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USA's arms transfers to countries where child soldiers are used

Submission to the Committee on the rights of the child on its review of the USA's combined Third and Fourth Periodic Report submitted under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Arms transfers have a well-documented and multi-faceted impact on human rights. They facilitate the movement of the very same weapons – or ammunition – that are used to curtail human rights in direct and specific ways by militaries, paramilitaries, law enforcement groups, criminals and gangs. This impact includes, but is not limited to the recruitment of children and their use in hostilities.

Experts have long recognized the strong link between child soldiers and arms transfers, particularly small arms and light weapons. In 2008, the Special Representative of the Secretary General (SRSG) on Children and Armed Conflict, stated that “it is argued by many that it is the proliferation of small arms that has actually contributed to this rise [of the phenomenon of child soldiers] - the ready availability of small arms in the period 1970 – 2000 led to the rise and the phenomenon of child soldiers as we know it today.”¹ A clear message from the SRSG continues to be that “any strategy to counter the recruitment of children must therefore contain initiatives to better control arms that fuel conflicts.”² As Child Soldiers International has argued, beyond situations of active armed conflicts, children are unlawfully recruited or at risk of such recruitment in other countries and invariably these practices put them at risk of use in hostilities, should an armed conflict erupt.³ Arms transfers facilitate violence that enables the conditions for recruitment of child soldiers. Child recruitment is often accompanied by the use, or under the threat of, armed violence. The Committee on the Rights of the Child has regularly addressed the connection between child soldiers and arms trade in its concluding observations.⁴ For example, in 2013, the Committee urged the USA “to enact and apply full prohibition of arms exports, including small arms and light weapons as well as any kind of military assistance to countries where children are known to be, or may potentially be, recruited or used in armed conflict and/or hostilities. To this end, the State party is encouraged to review and amend the 2008 Child Soldiers Prevention Act with a view to withdrawing the possibility of allowing for presidential waivers to these countries.”⁵

USA's arms transfers to countries where child soldiers are used

In 2016, Stockholm International Peace Research Institute (SIPRI) reported that “with a 33 per cent share of total arms exports, the USA was the top arms exporter in 2012–16, compared with 30 per cent in 2007–11. Its exports of major weapons increased by 21 per cent compared with 2007–11. At the regional level, the Middle East was the largest recipient of USA weapons, accounting for 47 per cent of US arms exports.”⁶ In 2013, the Small Arms Survey reported the USA as the world's biggest exporter of small arms and light weapons.⁷ Since 2013, the USA

¹ <http://www.un.org/apps/news/story.asp?NewsID=27382#.WJRXs7GZN0s> .

² <https://childrenandarmedconflict.un.org/effects-of-conflict/small-arms-landmines-and-unexploded-ordnance/> .

³ See, example, *Louder than Words – An agenda for action to end use of child soldiers*, Global report 2012.

⁴ See, for example, concluding observations on Ukraine, CRC/C/OPAC/UKR/CO/1 (2011), Tunisia CRC/C/OPAC/TUN/CO/1 (2009), Turkmenistan CRC/C/OPAC/TKM/CO/1 (2015); Montenegro CRC/C/OPAC/MNE/CO/1 (2010); Belgium, CRC/C/OPAC/BEL/CO/1 (2006); Moldova, CRC/C/OPAC/MDA/CO/1 (2009); China CRC/C/OPAC/CHN/CO/1 (2013); Kirgizstan, CRC/C/OPAC/KGZ/CO/1 (2007); Hungary, CRC/C/OPAC/HUN/CO/1 (2014); Italy, CRC/C/ITA/CO/3-4 (2011); Australia, CRC/C/OPAC/AUS/CO/1 (2012); Singapore, CRC/C/OPAC/SGP/CO/1 (2014); USA, CRC/C/OPAC/USA/CO/2 (2013); Czech Republic, CRC/C/OPAC/CZE/CO/1 (2006); Egypt CRC/C/OPAC/EGY/CO/1 (2011); Belarus, CRC/C/OPAC/BLR/CO/1 (2011), Bosnia and Herzegovina, CRC/C/OPAC/BIH/CO/1 (2010); The Former Yugoslav Republic of Macedonia, CRC/C/OPAC/MKD/CO/1 (2011); India, CRC/C/OPAC/IND/CO/1 (2014); Slovenia, CRC/C/OPAC/SVN/CO/1 (2009); Canada, CRC/C/OPAC/CAN/CO/1 (2006); Tanzania, CRC/C/OPAC/TZA/CO/1 (2008).

⁵ CRC/C/OPAC/USA/CO/2, paragraph 41, June 2013.

