings. UNICEF was under considerable **pressure from the government** to identify and release the children urgently (with a 14 November deadline), because they were among hundreds of former FPR combatants being accommodated and fed by the army in the Doyaba military training centre (near Sarh). Further, Child Soldiers International is concerned by reports that the government resumed its practice of offering **monetary compensation** (CFA 150,000, or approximately US\$ 300) to those willing to go ‘home’ – which may have prompted children to avoid official demobilisation and thus assistance to reintegration and family reunification.

## II. “Recruitment, Prevention, Outreach and capacity-Building”

*(b) Criminalisation of child recruitment/use*

The military recruitment and use of children is prohibited in domestic law. Although it is not fully enforced, the 2006 Law on the Reorganisation of Armed and Security Forces, which sets the minimum age for enrolment (voluntary) in the army at 18 and the minimum age for conscription (compulsory) at 20, remains on the statute books. However, **child recruitment and use are not currently explicitly criminalised in Chad**. A draft Child Protection Code, prepared by the Ministry of Justice with the support of UNICEF, includes a provision imposing criminal sanctions for the acts of recruiting and using children in hostilities. However, **the drafting and review process of the Child Protection Code has been fraught with delays and difficulties since 2007**. It was approved by the government in November 2012 but is still awaiting adoption by the Parliament. By virtue of the Action Plan, the government is bound to “accelerate the adoption” of the bill.

*(c) Enforcement of legal prohibition on child recruitment*

The ban on child recruitment remains difficult to enforce because of low birth registration rates in Chad, as a result of which most candidates to recruitment do not have birth certificates or other proof

<sup>2</sup> Four children were from N’Djamena; the others were from Guéra (3), Adré (1), Guéréda (1), Fianga (1).

of age. Under the Action Plan, the government thus committed to strengthening the birth registration system, and with this aim in view it approved a **draft law on the reform of the civil registry** in August 2012. This law would make birth registration free and compulsory, but it has yet to be approved by Parliament. It is also facing stiff resistance from some local state officials.

The Action Plan commits the Chadian government to “strengthening or establishing procedures for determining age in accordance with best international practice”, and to “establishing and training child protection units within the ANT”. However, according to Child Soldiers International’s investigations:

- **The recruiting teams that conducted the 2012 campaign had no expertise on age verification or child protection.** The teams in charge of the 2012 military recruitment campaign were composed of six personnel from the army and the Ministry of Defence (MOD) and given a list of recruitment criteria (including an age bracket of 18-20) but no instructions for determining the age of candidates without birth certificates;
- **Age verification methods used were flawed** because done solely on the basis of an oral declaration of the year of birth of the candidates, with no documents required at the time of enlistment. Underage recruitment is supposed to be prevented by a simple check of physical characteristics of the candidate, which is backed up, later, by a routine medical examination of new recruits in the military training centre. However, Child Soldiers International is concerned that even these ineffective procedures are not being respected, following a UN report that at least one boy was enlisted after declaring his age to be 14;<sup>3</sup>
- **Undue pressure was brought to bear on recruiters and communities.** The weak age verification methods used are of particular concern given that the 11,000 recruitment quota set by the government in 2012 appears difficult to meet for the **narrow age group targeted** (18-20 year-olds) and may have put pressure on recruiters to enrol without thorough age verification. (At the end of the campaign, there was a shortfall of over 3,000). One NGO who observed recruitment processes also reported that recruiting teams may in turn have put pressure on parents and communities to enlist their children, so that the quota could be filled. Child Soldiers International is also concerned by a report that some recruiting agents set up temporary **recruitment desks in local schools**, thereby unwittingly encouraging school-age children to enlist.

### III. “Legal Procedures and Discipline”

#### (a) *Complaint mechanism*

To date, there has been no attempt to “establish transparent, efficient and accessible complaint procedures for cases of child recruitment and use,” as required by the Action Plan. Child Soldiers International raised this obligation with the MOD in December 2011 but it was **dismissed as impracticable**. However, it could represent a significant step towards addressing the lack of accountability.

#### (b) *Accountability*

No member of the national army is known to have been held accountable for recruiting or using children. Furthermore, the peace process and resulting integration of armed opposition groups into the ANT structure has often been accompanied by amnesties and *de facto* **immunities from prosecution** for those suspected of recruitment and use of children in hostilities. Despite Chad’s commitment under the Action Plan to “investigate, prosecute, and/or take disciplinary action” against those suspected of child recruitment and use, General Baba Laddé, leader of the FPR, an armed group

<sup>3</sup> UNICEF and MAS, Mongo and Amtiman mission report, June 2012.

known for its recruitment and use of children, was appointed Special Advisor to the Chadian Prime Minister in January 2013.

