

Press-ganged children

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Addressing the fate of children who are recruited into armed conflicts is not as simple as demanding their exclusion from those conflicts.

30,000: the number of children who have been enrolled, voluntarily or by force, in the armed groups in the Democratic Republic of Congo. Although it is one of the most shocking aspects, the issue of press-ganged children (generally called 'child soldiers') does not cover all of the problems encountered by children in armed conflicts. They may be abducted, killed, injured, mutilated or uprooted from their original community. They may be orphaned, separated from their parents, subjected to violence or sexual abuse or deprived of education and healthcare.

The rehabilitation of these children is essential if we are to avoid their remobilisation in future conflicts. However, previous experience in DRC has demonstrated limitations in addressing these challenges especially as demobilisation and reintegration have been prioritised over rehabilitation. This, however, is the most delicate phase of the return to civilian life and requires support for three key aspects: family reunification, psychosocial support, and educational and economic opportunity.

In international law

While the rehabilitation of the child victims of armed conflicts is a humanitarian priority, ensuring the application of the international standards and rules to protect the rights of children is also a way of improving the fate of these children. There is no need to add to current international instruments; we simply need to seek to apply the standards that already exist.

The most pertinent international instrument for the protection of the rights of children remains the international Convention on the Rights of the Child.¹ The Convention includes an Optional Protocol which entered into force in 2002 and which raises the age for

recruitment into armed forces and groups from 15 to 18 years of age.

These two main instruments are joined by Convention No 182 (1999) from the International Labour Organization (ILO) concerning the prohibition of, and immediate action to eliminate the worst forms of, child labour. This convention prohibits the recruitment, whether forced or voluntary, of children in an armed conflict. The International Criminal Court Statute (1998) defines as a war crime the act of enrolling children aged under 15 or using them in the course of hostilities, and raising the age to 18 has now been added to the agenda for the revision of the Statute.

The UN Security Council has adopted a series of resolutions on this theme since 1999, including resolution 1612 (2005) which established a working group to examine and monitor the situation in countries said to be at risk. This group produces recommendations for the attention of the governments or rebel groups in these countries, with the aim of preventing the recruitment of children, securing their freedom and demobilisation, and facilitating their rehabilitation into society.

However, the gulf between the international consensus which seeks to protect the rights of children and the current state of the application of existing texts remains significant. To remedy this, the Paris Principles and Commitments were adopted in 2007² to provide guidelines on the disarmament, demobilisation and reintegration of all categories of children associated with armed groups

Underlying causes: the case of the Mayi Mayi

The heart of the problem is to know how to convert the rules and standards into practice, taking into account local realities. In many regions in the east of DRC, recruitment and use of child soldiers

are deeply anchored in custom and tradition. The use of children by the Mayi Mayi groups is a case in point.³

The prevalence of recruitment of children by the Mayi Mayi is ingrained in social and cultural attitudes towards children. Childhood within the communities from which the majority of the recruited children come ends early. Boys are often initiated as adults from the age of 16, the age at which they can marry and become 'warriors'. Girls are supposed to marry as soon as they reach puberty, generally around the age of 14.

Defending the interests of the community is a duty for all, including children. Children's responsibilities towards their families and communities are further reinforced by poverty; the majority of children recruited by Mayi Mayi groups have a poor level of education and the increasing rarity of traditional means of subsistence leaves them with few job opportunities. With few prospects, their association with the Mayi Mayi is not just a duty which enables them to improve their status within the community but also an escape from poverty and hunger.

On a cultural level, many myths surround the Mayi Mayi, particularly a belief in magical protective powers possessed by their members after performing rituals such as tattooing or taking hallucinogenic potions. This belief in magic has very specific implications when it comes to the recruitment and use of children who, being young, are viewed as 'pure'. Boys and girls are specifically targeted for recruitment as mascots and healers, suitable for the preparation and administration of potions which are supposed to grant invulnerability in battle.

More serious is the Mayi Mayi conviction that children have special protective powers. Mayi Mayi tradition dictates that they should be the first to be sent into battle to intimidate the enemy by crying and shouting, or by invoking their protective powers, which

of course exposes them to grave danger. Attempts to put an end to these sociocultural practices have most often proved to be ineffective because they seek first and foremost to release the children from the Mayi Mayi groups rather than going to the root of the problem. The environment which perpetuates the recruitment of children by the Mayi Mayi is characterised by chronic insecurity where the need for community self-defence is considered to justify the continued existence of local militias. The idea persists that these militias are embedded in the communities, benefitting from their support and protecting them from 'foreign' threats.

Challenges to be faced

The recruitment and military use of children in the hostilities in DRC is prohibited by a raft of national laws which are relatively complete in comparison with many other countries.⁴ These laws would provide a strong basis for the protection of children against their participation in armed conflict but, even with a global legal framework in place, the institutional capacity and public will for its application are still too weak.

Part of the challenge lies in the fact that many traditional approaches are not suited to dealing with armed groups of this type. Denunciation and humiliation at an international level, for instance, have little impact on groups whose main territory is the local communities from which they operate.

To reiterate, the standards produced on an international level are broadly sufficient to allow an end to the recruitment and use of children. The same is true of the instruments intended to apply them. The difficulty lies instead in reconciling the different points of view on practices which are illegal for some and legitimate for others. If we are to condemn the recruitment and use of children by armed forces and groups – a condemnation which must be without appeal – we must also understand the motivations and causes behind this recruitment and use of children. One of the many points of entry to resolve this is to take into account the complexity of the armed conflicts in DRC and to admit that there is not one but several solutions to be adapted and combined depending on the situation.

The conflicts in DRC operate at different interlinked levels – international, regional, national and/or local. The causes of the recruitment and use of children vary on each of these levels and the means to reach solutions differ according to the level. Maintaining international pressure is essential in order to continue to draw attention to a practice that cannot be tolerated. The adoption by the Congolese authorities of an action plan designed to put an end to the recruitment and use of children by armed forces and groups is also necessary in order to translate

the commitments made at an international level into action.

As for the communities, it is vital that they return to normal living and security conditions and find their way out of this crisis by means of economic recovery which will reverse the cycle of violence. Local groups need to understand the need to put an end to these practices although they find a justification in the very defence of the community. More than ever, it is necessary to restore the capacity of the state to guarantee peace and security across its entire territory – and for the state to implement an approach which reconciles local needs and international imperatives while defining a framework intended to protect the general environment for children.

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1. <http://www2.ohchr.org/english/law/crc.htm>

2. <http://www.un.org/children/conflict/english/parisprinciples.html>

3. The term Mayi Mayi (also known as Mai Mai) refers to local militia groups organised on an ethnic basis. In 2009, 22 groups were counted as Mayi Mayi, with an estimated 8-12,000 fighters.

4. All forms of child exploitation are prohibited within the framework of the Congolese constitution, and 'youth armies' are banned. The Child Protection Act of January 2009 significantly strengthened legal protection for children, prohibiting and criminalising the recruitment and use of children in armed forces or groups. DRC is also a State Party to international treaties on human rights, especially the Convention on the Rights of the Child and its Optional Protocol, Convention No 182 from the ILO, the CPI Statute, etc.

See also the report of the Coalition to Stop the Use of Child Soldiers on DRC at

<http://tinyurl.com/Child-Soldiers-DRC>