⁶ <https://www.sipri.org/sites/default/files/Trends-in-international-arms-transfers-2016.pdf>.

has exported arms to countries such as Colombia, Afghanistan, Iraq, Pakistan and Nigeria,⁸ which are among those on the UN Secretary-General's list showing which state armed forces and non-state armed groups recruit and use children (known as "the list of shame"). In this submission, we will provide Afghanistan and Iraq as country examples.

USA's arms transfers to Afghanistan and Iraq

Between 2013 and 2016, the USA has exported arms worth of \$379 million (Trend Indicator Values, TIV) to Afghanistan⁹ and worth \$2,225 million (TIV) to Iraq.¹⁰ In 2016, Action on Armed Violence (AOAV) published an analysis covering the period between September 2001 and September 2015 showing, among other things, that the US Department of Defense (DoD) "actually spent a possible total of \$2,158,253,826 on small arms including ammunition and attachments to Iraq and Afghanistan – over \$2 billion and almost eight times than publicly stated by the DoD (\$1,176,671,415 for Iraq; \$981,582,411 for Afghanistan)" during that period.¹¹ AOAV further highlighted "the lack of accountability, transparency and joined up data that exists at the very heart of the US government's weapon procurement and distribution systems."¹²

In 2016, the UN Secretary-General reported that in Afghanistan the number of verified cases of recruitment and use of children more than doubled compared with 2014. The verified recruitment cases were attributed to the Afghan National Defence and Security Forces and the majority to the Taliban and other armed groups. The Secretary-General also reported "continuing concern about allegations of cross-border recruitment of children and of use of religious schools in Afghanistan and Pakistan for child recruitment and military training by the Taliban and other armed groups".¹³ Child Soldiers International¹⁴ and Human Rights Watch¹⁵ are among the NGOs that have reported child recruitment in Afghanistan.

In late 2016, Human Rights Watch documented 29 cases in which two armed groups, affiliated with the Partiya Karkerên Kurdistanê (PKK) had recruited children in Sinjar and in the Kurdistan Region of Iraq.¹⁶ Previously, Human Rights Watch indicated that militias within the Popular Mobilization Forces (PMF) also use children in their fight against ISIS.¹⁷ The UN Secretary-General has also reported verified cases of recruitment and use of children in hostilities, with cases attributed to ISIS, the Kurdish Workers Party and other Kurdish armed groups, and to groups under the umbrella of the popular mobilization forces.¹⁸

Conclusion and recommendations

As noted earlier, arms transfers facilitate violence that enables the conditions for recruitment of child soldiers. The fact that recruitment and use of children in hostilities is a recognized problem in a country should be a cause for concern in making arms export decisions, per any human rights assessment. Such assessment should not be limited to determining whether arms transfers from the USA are a direct factor in making it easier to recruit children or whether are used by child soldiers.

The Committee should reiterate its recommendations to the USA with regard to arms transfers, in particular the recommendation to enact and apply full prohibition of arms exports, including small arms and light weapons, as well as any kind of military assistance to countries where children are known to be, or may potentially be, recruited or used in armed conflict and/or hostilities.

⁷ Small Arms Survey <http://www.smallarmssurvey.org/weapons-and-markets/transfers/exporters.html> .

⁸ See, for example, page 6 of <https://www.sipri.org/sites/default/files/Trends-in-international-arms-transfers-2016.pdf> .

⁹ See SIPRI Database : <http://armstrade.sipri.org/armstrade/page/values.php> .

¹⁰ See SIPRI Database : <http://armstrade.sipri.org/armstrade/page/values.php> .

¹¹ See "US Department of Defence spend on guns in 'War on Terror' revealed", by Action on Armed Violence (AOAV), 2016. <https://aoav.org.uk/2016/us-department-of-defence-spend-on-guns-and-ammunition-in-the-war-on-terror-revealed/> .

¹² *Idem*.

¹³ A/70/836-S/2016/360, 22 April 2016, paragraph 22.

¹⁴ "Afghanistan briefing: Ongoing Recruitment and Use of Children, Ongoing Recruitment and Use of Children by Parties to the Armed Conflict in Afghanistan", March 2016. <https://www.child-soldiers.org/shop/afghanistan-briefing-ongoing-recruitment-and-use-of-children-by-parties-to-the-armed-conflict-in-af> .

¹⁵ <https://www.hrw.org/news/2016/02/17/afghanistan-taliban-child-soldier-recruitment-surges> .

¹⁶ <https://www.hrw.org/news/2016/12/22/iraq-armed-groups-using-child-soldiers-0> .

¹⁷ <https://www.hrw.org/news/2015/10/30/no-children-play-kids-fighting-one-another-iraq-conflict> .

¹⁸ A/70/836-S/2016/360, 22 April 2016, paragraph 59.