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Children's Rights

<https://www.hrw.org/news/2016/09/14/letter-president-obama-regarding-child-soldiers-prevention-act>

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NGOs urge prohibitions on military aid to governments using child soldiers

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September 14, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Presidential determinations regarding the Child Soldiers Prevention Act

Dear President Obama,

As organizations that have long worked to end the recruitment and use of child soldiers around the world, we are writing regarding the determinations you will make in the coming weeks on whether or not to issue waivers under the Child Soldiers Prevention Act (CSPA) for governments implicated in the use of child soldiers. In this last year of your administration, we urge you to use this law to its full potential by rejecting the use of full waivers. By doing so, you will make clear that the United States does not tolerate the use of children as soldiers.

The recruitment and use of children as soldiers in today's conflicts remains a serious problem. According to the State Department, the number of governments implicated in the use of child soldiers increased from six in 2010 to ten in 2016. In some conflicts, child recruitment has skyrocketed. According to the UN, in Afghanistan, child recruitment more than doubled in 2015 from the previous year, while in Yemen, it increased five-fold. In South Sudan, government forces and armed groups have recruited as many as 16,000 children as soldiers since the conflict began in 2013, abducting many by force.

The CSPA was intended to provide the US administration with powerful leverage to influence countries to end the use of children in their armed forces, and to assure Americans that US tax dollars would not support such abusive practices. This groundbreaking law is one of the first in the world to link military assistance to child soldier use. Under the CSPA, governments known to recruit and use children in their national armies or to support armed groups that recruit and use child soldiers may not receive certain categories^[1] of military assistance from the US, absent a national security waiver.

Since the law went into effect in 2010, the CSPA has been used to influence several governments including the Democratic Republic of Congo, Chad, and Rwanda to take positive action to address the use of child soldiers. In the case of the Congo, for example, the US withheld both foreign military financing and training for some Congolese battalions, prompting the Congolese government to sign an action plan with the UN to end its use of child soldiers. Today, child recruitment by Congolese government forces has virtually ceased.

In the majority of cases, however, you have used your presidential authority to waive the CSPAs military sanctions for listed governments, despite continued and even escalating use of child soldiers. Of the 12 countries that have been identified by the US State

Department as having national armies or government-supported armed groups that used children between 2010 and 2015, ten countries had military assistance and/or arms sales authorized during that period. According to the Stimson Center, the administration has authorized more than \$980 million in military assistance and over \$275 million in arms sales for listed governments following waivers since 2010, and withheld only \$56 million in military assistance and \$5 million in arms sales under the CSPA.

Until 2014, the administration progressively increased its use of partial waivers under the CSPA. This approach balanced US national security interests with its policy priorities on child soldiers, by withholding some sanctionable assistance while allowing other military aid to go forward. For example, in 2014, the administration gave partial waivers to four of the six countries that were subject to sanctions under the CSPA. We were disappointed, however, that the administration appears to have reversed course in 2015, granting a partial waiver in only one case South Sudan and granting full waivers to three of the other four affected countries. We believe this was a step backwards in the administrations implementation of the law, sending an unfortunate message to listed governments that their use of child soldiers had no impact on their military relationship with the US.

We are also disappointed that the State Department has failed to include Afghanistan in its CSPA list, despite clear evidence that the Afghan Local Police and other government-backed forces are recruiting and using children as soldiers. We believe the CSPA clearly applies to the government-controlled groups that recruit child soldiers in Afghanistan, and note that the Afghanistan government itself has acknowledged responsibility for the use of child soldiers by signing a UN action plan to end the practice.

In your final year in office, we urge you to use the CSPA to influence immediate action by recipients of US military aid to end their use of child soldiers. Specifically, as you consider your presidential determinations for the 2017 financial year, we urge you to:

Thank you for your consideration. We look forward to action by you and your administration to help end the use of child soldiers around the globe.

Sincerely yours,

Amnesty International
Child Soldiers International
Human Rights Watch
Humanity United

Cc:
John Kerry, Secretary of State
Tom Malinowski, Assistant Secretary of State for Democracy, Human Rights and Labor
Senator Richard Durbin

[1] The CSPA does not prohibit all U.S. military assistance to the countries identified by the State Department as having used child soldiers in their national militaries or government-supported armed groups, but rather limits arms sales through the Foreign Military Sales (FMS) and Direct Commercial Sales (DCS) programs and limits military assistance through the Excess Defense Articles (EDA), International Military Education and Training (IMET), Foreign Military Financing (FMF), Section 1206 assistance, and some Peacekeeping Operations (PKO) programs (PKO accounts were not added to the CSPA prohibition list until March 2013 through Public Law 113-4).

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