



**Testimony of
Jesse Eaves
Senior Policy Advisor for Child Protection
World Vision US**

**US House of Representatives
Tom Lantos Human Rights Commission Hearing
Ending the Use of Child Soldiers**

September 19, 2014

Thank you, Mr. Chairman, for convening this important hearing and inviting World Vision to testify. This Commission has been a leader in the fight against child soldiers and your past efforts have contributed to an increased US focus on the larger issue of children affected by armed conflict. This hearing is an opportunity to shine a light on what is being done globally to address the use of child soldiers and discuss how the US can strengthen its positive role in those efforts.

World Vision is a Christian relief, development, and advocacy organization serving millions of children and families in nearly 100 countries. Our 45,000 employees are dedicated to working with children, families, and their communities to tackle the root causes of poverty and injustice. This work includes emergency relief and preparedness for people impacted by natural disasters and armed conflict; long-term economic development; preventing and responding to abuse, neglect, exploitation, and violence against children; mobilizing children, youth and local communities to hold their governments accountable; and advocating for effective

systems, laws, and policies that protect vulnerable populations where the social fabric is especially weak.

World Vision US has more than one million private donors in every state and Congressional district, partners with over 16,000 churches in the United States, and works with corporations and foundations. We are part of the global federation of World Vision International, which last year implemented more than \$2.6 billion in programming to help children and communities through international relief, development, and advocacy assistance. Although private donors support much of our work, the US Government is an invaluable partner. We leverage this partnership to reach many more children at-risk and ensure that the precious resources of the American taxpayer are prudently used to promote and protect the well-being of children and communities abroad. However, today we wish to highlight taxpayer dollars being spent imprudently to support armies that use children, maintaining a roadblock to many of the gains we as an organization and as a community have made in the past decade.

World Vision has been asked to testify about our experience advocating for the passage and implementation of the Child Soldier Prevention Act, as well as the impact of conflict on children around the world. Our testimony will discuss the purpose of the Child Soldier Prevention Act of 2008; the turbulent roll-out and subsequent implementation of that law; and recommendations for Congress and the Administration to make sure that the law lives up to its mission. The opportunity is now, and tools are available, for the US Government to engage positively and forcefully so that children are not used as weapons of war.

In December 2008, Congress unanimously passed the Child Soldier Prevention Act or CSPA (22 USC §2370) as Title IV of the larger Trafficking Victims Protection Reauthorization Act (22 USC §2151). The passage of the legislation (and the signing of the bill into law by President Bush) marked the completion of a six year advocacy effort from a bipartisan group of Representatives and Senators, non-governmental organizations (NGOs), students, churches, and other US citizens from across the country. At the time, several high-profile conflicts around the world featured the recruitment and use of child soldiers. The United Nations Special Rapporteur to the Secretary General (SRSG) on Children in Armed Conflict estimated that a quarter of a million children were actively serving in militaries and armed groups around the world.¹ By 2007, there were eight countries in the world using children in their national armies and the US Government was providing military assistance to seven of them.² The law was designed to turn US Government complicity in the use of child soldiers into a solution to the problem.

The law has a simple purpose: to prevent US taxpayer money from supporting militaries that use child soldiers³. The CSPA was never intended by Congress to be a silver bullet for stopping all use of child soldiers. The law carries no weight over the use of children by non-state affiliated armed groups. The law states that any country that has a national army that recruits or uses children in any capacity – or supports any militias and/or other paramilitary groups that do the same – will

¹ UN Document A/60/335, September 7, 2005.

² US Department of State, Country Reports on Human Rights, 2007.

³ Section 402 of the law defines a child soldier as any person under the age of 18 who takes direct part in hostilities as a member of government armed forces, or who has been compulsorily recruited into government armed forces, or who has been recruited or used in hostilities by a non-state group, or any person under 15 who has been voluntarily recruited into government armed forces.

be listed in the State Department's annual Trafficking in Persons (TIP) Report. Any of the listed countries that receive US military assistance would then lose access to certain kinds of military assistance, until the national government demobilized all children in the ranks or cut off its own support and assistance to militia and/or paramilitary groups that used children. The list of applicable military assistance includes Foreign Military Financing (FMF), International Military Education and Training (IMET), Direct Commercial Sales (DCS) of military equipment, Foreign Military Sales (FMS), Excess Defense Articles (EDA), Section 1206 Security Assistance Program, and (as of March 2013) Peacekeeping Operations (PKO). The eligible forms of assistance are listed in Section 404(a) of the law.

