



**Winning the Fight Against Human Trafficking:
The Frederick Douglass Reauthorization Act**

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Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations*

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I want to thank the members of the Subcommittee for the opportunity to submit written testimony regarding the Frederick Douglass Reauthorization Act, and specifically, how it will help the United States more effectively curtail the recruitment and use of child soldiers around the globe.

One of the most tragic aspects of contemporary warfare is the participation of children—as spies, lookouts, guards, cooks, and very often, on the front-line of combat. The ranks of child soldiers include young girls forced to carry out suicide attacks by Boko Haram in Nigeria, children lured to fight in Syria by promises of money, and boys in South Sudan who join fighting forces after their schools have been destroyed.

According to the United Nations, children were actively recruited or participating in conflicts in at least 18 countries in 2015¹; in the majority of these countries, government forces were implicated, either by recruiting and using children in their own ranks, or supporting allied militias that use child soldiers. Human Rights Watch has documented the recruitment and use of child soldiers—by governmental armed forces or non-governmental armed groups (and in most cases, both)—in at least 20 countries since 1994.

I've worked on the issue of child soldiers for nearly 20 years, and during that time have seen both positive and negative developments. Some of the good news is that since 2000, over 100,000 child soldiers have been released or demobilized from national armed forces and armed groups, the number of countries where children are actively fighting has dropped by a third, and at least 26 governments and armed groups have signed United Nations action plans to end their use of child soldiers.

¹ Afghanistan, Central African Republic, Colombia, Democratic Republic of Congo, India, Iraq, Lebanon, Libya, Mali, Myanmar, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syria, Yemen.

But in some countries, the situation is becoming much worse. In Yemen, for example, the UN reported that the rate of child recruitment increased five-fold in just one year (2014-2015). In Afghanistan, child recruitment doubled between 2014 and 2015. In South Sudan, at least 16,000 children have been recruited as soldiers in the past three years.

The United States has played an important role in helping to curtail use of child soldiers. The US exerted leadership in 2002 by ratifying the UN treaty that prohibits the use of children in hostilities. After ratification, all branches of the armed services immediately issued new rules to keep under-age soldiers out of combat. This has helped to set a positive example for other militaries worldwide.

Congress, to its great credit, decided to tackle the issue further in 2008, when it adopted the Child Soldiers Prevention Act. The United States was one of the first countries in the world to enact such groundbreaking legislation. The principle behind the Child Soldiers Prevention Act is simple: foreign governments should not get US military assistance if they use or support the use of child soldiers. The law applies to six categories of US military assistance, including foreign military financing, direct commercial sales, and foreign military sales.²

The Child Soldiers Prevention Act sends the powerful message that if you want US military assistance, you can't use child soldiers. This legislation, first proposed by Senators Sam Brownback of Kansas and Senator Dick Durbin of Illinois, garnered strong bipartisan support and was signed into law by President George W. Bush.

The law requires the State Department to issue a list every year of governments involved in the use of child soldiers. Since the law came into effect in 2010, the list has included 6 to 10 countries. Five have been listed every year: Burma, the Democratic Republic of Congo, Somalia, Sudan, and Yemen.

Under the Child Soldiers Prevention Act, we've seen several success stories, but uneven implementation of the law has also resulted in many missed opportunities.

One success story is the Democratic Republic of Congo. At the height of Congo's war, an estimated 30,000 children were fighting on all sides of the conflict. The government has a long history of child soldier use and even promoted military officers who were charged or convicted of using child soldiers to high-ranking positions. Congo has been on the State Department's list of governments using child soldiers since the list's inception in 2010. In 2011, the administration announced that under the Child Soldiers Prevention

² The CSPA prohibits US military assistance from the following accounts: International Military Education and Training (IMET), Foreign Military Financing (FMF), Direct Commercial Sales (DCS), Foreign Military Sales (FMS), Excess Defense Articles (EDA), Section 1206; Peacekeeping Operations.

