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**Hearing on the Child Soldier Accountability Act**  
House Judiciary Subcommittee on  
Crime, Terrorism and Homeland Security  
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Thank you, Mr. Chairman and members of the subcommittee, for the opportunity to testify before you today. Your attention to the exploitation of children as soldiers around the world is both important and welcome.

Human Rights Watch has investigated the recruitment and use of children as soldiers in over a dozen countries since 1994. We have documented the recruitment of children as young as eight into both paramilitary and guerilla forces in Colombia, the kidnapping of children by the Lord's Resistance Army in Northern Uganda, including the use of girls as sex slaves, and abduction of children by both the Tamil Tigers and government-linked armed groups in Sri Lanka's escalating civil war. Human Rights Watch has conducted other investigations on the use of child soldiers in Angola, Burma, Burundi, Chad, Cote d'Ivoire, D.R. Congo, Lebanon, Liberia, Rwanda, Somalia, and Sudan. Our research has found that this is a global problem, affecting girls and boys on nearly every continent. The perpetrators include government armies, armed opposition groups, and paramilitaries and militias linked to government forces. No one knows the exact number of child soldiers, but the United Nations estimates there may be as many as 250,000 worldwide.

While many children are recruited by force, others join armed groups out of desperation. As communities break down during war, children are often separated from their families, driven from their homes, and left with no opportunity to go to

school. In situations of extreme insecurity, many believe that joining an armed group is their best chance of protection or survival.

Regardless of how children are recruited, the military commanders that exploit them as soldiers put them at extreme risk. Many child soldiers participate directly in hostilities, and even those serving in support roles can be legitimate targets of attack, and may be subject to injury, disability, and death. Child soldiers are often exposed to extreme levels of violence that result in life-long emotional and psychological scars.

One of the reasons why child recruitment has persisted as an awful aspect of contemporary warfare is the impunity enjoyed by individual recruiters. While many governments and even non-state armed groups have policies on paper stating that their minimum age of recruitment is 18, recruiters who violate these policies are rarely held accountable. As a consequence, recruiters continue to prey upon children, as these are often the most vulnerable recruits, and the most susceptible to threats and coercion.

Human Rights Watch firmly supports the Child Soldiers Accountability Act. It is an important tool for addressing the impunity that child recruiters too often enjoy, and for holding perpetrators accountable for their crimes. It sends a strong and important message to military commanders worldwide that they cannot recruit children into their forces and then seek safe haven in the United States.

In the last decade, progress has been made in establishing criminal responsibility for the recruitment and use of child soldiers. The recruitment and participation in hostilities of children under the age of 15 was first prohibited by the 1977 Additional Protocols to the Geneva Conventions. In 1998, governments negotiating the Rome Statute of the International Criminal Court recognized that this prohibition had achieved the status of customary international law. They agreed that the conscription, enlistment, or use in hostilities of children under the age of 15 should be considered a war crime under the Court's jurisdiction, whether carried out by members of national armed forces or non-state armed groups. Significantly, delegates drafting the treaty agreed that the Statute's definition would apply not

only to the use of children for direct participation in combat, but also their active participation in military activities linked to combat such as scouting, spying, sabotage, their use as decoys, couriers, or at military checkpoints, and direct support functions such as carrying supplies to the front line.

In May 2004, international jurisprudence on this issue advanced further when the Appeals Chamber of the Special Court for Sierra Leone ruled that the prohibition on the recruitment and use of children below age 15 had crystallized as customary international law prior to 1996, and found that the individuals responsible bear criminal responsibility for their acts. In its decision, the Court stated that:

The practice of child recruitment bears the most atrocious consequences for the children. Serious violations of fundamental guarantees lead to individual criminal responsibility. Therefore the recruitment of children was already a crime by the time of the adoption of the 1998 Rome Statute for the International Criminal Court, which codified and ensured the effective implementation of an existing customary norm relating to child recruitment rather than forming a new one.