Section 404 is the heart of the CSPA. In addition to naming the eligible forms of assistance that can be withheld, it also lays out how the US Government will identify and notify countries in violation of the standards laid out in the law; where the list of violating countries will be listed; how the countries will be notified; and how assistance can be re-instated. Congress designed the law to be a stick and a carrot. Under Section 404(e) of the law, any country found to be in violation would be placed on a five year clock. During this time, the country could continue to receive certain forms of US military assistance that would enable the de-mobilization of child soldiers and the professionalization of the military. Over the five years, a country would be required to demonstrate the steps it was taking to de-mobilize children and professionalize its armies, militias, and paramilitaries. If after five years, the listed country was still found to be in violation, then all forms of US military aid would be cut off until the country fully complied with the law.

Section 404 also provides the President with the option to issue a National Interest Waiver. Since implementation began in 2010, the President has stated that waiving the requirements of the CSPA for certain countries is in the national interest of the US.⁴ Using the National Interest Waiver was always intended to be a tool of last resort. The listing of the country, the five year compliance clock, and providing certain types of professionalization assistance were all intended to hold allies accountable while also engaging them to improve their performance. However, once implementation of the law began, the Administration seemed to undermine the law from the start.

The last four years have been a frustrating journey in the implementation of the CSPA. Because the law did not go into effect until 2010, the Administration had two years to prepare itself and the listed countries for the enforcement of the law and subsequent effect on military assistance. However, beginning with a tersely worded announcement in late September of 2010, the Administration ignored the intent of the law and opted to give National Interest Waivers to every listed country.⁵ The option of last resort became the de facto first response. While the White House claimed this was an attempt to “name and shame” countries in-

⁴ Section 404(c)

⁵ Barack Obama, “Presidential Memorandum—Child Soldiers Prevention Act.” *White House*. Issued October 25, 2010. Available at <http://www.whitehouse.gov/the-press-office/2010/10/25/presidential-memorandum-child-soldiers-prevention-act>

violation within the first year of implementation,⁶ the objections from Congress and NGOs like World Vision were immediate.⁷

The overall reaction was, and continues to be, that the use of National Interest Waivers as a first option undermines the very intent of the law and enables consistent perpetrators to escape accountability. World Vision runs programs all over the world that have provided services and support for former child soldiers. We see first-hand how serving as a soldier damages or even destroys a child and the child's future. The use of blanket waivers, rather than strategically engaging countries in violation of the standards of the CSPA as the law intended, is inherently dangerous for children. The Administration's use of blanket waivers is particularly concerning, for it ignores the five year compliance clock. Rather than placing countries on the clock and helping them professionalize their armed forces and de-mobilize children, the Administration has used waivers, thereby allowing countries to be serial offenders and still have access to the full scope of US military assistance without the pressure of losing that assistance.

Another early, troubling misstep was the failure of the Administration to set benchmarks for countries to come into compliance with the CSPA. The law is clear: once a country is placed on the five year clock, it can continue to receive certain military assistance if it shows it is taking effective measures to professionalize its militaries, de-mobilize children, and re-integrate children into

⁶ Josh Rogin, "Cable exclusive: Inside the White House conference call on child soldiers." *The Cable*. Published October 29, 2010. Available at http://thecable.foreignpolicy.com/posts/2010/10/29/cable_exclusive_the_secret_white_house_conference_call_on_child_soldiers

⁷ See attached document Appendix A for complete list of articles chronicling the past four years of CSPA implementation.

their communities. However, by issuing blanket waivers, the Administration let governments in violation off the hook, thus sending a message (however unintended) that countries could continue to receive US military assistance without regard to the recruitment and use of child soldiers. At a time when Congress engages in difficult debates over government budgets and spending, World Vision views it as shameful that a portion of Federal funding would continue to support governments that were visibly complicit in the use of child soldiers.

