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Children's Rights

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Until recently, the United States might have been considered a world leader in combating the use of child soldiers. But after events last month, children victimized in war may need to look elsewhere for help.

The United States has spent millions of dollars supporting the rehabilitation of former child soldiers in countries like Afghanistan, Colombia, and Sierra Leone. It enacted groundbreaking legislation enabling the United States to prosecute child soldier recruiters entering the United States, and to withhold US military assistance from governments that use child soldiers. In 2002, it joined an important international treaty that prohibits the use of children under 18 as combatants. It even changed its military deployment practices to set a good example. These actions put it on the forefront of international efforts to end one of the most heinous aspects of modern warfare.

But last month President Obama issued an order allowing US military assistance to governments that use child soldiers, undermining a law he voted for as a Senator just two years ago. Also last month, the US became the first Western nation since World War II to convict a former child soldier of war crimes.

On October 25, at Guantanamo Bay, Omar Khadr pled guilty before a military commission to killing a US soldier in Afghanistan when he was 15 years old. The killing occurred during combat while Khadr was being used as a child soldier by his superiors. The US detained Khadr at Guantanamo for eight years, doggedly pursuing his prosecution despite international criticism for charging him with war crimes and credible allegations that he was tortured by his US interrogators. His treatment ignored his juvenile status and disregarded US obligations under international law to provide him with rehabilitation.

Adding to this backward momentum, President Obama issued a waiver allowing US military assistance to continue to flow to Chad, the Democratic Republic of Congo, Sudan, and Yemen, despite State Department findings that these countries violate the US' Child Soldiers Prevention Act. The groundbreaking law, which went into effect in September, prohibits several categories of US military assistance to governments using child soldiers. Withholding such military assistance exerts powerful leverage on states with abusive child recruitment policies and practices.

In June, the State Department identified six governments in violation of the law: Burma, Chad, the Democratic Republic of Congo (DRC), Somalia, Sudan, and Yemen. Of the six, Burma is the only one receiving no US military assistance, and the aid the US sends to Somalia is peacekeeping assistance not covered by the law. By giving a blanket waiver to the remaining four countries, Obama essentially nullified the law and gave a pass to everyone.

It's hard to square his decision with facts on the ground. A July UN report about Congo said the number of children in the government's ranks had increased dramatically last year. While non-state armed groups showed a downward trend in child recruitment, recruitment by government forces was on the rise, with nearly 600 cases documented between October 2008 and December 2009. Many more cases are never recorded. The UN secretary-general has identified Congo's government forces as a "persistent violator" that has recruited child soldiers consistently since 2002.

The White House contends the countries that got the waivers have put good policies into place and that continued US assistance, especially military training, can help implement them. However, the law already allows for limited US training for governments taking effective steps to end their use of child soldiers. By providing a blanket waiver, the US gives up its leverage and weakens its commitment to end the use of child soldiers.

It's true that the US has a complex set of interests in these four countries, including important counter-terrorism concerns in Yemen, and humanitarian priorities in the DRC and Chad. But the administration could have, and should have, found a way to maintain essential support for these countries while also demonstrating that it takes both the law and the use of child soldiers seriously. Withholding some military programs could have accomplished that goal.

Last month's events make for sad commentary. Not only is the US willing to prosecute former child soldiers as war criminals, it will continue to spend taxpayer money to put weapons into the hands of children. The US needs to step back up to the plate, make a consistent commitment to the rehabilitation of child soldiers, and let its military allies know that it will not tolerate their use of child soldiers.

The US took an important step forward when it enacted the groundbreaking legislation aimed at preventing these abuses. But last month, with Khadr's conviction and the security waiver, it took two steps back.

Jo Becker is the Children's Rights Advocacy Director for Human Rights Watch.

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