



Women's International League for Peace and Freedom

United States Section

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FACT SHEET

The Applicability of THE CHILD SOLDIER PROTOCOL in the United States

What is the Child Soldier Protocol? The Child Soldier Protocol, formally known as the U.N. Convention of the Rights of the Child's Optional Protocol on the Involvement of Children in Armed Conflict (CRC OPAC), seeks to protect children (anyone under 18) from the harmful impact of exposure and participation in armed conflict. In January 2003, the Senate unanimously ratified the Child Soldier Protocol and the U.S. became legally bound by the protocol's international standards on children. *See reverse for key provisions of the Protocol.*

Why is it relevant? The Child Soldier Protocol – according to the U.S. government's first report on its compliance with the Protocol – requires no implementing legislation, which means that by ratifying, the U.S. is now legally obligated to put all of its provisions into action.ⁱ Treaties, such as the Child Soldier Protocol, once ratified by Congress are "the supreme law of the land,"ⁱⁱ and as the Protocol does not require further legislation to be in effect it currently binds all branches of government on the federal and state level.

On October 3, 2008, Congress passed the Child Soldiers Accountability Act, prohibiting the recruitment or use of child soldiers in armed conflict. However, while a laudable legislative feat, the Accountability Act applies the principles of the Child Soldier Protocol *only* to other countries. *The U.S. has yet to apply this internationally binding law to its own practices of recruitment, education and placement of children in direct hostilities.*

U.S. compliance with the Child Soldier Protocol In June 2008, the U.N. Committee on the Rights of the Child reviewed the U.S. for its initial compliance with the Child Soldiers Protocol. The Committee issued a series of recommendations and instructions for the U.S. to better comply with obligations under the Protocol. International human rights treaties, like the Child Soldier Protocol, are enforced through a periodical review by the overseeing U.N. committee of international experts. **In 2010, the U.S. will report back to the Committee on the progress we've made toward implementing these recommendations.**

Key Recommendations to the U.S. from the U.N. Committee on the Rights of the Child

RECOMMENDATIONS

Recruitment

Criminalize abusive, deceitful and harassing methods used by military recruiters to recruit children against their will or without their parents' consent of knowledge.

Ensure recruitment does not target racial and ethnic minorities, children of low-income families and other vulnerable socio-economic groups.

Allow parents to "opt in" to give recruiters their child's information through schools rather than "opting out."

Raise the minimum age for recruitment into the armed services to 18 years old.

REALITIES

In 2005, at least 80 male recruiters were disciplined for sexual misconduct with potential recruits. The increase in sexual misconduct incidents is consistent with allegations of overall recruiter wrongdoing, which increased from 4,400 cases in 2004 to 6,600 cases in 2005.ⁱⁱⁱ Young persons rank money for college as the dominant reasons for enlisting in the military,^{iv} but 2/3 of recruits never receive any college funding from the military.^v

Men of color constitute 36% of enlisted men and women of color constitute 51% of enlisted women, compared with 29% of the population and 24% of college graduates.^{vi}

There is no parental consent required for recruiters to be provided with students' personal data.^{vii} Most parents are neither informed nor aware of their right to "opt out" of disclosing their child's information.

In 2004, 19,885 seventeen year-old children joined the U.S. military (23% of all new reserves, 4.3% of active armed forces).^{viii}

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Key Recommendations to the U.S. from the U.N. Committee on the Rights of the Child (cont.)

RECOMMENDATIONS

Ensure recruits under the age of 18 years old are adequately informed of all duties and risks associated with military service.

Education: Avoid military-type training for young children and emphasize human rights in educational content.

Participation in Armed Conflict: Ensure no soldiers under the age of 18 are deployed to participate in direct hostilities.

REALITIES

Pre-enlistment briefings and review of the enlistment contracts with students "generally take less than one hour," which is likely insufficient time for full disclosure and comprehensive discussion of the duties and risks associated with military service.^{ix}

Once recruits under the age of 18 are committed to basic training through the Delayed Entry Program, recruiters often neglect to inform students they have absolutely no obligation to enlist, threatening them with legal or financial consequences if they don't enlist.^x

Children as young as 11 years old can enroll in cadet corps training where they are taught to handle real and wooden guns.^{xi} The recruitment of children also is normalized through the Junior Reserve Officer Training Program, a 3 year course in military education^{xii} adopted by at least 1645 schools in the U.S. and funded by the Department of Defense at a level of \$337 million in 2007.