Over the past four years, the Administration has made improvements in the implementation of the CSPA. After the initial misguided decisions in 2010, the State Department took part in an open dialogue with NGOs and the UN on the implementation of the CSPA. In 2011, the Administration introduced the use of partial waivers – withholding some funding from the government of the Democratic Republic of Congo (DRC) while continuing to provide key funding for training and professionalization. The State Department and the Administration also started raising the issue of child soldiers during high-level visits to the countries in violation of the CSPA. As a result, the US placed real pressure on countries in violation of the CSPA to take serious steps to end their use of child soldiers. These efforts signaled that the Administration was beginning to take the use of child soldiers seriously enough to take more substantive action.

These efforts on the part of the US also had a positive impact on the work of the United Nations and the SRSG's office. For example, in 2011, the US Government began withholding some military aid and constructively engaging the DRC government. After that, for the first time, we began to see concrete efforts to

begin to address the issue within the Forces Armées de la République Démocratique du Congo (FARDC), the DRC national army. This helped lead to DRC signing onto an Action Plan with the United Nations in 2012. The concerted efforts of former SRSG Radhika Coomaraswamy and her successor, Leila Zerrougui, have resulted in this and other tangible Action Plans to end the use of child soldiers within almost all of the currently listed countries.⁸

During this time, the office of the SRSG has been an extremely valuable resource for civil society, the US Government, and countries using children in their militaries. The development and ratification of Country Action Plans have given the State Department and the rest of the Administration clear benchmarks for measuring progress in addressing child soldiers. Furthermore, the annual report of the SRSG on the use of children in armed conflict continues to be an invaluable tool for gauging how far countries in violation of the CSPA and international standards relating to the recruitment and use of children need to go to be in compliance.

The Administration can currently use these tools to improve implementation of the CSPA, and hopefully the lives of thousands of children still serving in national militaries and affiliated armed groups. In June 2014, the State Department issued the fifth annual list of governments that recruit or use children. This year the number of countries dropped from ten to nine. The nine countries are Burma (Myanmar), Central African Republic, Democratic Republic of Congo, Rwanda,

⁸ Burma (Myanmar), Central African Republic (CAR), DRC, Rwanda, Somalia, South Sudan, Sudan, Syria, Yemen. CAR, Rwanda, and Syria do not have Action Plans. For CAR, the government is not stable enough to sign onto a plan; for Rwanda, they can come into compliance by ceasing support of the M23 militia in DRC. Despite concerted efforts by the U.N. the Syrian government appears not to have substantively engaged in this process.

Somalia, South Sudan, Sudan, Syria, and Yemen. The UN Secretary General has named five of these countries persistent perpetrators.⁹ The Administration has requested military assistance that is sanctionable under the CSPA for six of the nine countries.¹⁰

One notable country is South Sudan. Last year, South Sudan received a full waiver from the US Government to continue to receive all forms of military assistance, citing the Government of South Sudan's (GoSS) and its Sudan People's Liberation Army's (SPLA) renewed commitment to the 2012 Action Plan with the UN to end grave violations against children. However, when intense conflict broke out in December 2013, the US suspended all military assistance to South Sudan. All reports indicate that prior to the conflict, GoSS was making progress on the Action Plan. However, the UN now finds that both sides in the conflict, including the SPLA and its affiliated militias, are recruiting and using child soldiers.¹¹ The Administration has requested sanctionable and unsanctionable assistance for the SPLA for FY15. It is unclear how and when US military assistance to South Sudan will resume. **World Vision strongly recommends that the Administration withhold all forms of military assistance to South Sudan.** Furthermore, we recommend that the Administration clearly state what criteria the SPLA and GOSS must meet for the US to resume military assistance. We also recommend that Congress exercise active oversight over how the Administration engages the SPLA and GoSS over the use of child soldiers to

⁹ Burma (Myanmar), DRC, Somalia, South Sudan, and Sudan

¹⁰ Burma, CAR, DRC, Rwanda, Somalia, and Yemen.

¹¹ UN Secretary-General, Report of the Secretary-General on children and armed conflict, S/2014/339, paragraph 7, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/315/83/PDF/N1431583.pdf?OpenElement>

ensure that US taxpayer dollars do not contribute to prolonging the conflict and increasing the use and suffering of child soldiers.

