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One Hundred and Thirteenth Congress

## Tom Lantos Human Rights Commission

November 19, 2014

The Honorable John F. Kerry  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Kerry:

As co-chairs of the Tom Lantos Human Rights Commission, we are gravely concerned about the continued use of child soldiers in numerous countries across the globe. In 2008, members of the U.S. Congress adopted the Child Soldiers Prevention Act in order to help curb this egregious practice. However, we are troubled that the effectiveness of this law has been undermined by waivers issued in September by President Obama, which allow for countries who have been identified by the State Department as currently using child soldiers to continue receiving U.S. military assistance.

The State Department listed nine countries this year – Burma, Central African Republic (CAR), Democratic Republic of Congo (DRC), Rwanda, Somalia, South Sudan, Sudan, Syria, and Yemen – where governments continue to recruit and use child soldiers. However, six of these countries – the CAR, the DRC, Rwanda, Somalia, South Sudan, and Yemen – have been given full or partial waivers by the Administration. Notably, all nine identified countries have been listed previously, and the armed forces of five of these countries – Burma, DRC, Somalia, South Sudan, and Sudan – have been named as “persistent perpetrators” by the United Nations Secretary-General for having committed violations of the rights of children in armed conflict for five years or more.

Of special concern is South Sudan, where the UN and international human rights organizations have documented extraordinary abuses committed against civilians by both government and opposition forces since a new conflict began in December of 2013. These abuses include a sharp increase in the recruit of child soldiers. Human Rights Watch has reported how government forces have openly used child soldiers and sent boys to defend their positions at the front lines of the country’s devastating conflict. Opposition forces have also recruited and used child soldiers. The United Nations International Children’s Emergency Fund (UNICEF) believes that as many as 9,000 children may have already fought in the country’s civil war.

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The partial waiver provided to South Sudan was to maintain the U.S. support for cessation of hostilities monitors and the regional effort to counter the Lord's Resistance Army. These are laudable programs; but when the Administration announced the waivers, it missed an important opportunity to make clear to the government of South Sudan that the use of child soldiers in its conflict by their forces is unacceptable. While almost all U.S. military assistance was quietly suspended soon after the conflict began, the Administration failed to make a clear policy to the government of South Sudan that military support will remain cut off until concrete steps are taken towards accountability for broad human rights abuses, including the unlawful use of children in armed conflicts.

The U.S. administration should press the regional cessation of hostilities monitors that it supports in South Sudan to systematically document and report the use of child soldiers by both the government and opposition forces so as to ensure accountability for those who violate the basic rights of the country's children. The U.S. should also continue to use its leverage in ongoing peace negotiations to make certain that any peace agreement will exclude amnesty for perpetrators of human rights crimes in South Sudan's new war.

Another missed opportunity is Somalia, where the UN documented nearly 1,300 cases of child soldier recruitment in 2013, including hundreds by the Somali National Army and its allied militias. Yet the Administration offered Somalia a full waiver, allowing the country to receive \$200,000 in International Military Education and Training Funds plus \$115 million in Peacekeeping Operations OCO funding, which could be subject to sanction under the Child Soldiers Prevention Act.

The U.S. should have instead withheld some of that assistance until Somalia takes more concrete action to end its mandatory recruitment and use of child soldiers. For example, the U.S. could put systematic screening procedures in place, give the UN unimpeded access during all recruitment efforts, and request formal and informal military installations to inspect for child soldiers.

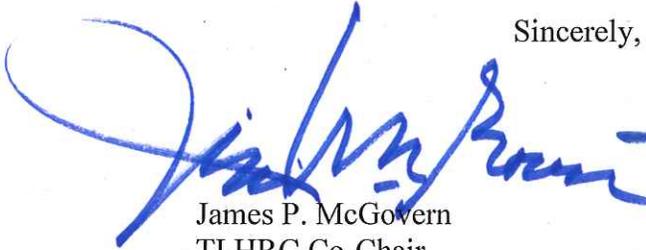
We are also deeply concerned about another full waiver from the Administration. Yemen may receive \$25 million in U.S. military financing in 2015 without a request to improve its basic practice of human rights. Yemen signed a UN agreement in May to end its use of child soldiers; however its government is a long way from eliminating this egregious act. We believe part of that \$25 million could be withheld until Yemen shows a tangible effort to protect its children. The only justification the Administration has offered to provide the funding is that Yemen has made "some progress" and that it is in the U.S. "national interest."

Congress' intention in passing the Child Soldiers Prevention Act was to send an unequivocal message that the recruitment and use of child soldiers is unacceptable and must end. The Administration's continued use of blanket waivers undercuts that goal. In most cases, only a small portion of U.S. military assistance provided to affected countries is subject to sanction under the Child Soldiers Prevention Act. In cases where the Administration deems that it is unable to withhold all assistance from a country for national security reasons, it should at minimum withhold a portion of that assistance, depending on the country's level of commitment to end its use of child soldiers.

The Administration has increasingly adopted the practice of withholding partial military assistance. However, the continued use of blanket waivers for many countries is troubling. We urge the Administration to fully enforce the Child Soldiers Prevention Act and make explicit to partner governments that preventing and stopping the use of child soldiers is a critical part of U.S. foreign policy.

Thank you for your consideration.

Sincerely,



James P. McGovern  
TLHRC Co-Chair  
Member of Congress



Frank R. Wolf  
TLHRC Co-Chair  
Member of Congress