With these developments, individual commanders now have begun to be prosecuted for the crime of recruiting and using child soldiers. The most active pursuit of child recruitment cases has come through the Special Court for Sierra Leone, a court which benefits from major support by the United States. The use of child soldiers was included in the indictments against each of the nine defendants tried by the court, including leaders of the Civil Defense Forces, the Armed Forces Revolutionary Council, and the Revolutionary United Front, and former Liberian President Charles Taylor. Last year, four defendants were convicted of this crime, and are now serving up to 50 years in prison. These were the very first convictions by an international judicial body for the crime of using child soldiers.

The International Criminal Court recently initiated prosecution against Thomas Lubanga of the Democratic Republic of Congo (DRC), paving the way for its first-ever trial of war crimes. Lubanga is charged with enlisting and conscripting children as

soldiers and using them to participate actively in the conflict in Ituri, in the eastern DRC. He is currently in custody in The Hague, awaiting trial.

As trials proceed, convictions are handed down, and these cases become known, Human Rights Watch hopes that these prosecutions will send a clear message that child recruiters bear criminal responsibility for their actions, and that the consequences could entail a lengthy jail sentence. Only when individuals are held accountable through the rule of law will we establish a successful deterrent to the recruitment and use of child soldiers.

However, international tribunals or hybrid courts such as the Special Court for Sierra Leone can try only a very small number of perpetrators, and have limited jurisdictions. Yet, so far, national courts have barely played a role in prosecuting these crimes. The only known example of criminal prosecution at the national level is from the DRC, where in March 2006 Jean Pierre Biyoyo, a leader with an armed group known as Mudundu 40, was sentenced to five years in prison for child recruitment and illegal detention of children in South Kivu in April 2004. However, he later escaped from prison and remains at large.

A limitation to the current state of the law is that very few countries have criminalized the recruitment or use of child soldiers under their national criminal code. Here in the United States, the Federal Criminal Code currently does not address the issue of child recruitment, nor allow prosecution of an individual who has recruited or used child soldiers in another country and then attempts to take safe haven in this country.

The Child Soldier Accountability Act would address this gap. It would make it a federal crime to recruit or use child soldiers under the age of 15, and allow the prosecution of individuals for this crime, whether committed here or abroad by either US citizens or non-citizens present in the United States. The bill imposes penalties of up to 20 years to life in prison, and also allows the US to deport or deny entry to individuals who have recruited children as soldiers. The adoption of this legislation would provide an important avenue to hold these perpetrators accountable.

The Child Soldiers Accountability Act would enable the United States to prosecute military commanders who exploit children as soldiers abroad, and then seek refuge in this country. It would also enable the United States to prosecute individuals who may attempt to recruit children from the United States to fight in foreign conflicts. Such recruitment from Western countries is not unknown: in the late 1990s, for example, the Kurdistan Workers' Party (PKK) recruited children from schools in Sweden to serve in PKK forces in southeast Turkey.

Precedent for this type of legislation already exists in federal law. For example, Chapter 113c of Title 18, the Crimes and Criminal Procedure of the US Code makes it a crime for torture to be committed abroad irrespective of the nationality of the victim or alleged offender where the alleged offender is present in the US. The provision imposes severe criminal penalties on "whoever outside the United States commits or attempts to commit torture." Jurisdiction over this crime applies whether the alleged offender is a national of the United States, or is present in the United States, irrespective of the nationality of the victim or alleged offender. (Sec. 2340A.) The first person to be charged under this law, Charles "Chuckie" Taylor, Jr., son of former Liberian president Charles Taylor, was indicted in December 2006 and is currently facing trial in Miami.

Another precedent, Mr. Chairman, is the Genocide Accountability Act, which you introduced and was just adopted by the US Senate on March 29 of this year. This act, which Human Rights Watch supports, amends the Genocide Convention Implementation Act to allow prosecution of non-US nationals who are in the US for acts of genocide committed outside the United States.

Mr. Chairman, we were very encouraged to see the Child Soldier Accountability Act adopted unanimously by the U.S. Senate in December 2007. We believe this demonstrates the broad, bi-partisan concern regarding the global scourge of child recruitment, and the desire by members of both parties to effectively address this terrible exploitation of children. We hope to see the subcommittee act favorably on the Child Soldier Accountability Act, so that it can quickly become law.

Thank you, Mr. Chairman.