Congress has given the Administration good tools. It is critical that we work together so these tools are used and not left to rust in the toolbox. Thank you again for holding this hearing and for continuing to shine a light on the plight of child soldiers around the world. World Vision is committed to working with the Commission on these critical issues and I look forward to answering your questions.

Recommendations for Congress

- Monitor the use of blanket National Interest Waivers and discourage the use of full waivers whenever possible.
- Whenever and wherever possible, remind the Administration of Congressional intent for the CSPA and require the Administration to adhere to it.
- Ask the Government Accountability Office (GAO) to investigate and report on the US Government's implementation of the CSPA.
- Encourage the Administration to withhold military assistance sanctionable under the CSPA and combine this withholding with high-level diplomatic engagement of each of the listed countries eligible under the CSPA.
- Encourage the Administration and State Department to continue to use the Action Plans negotiated by the SRSG's office as the benchmarks for progress under the CSPA.
- Birth registration impacts all aspects of a child's well-being. A birth certificate is the first line of defense in helping stop the underage recruitment and use of

children into military service. According to UNICEF, every year, 51 million children are never registered at birth, leaving them without an official name or nationality. In Sub-Saharan Africa (where six of the nine of the listed countries are located¹²), only 38% of African children currently registered. Congress should support current US Government birth registration efforts by passing the Girls Count Act (H.R. 3398 and S.2591).

Appendix A

List of Child Soldiers Prevention Act Press Articles in Chronological Order:

1. Barack Obama, “Presidential Memorandum—Child Soldiers Prevention Act.” *White House*. Issued October 25, 2010. Available at <http://www.whitehouse.gov/the-press-office/2010/10/25/presidential-memorandum-child-soldiers-prevention-act> (Accessed September 15, 2014).

¹² Central Africa Republic, DRC, Rwanda, Somalia, South Sudan, Sudan

2. Josh Rogin, "Why is Obama easing restrictions on child soldiers?" *The Cable*. Published October 26, 2010. Available at http://thecable.foreignpolicy.com/posts/2010/10/26/why_is_obama_easing_restrictions_on_child_soldiers (Accessed September 15, 2014).
3. Brian Knowlton, "4 Nations with Child Soldiers Keep US Aid." *New York Times*. Published October 28, 2010. Available at http://www.nytimes.com/2010/10/29/world/africa/29soldiers.html?_r=0 (Accessed September 15, 2014).
4. Josh Rogin, "Child soldiers backlash: White House argues continuing military assistance more important than enforcing law." *The Cable*. Published October 28, 2010. Available at http://thecable.foreignpolicy.com/posts/2010/10/28/child_soldiers_backlash_white_house_argues_continuing_military_assistance_more_imp (Accessed September 15, 2014).
5. Josh Rogin, "Cable exclusive: The secret Obama memo on child soldiers." *The Cable*. Published October 28, 2010. Available at http://thecable.foreignpolicy.com/posts/2010/10/28/cable_exclusive_the_secret_obama_administration_memo_on_child_soldiers (Accessed September 15, 2014).
6. Josh Rogin, "Cable exclusive: Inside the White House conference call on child soldiers." *The Cable*. Published October 29, 2010. Available at http://thecable.foreignpolicy.com/posts/2010/10/29/cable_exclusive_the_secret_white_house_conference_call_on_child_soldiers (Accessed October 29, 2010).
7. Rachel Stohl, "Should the US Pay for Child Soldiers?" *Sojourners*. Published February 2011. Available at <http://sojo.net/magazine/2011/02/should-us-pay-child-soldiers> (Accessed September 15, 2014).
8. "Memorandum of Justification Regarding the Certification and Determinations Pursuant to the Child Soldiers Prevention Act of 2008." *Foreign Policy*. 2011. Available at http://www.foreignpolicy.com/files/fp_uploaded_documents/111004_2011%20CSPA%20PD%20MOJ.pdf (Accessed September 15, 2014).
9. Larry Cox (*Amnesty International USA*), Kenneth Roth (*Human Rights Watch*), Aryeh Neier (*Open Society Foundations*), Richard Stearns (*World Vision*), "Letter to President Obama regarding US implementation of the Child Soldiers Prevention Act of 2008." *Human Rights Watch*. Published April 12, 2011. Available at <http://www.hrw.org/news/2011/04/12/letter-president-obama-regarding-us-implementation-child-soldiers-prevention-act-200> (Accessed September 15, 2014).
10. Barack Obama, "Memorandum for the Secretary of State." *White House*. Issued October 4, 2011. Available at <http://www.whitehouse.gov/the-press-office/2011/10/04/presidential-memorandum-child-soldiers-prevention-act-2008> (Accessed September 15, 2014).
11. Jo Becker, "US: Don't Finance Child Soldiers." *Human Rights Watch*. Published October 4, 2011. Available at <http://www.hrw.org/news/2011/10/04/us-don-t-finance-child-soldiers> (Accessed September 15, 2014).
12. Josh Rogin, "Obama waives penalties on countries that employ child soldiers – again!" *The Cable*. Published October 4, 2011. Available at http://thecable.foreignpolicy.com/posts/2011/10/04/obama_waives_penalties_on_countries_that_employ_child_soldiers_again (Accessed September 15, 2014).