The U.S. failed to prevent the deployment of recruits under 18 years to Afghanistan and Iraq in 2003 and 2004.^{xiii}

Key Provisions of the Child Soldier Protocol

Recruitment: Establishes 18 years as the minimum age for compulsory recruitment into the armed forces. Governments recruiting anyone under 18 years old must maintain a series of safeguards to ensure:

- recruitment is genuinely voluntary and recruits are fully informed of the duties involved in military service
- recruitment is done with the informed consent of the person's parents or legal guardians;
- proof of age is established.

Participation in Hostilities: Members of the armed forces under the age of 18 do not take a direct part in hostilities.

CALL FOR STORIES!

Do you have a personal story of abusive, improper or deceptive recruitment practices?
Send us an email at counter_recruitment@wilpf.org

For more resources on the Child Soldier Protocol:

Full text of UN recommendations, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPAC.USA.CO.1.pdf>

Full text of Child Soldier Protocol, <http://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm>

U.S. report to UN Committee, <http://daccessdds.un.org/doc/UNDOC/GEN/G07/426/17/PDF/G0742617.pdf?OpenElement>

WILPF shadow report to the UN Committee, http://www.wilpf.org/files/WILPFReportToCRCOPAC_Feb_2008.pdf

ⁱ Refer to the US report to CRC on CRC OPAC, para 5. "No implementing legislation is required with respect to U.S. ratification of the Protocol since current U.S. law meets the standards in the Protocol."

ⁱⁱ U.S. Const. art. VI, § 2.

ⁱⁱⁱ United States Government Accountability Office (GAO), Military Recruiting: DOD and Services Need Better Data to Enhance Visibility Over Recruiter Irregularities, Doc. No. GAO-06-846 Military Recruiting (August 2006), pp. 8-9.

^{iv} U.S. Army Recruiting Command, School Recruiting Program Handbook, USAERC Pamphlet 350-13, at para. 1-4(c), 2-2(d), available at http://www.usarec.army.mil/im/formpub/REC_PUBS/p350_13.pdf.

^v Campus Antiwar Network, College Not Combat: Get the Military Out of Our Schools, available at http://campusantiwar.net/compomemts/com_docman/dl2.php?archive=0&file=Q29sbGVnZU5vdENvbWJhdF9wYWw.

^{vi} DOD, Populations Representation in Military Services, FY 2002 (2004): tables 4, 5 and b-24, and page 4-9.

^{vii} No Child Left Behind Act of 2001.

^{viii} Office of the Under Secretary of Defense, Personnel and Readiness, *Population Representation in the Military Services, Fiscal Year 2004* (May 2006), Tables B-1 and C-2, available at <http://www.defenselink.mil/prhome/poprep2004/download/download.html>. Numbers were derived according to methodology used in the Child Soldiers Global Report 2004, chapter on the United States.

^{ix} USMEPCOM Regulation 601-23, at para. 5-9 (b).

^x Kathy Gilberd, *Recruiters Lie*, Draft Notices (November-December 2004), available at http://www.comdsd.org/pdf/Recruiters_DEP_2004.pdf.

^{xi} Medill School of Journalism Project, Middle schoolers become cadets in CPS program, available at http://observer.medill.northwestern.edu/301-wio6-seco4/02/military_in_public_schools/02more_stories/.

^{xii} The Junior Reserve Officer Training Corps program is described as "military education" in its enabling legislation, Title 10, Subtitle A, Part III, Chapter 102, §2031. Accessed 9.6.08 at <http://www4.law.cornell.edu/uscode/10/2031.html>

^{xiii} U.N. Convention on the Rights of the Child. Committee on the Rights of the Child, 48th Session. *Written Replies by the Government of the United States of America... on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict Annex II* (GE.08-42273) 19 May 2008 (Masthead).