Act, it would withhold foreign military financing from the Congo due to its use of child soldiers. In 2012, it announced that in addition to withholding foreign military financing, it would also withhold training from a Congolese battalion until Congo signed an action plan with the UN to end its use of child soldiers. Congo had been dragging its feet for seven years on signing the plan, but agreed to its terms only five days after the US announcement. Since then, recruitment of children by government forces has dropped to almost zero.

Another positive example of the Child Soldiers Prevention Act's impact is Rwanda. The State Department placed Rwanda on its list in 2013 due to its support for the M23, an armed group operating in eastern Congo. With Rwandan backing, the M23 had forcibly recruited large numbers of children into its forces and carried out brutal abuses against civilians. In September 2013, the administration applied full sanctions on Rwanda under the CSPA, withholding foreign military financing and military training. Only a few weeks later, the M23 surrendered and laid down its weapons. Although part of the M23's defeat was due to Congolese military operations with the support of the UN peacekeeping force, mounting pressure on Rwanda to stop supporting the M23 played a crucial role. After aid suspensions from the US and most other major donors to Rwanda, and phone calls to Rwandan President Paul Kagame from Secretary of State John Kerry, the Rwandan government may have concluded that its support to the M23 had become too damaging to its public image.

A third example is Chad. Chad was included on the State Department's Child Soldiers Prevention Act list in 2010, 2011, and 2013. Although the administration never imposed sanctions under the Act against Chad, it raised the issue of child soldiers at senior levels and used the threat of sanctions to persuade Chad to implement its action plan with the UN to end the use of child soldiers. No new cases of child recruitment by Chadian forces have been reported for over two years, and Chad was removed in 2014 from both the State Department's list and the UN Secretary-General's list of violators.

These examples show the potential of the law to effect change. But unfortunately, there have been many more missed opportunities. The law allows the president to issue national security waivers that allow countries to continue receiving aid even if they have done little or nothing to curb their use of child soldiers. Congress intended these waivers to be used in exceptional cases, but unfortunately, they became more the norm than the exception. The Stimson Center found that President Obama used these waivers in 60 percent of all cases and that 95 percent of the aid affected by the law—more than \$1.2 billion—was allowed to go through.³ As a result, governments have little incentive to take the law seriously and stop exploiting children.

³ Stimson Center, *U.S. Military Assistance to Governments Using or Supporting the Use of Child Soldiers FY10 – FY16 under the Child Soldiers Prevention Act*, <https://www.stimson.org/sites/default/files/FY2017%20CSPA%20Data%202.pdf>; see also Rachel Stohl and Shannon Dick, "President Trump, you can stop the use of child soldiers," *CNN.com*, April 26, 2017, <http://www.cnn.com/2017/04/26/opinions/trump-child-soldiers-opinion-stohl-dick/index.html>

The Frederick Douglass Reauthorization Act will help ensure the law is used for its intended purpose, while still maintaining flexibility. In particular, it will do the following:

- Provide that if a country receives a presidential waiver under the Act, the President must certify to appropriate congressional committees that the government is taking “effective and continuing steps” to address the problem of child soldiers;
- Refine the definitions under the act to clarify that government-supported police or other security forces that recruit or use child soldiers are to be covered by the Child Soldiers Prevention Act;
- Provide a timeframe of 45 days for the Secretary of State to notify affected governments that they have been identified as subject to the Child Soldiers Prevention Act;
- Require continued annual reporting on implementation of the Act beyond the first five years of its implementation, including information on the type and the monetary amount of assistance that has been withheld under the Act, as well as the type and the monetary amount of assistance that has been allowed through use of waivers.

These amendments will make the Child Soldiers Prevention Act more effective in several important respects. They will help reduce the use of waivers for countries that have done nothing to address their use of child soldiers, will ensure that all government-supported entities that take an active part in hostilities during an armed conflict are considered for listing under the Child Soldiers Prevention Act, and will provide for much more transparency on how the Act is implemented. If adopted, these amendments will enable the US to be much more effective in ending the exploitation of children as soldiers around the world.

Thank you.