13. Avni Patel, "Obama Waives Child Soldier ban in Yemen and Congo." *ABC News*. Published October 5, 2011. Available at <http://abcnews.go.com/Blotter/obama-waives-child-soldier-ban-yemen-congo/story?id=14663930> (Accessed September 15, 2014).
14. Jesse Eaves, "Should US give a free pass to countries that use child soldiers?" *World Vision*. Published October 25, 2011. Available at <http://blog.worldvision.org/advocacy/should-u-s-give-a-free-pass-to-countries-that-use-child-soldiers> (Accessed September 15, 2014).
15. Chuck Neubauer, "US gives military aid to nations with child soldiers." *Washington Times*. Published August 8, 2012. Available at <http://www.washingtontimes.com/news/2012/aug/8/us-gives-military-aid-to-nations-with-child-soldier/?page=all> (Accessed September 15, 2014).
16. Barack Obama, "Presidential Memorandum – Presidential Determination with respect to the Child Soldiers Prevention Act of 2008." *White House*. Issued September 28, 2012. Available at <http://www.whitehouse.gov/the-press-office/2012/09/28/presidential-memorandum-presidential-determination-respect-child-soldier> (Accessed September 15, 2014)
17. Josh Rogin, "Obama waives sanctions on the countries that use child soldiers." *The Cable*. Published October 1, 2012. Available at http://thecable.foreignpolicy.com/posts/2012/10/01/obama_waives_sanctions_on_countries_that_use_child_soldiers (Accessed October September 15, 2014).
18. "US: Act to Protect Children in Conflict." *Human Rights Watch*. Published February 5, 2013. Available at <http://www.hrw.org/news/2013/02/05/us-act-protect-children-conflict> (Accessed September 15, 2014).
19. Josh Rogin, "U.N. committee tells Obama to stop waiving sanctions on countries that use child soldiers." *The Cable*. Published February 5, 2013. Available at http://thecable.foreignpolicy.com/posts/2013/02/05/un_committee_tells_obama_to_stop_waiving_sanctions_on_countries_that_use_child_soldier (Accessed September 15, 2014).
20. Barack Obama, "Presidential Determination – Child Soldiers." *White House*. Released September 30, 2013. Available at <http://www.whitehouse.gov/the-press-office/2013/09/30/presidential-memorandum-determination-respect-child-soldiers-preventio-0> (Accessed September 15, 2014).
21. Hayes Brown, "US Approves Military Aid for Countries With Child Soldiers." *ThinkProgress*. Published October 1, 2013. Available at <http://thinkprogress.org/security/2013/10/01/2704611/child-soldier-waivers/>

Appendix 2

Obama Administration Waivers (2010-2013) Child Soldier Prevention Act			
2010	2011	2012	2013
Chad (waived)	Chad (waived)		Chad (waived)

World Vision Testimony: Ending the Use of Child Soldiers

DRC (waived)	DRC (<i>partial</i> waiver)	DRC (<i>partial</i> waiver)	DRC (<i>partial</i> waiver)
Sudan (waived)			
		South Sudan (waived)	South Sudan (waived)
Yemen (waived)	Yemen (waived)	Yemen (waived)	Yemen (waived)
		Libya (waived)	
			Somalia (<i>partial</i> waiver)