

Human Rights Watch

Children's Rights

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UN Experts Criticize US Detention of Children in Iraq and Guantanamo

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The United States should immediately implement the recommendations of a new UN report calling on Washington to improve its treatment of children involved in armed conflict, Human Rights Watch said today.

The UN Committee on the Rights of the Child issued a [report](#) today criticizing the US for its treatment of children detained in Iraq and Guantanamo, abuses by military recruiters in the United States, and inadequate protections for former child soldiers seeking asylum in the United States. The report urged the US to adopt a range of legal and policy reforms, and to expedite federal legislation that would allow for the prosecution of child recruiters abroad and limit US military assistance to governments involved in the use of child soldiers.

The US has been a leader in changing its military deployment policies to keep soldiers out of combat until age 18, said Jo Becker, children's rights advocate for Human Rights Watch. However, its treatment of children apprehended on the battlefield sets a bad example for the rest of the world and violates children's rights.

The United States is currently detaining more than 500 Iraqi children as imperative security risks in Iraq, where they are subject to interrogations, have no access to lawyers, and sometimes are held for more than a year without charge, in violation of the United States own [regulations](#). The US is also holding three detainees in Guantanamo who were apprehended as juveniles. They have been in custody for more than five years. Two of the Guantanamo detainees, [Omar Khadr](#) and [Mohammed Jawad](#), are both facing trials before a US military commission. The third, Mohammad El-Gharani, now 21, has been held in Guantanamo since age 15 and has reportedly tried to commit suicide at least seven times.

The UN committee said it was concerned over reports of cruel, inhuman or degrading treatment of children held in Guantanamo and Iraq, and that children who were recruited or used in armed conflict, rather than being considered primarily as victims, are classified as unlawful enemy combatants and have been charged with war crimes and subject to prosecution by military tribunals, without due account of their status as children.

It specifically recommended that children should not be held in Guantanamo and that criminal proceedings against children within the military justice system should be avoided.

The US recognizes child soldiers as victims in countries like Sierra Leone or Angola, but when US forces are involved, it's a different story, said Becker. The US should adopt consistent policies recognizing that these children have been exploited by military commanders and are in need of rehabilitation, not punishment.

The UN committee also expressed concern about reports of deception, coercion, and other misconduct by US military recruiters seeking new recruits. In August 2006, the US Government Accountability Office reported that between fiscal years 2004 and 2005, allegations of recruiter irregularities increased from 4,400 cases to 6,600 cases, and that criminal violations more than doubled during that period.

Noting that the United States is the world's largest arms exporter, the committee called on Washington to prohibit sales of arms to countries where children are used as soldiers. It also urged the United States to adopt two pieces of legislation pending in Congress: the Child Soldier Prevention Act, which would restrict US military assistance to governments involved in the recruitment and use of child soldiers, and the Child Soldiers Accountability Act, which would enable the US to prosecute individuals for recruiting or using children under the age of 15 as soldiers, whether in the United States or abroad. Human Rights Watch strongly supports the passage of these measures.

The committee expressed concern regarding the treatment of former child soldiers seeking refugee status or asylum in the United States, and urged the US to recognize the recruitment and use of children as soldiers as a form of persecution and grounds for refugee status.

Regarding the treatment of children involved in armed conflict, the committee called for detention only as a measure of last resort, for

legal assistance for children in US custody, more frequent and impartial reviews of detainee cases, access to education and rehabilitation measures, and thorough investigations of any reports of cruel, inhuman, and degrading treatment of detained children.

The committee welcomed US funding to assist children who have been affected by armed conflicts in various countries, and its support for the Special Court for Sierra Leone, which has convicted several military commanders for their recruitment and use of child soldiers.

Background

The Committee on the Rights of the Child is the UN body of experts responsible for monitoring countries compliance with the Convention on the Rights of the Child and its two optional protocols, including the protocol on the involvement of children in armed conflict. The United States ratified the optional protocols in 2002, but is one of only two countries in the world that has not ratified the main Convention on the Rights of the Child (Somalia is the other).

The US government submitted a written report to the committee in 2007. A 23-member US delegation, including representatives from the Departments of State, Defense, Justice, Homeland Security, and Health and Human Services, met with the committee on May 22, 2008 to discuss its report and respond to questions. This was the first time that the US has been reviewed by the committee.

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