With regard to recruitment by the armed forces, in July 2012 Child Soldiers International sent an official request to the government urging it to launch an **investigation** into the alleged presence of 24 children in the Mongo military training centre. To date no action has been taken despite several reminders, including in a face-to-face meeting with the MOD in November 2012: MOD officials argue that false declarations are to be expected from those candidates who are keen to enlist prematurely, and that, in the absence of birth certificates, nothing can be done about it.

#### IV. “Access”

*(a) / (c) UN access for verification purposes*

Considering that effective prevention against underage recruitment is not yet in place, it is crucial that child protection agencies are allowed to **monitor recruitment processes** and given unhindered **access to military sites for monitoring and verification purposes**. However, Child Soldiers International’s investigations reveal that, while UN agencies are able to monitor military training centres, they continue to lack access to military barracks. Under the Action Plan, the government committed to “allow free and confidential access” and “regular access to recruitment centres and military bases to verify the absence of children”. Independent, free and ongoing access to all military facilities for verification purposes is essential to the effective realisation of all the commitments made by the government in the Action Plan.

### **RECOMMENDATIONS TO THE CHADIAN GOVERNMENT**

#### I. “Demobilisation and Support for Children’s Rehabilitation”

*Issuing policy directive and military orders*

- Issue military orders to commanding officers, *immediately and before* the start of each army recruitment campaign, to remind them of the ban on underage recruitment and the procedures of age verification as well as of sanctions for unlawful recruitment of under-18s, and instruct them to disseminate the orders to all troops, including recruiting agents;
- Issue binding policy directives on the ban on underage recruitment and procedures of age verification to all MOD staff as well as all non-military staff involved in military recruitment.

*Identification, release and temporary care*

- With the support of UNICEF and other child protection actors, carry out a thorough verification of all ANT troops with the view to identify any children associated with the military, document their situation and plan their prompt release;
- Issue release papers to all children thus demobilised, and ensure that family reunification is conducted as a matter of urgency with the support of child protection agencies;
- With the support of the UN, ensure that all children separated from their families are provided with effective and appropriate temporary care.

#### II. “Recruitment, Prevention, Outreach and capacity-Building”

*Criminalisation of child recruitment/use*

- Adopt without further delay the Child Protection Code, thereby explicitly criminalising the recruitment of under-18s and their use in hostilities.

#### *Enforcement of legal prohibition on child recruitment*

- Take measures to make birth registration free and compulsory in law and practice, in order to strive towards universal birth registration;
- Establish effective age verification procedures which include, at the minimum, the following principles:
  - In the absence of a birth certificate, temporary alternative measures of age verification should be used; these should rely on more than one type of document or approach, including (but not limited to) school diplomas and hospital records;
  - In case of doubt over an individual's age they should not be recruited;
  - Recruitment should not be operated from schools or other buildings frequented by children.
- Ensure that teams in charge of military recruitment have received child protection and age verification training, and include medical professionals and independent child protection experts;
- Incentives for achieving recruitment quotas, such as monetary compensation and promotions, or punishments for failing to achieve them, such as demotions and discharge, increase the risk of underage recruitment and should be avoided.

### **III. “Legal Procedures and Discipline”**

#### *Complaint mechanism*

- Establish, with the support of the UN Country Team, an independent, accessible and confidential complaint mechanism for cases of recruitment and use of children.

#### *Accountability*

- Effectively and independently investigate all credible allegations of child recruitment or use, and, irrespective of the initiation of any criminal proceedings, ensure that appropriate disciplinary sanctions are imposed on military officials found responsible for units where children have been found to be recruited or informally associated with them;
- Regularly publish information on the number of investigations and disciplinary action taken for the recruitment and use of children in armed conflict.

### **IV. “Access”**

#### *UN access for verification purposes*

- Grant the UN and other child protection agencies independent, ongoing and unimpeded access to all military facilities – including military camps – and other locations where child recruits may be present for identification and verification purposes.

### **RECOMMENDATIONS TO THE UN COUNTRY TEAM**

- Mobilise additional resources to support the implementation of the Action Plan;

- Strengthen the capacity of all actors in the Monitoring and Reporting Mechanism (MRM) to monitor and document child rights violations to allow for an objective and well-informed review of the implementation of the Action Plan;
- Support and advise the government in the review and reform of the recruitment practices aimed at preventing recruitment and use of children;
- Request and carry out regular visits to ANT sites, training centres, and other places where children associated with armed forces or groups may be present, for both identification and verification purposes;
- Proactively engage in a dialogue with the government on a regular basis in order to share MRM-documented information on violations and advise/support the government to take appropriate steps to act on this information;
- Assist the government in initiating, as a matter of urgency, the drafting of the OPAC initial report to the Committee on the Rights of the Child.

/END