

CHILD SOLDIER

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BY

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INTRODUCTION

“I would like to give you a message, please do your best to tell the world what is happening to us, the children. So that other children do not have to pass through this violence”¹

These are the words of a 15 year old girl in Uganda. Like her, there are tens of thousands of children under the age of eighteen who are serving as child soldiers in about thirty six conflict zones. Most child soldiers range from the ages of 15 to 17 years but there are also those as young as 7.²

Over 300,000 children today are being used as soldiers and hundreds of thousands will soon be sent to war.

If children are loved, valued and considered as those deserving the greatest protection, why are they still being used as cannon fodder? Is the United Nations charter serving its fundamental purpose,

“.....to save succeeding generation from the scourge of war”

Has the International community actually heard the little girl’s message or has it been neglected just like other *voices of suffering*?

¹ Playing at War child soldier in Uganda: <http://www.amnesty.org/childrights/cuganda.htm>

² The Swedish Organisation Radda Barnen reports during 1997-98 armed conflicts around the world the said figures came to light.

BATTLES TAKEN OVER BY CHILDREN

The issue of child soldiers is not new. For centuries, children have been involved in military campaigns- as child ratings on warships, as drummer boys in the battle fields of Europe, and even as child warriors in early Islamic history.

However, a number of factors have led to a steady increase in the use of children as soldiers. Firstly, technological development and proliferation of simple, cheap and light weapons have made fighting easier.

In one African country an AK-47 cost no more than US\$6³.

Indeed, in the past, children were not particularly effective as front line fighters since most of the lethal weapons were too heavy and cumbersome to manipulate. A child might have been able to wield a sword or a machete but no match for a similarly armed adult but now, armed with AK 47 or a bomb, he/she is a fearsome match.

Arms like AK - 47 can be stripped and reassembled by a child as young as 10.

Since their introduction in 1997, around 55 million AK -47 have been sold.

Secondly, army leaders find children more obedient, easier to intimidate, faster, and less likely to rebel or question. Also, children are cost effective because they will eat much less than an adult and, because of their size, they will take up less space.

Besides, in a long drawn conflict, due to a lack of manpower children are a valued resource. According to the Unicef, many current disputes have lasted a generation or more; half of those under way in 1993 had been going on for more than a decade. Children who have grown up surrounded by violence see this as a permanent way of life.

“Alone, orphaned, frightened, bored and frustrated, they will often finally choose to fight⁴”

Indeed, when schools are closed and families fragmented, there are few influences that can compete with a warrior's life.

INTERNATIONAL STANDARD

Under the International law, 15 is the minimum and recognised age for recruitment in accordance with the Convention on the Rights of the Child (CRC)⁵. For the past decade, Non-governmental organisations (NGO's), UN representatives and others have made efforts to push the minimum age to 18. In accordance with the convention,

³ Children as Soldiers: <http://www.unicef.org/sowc96/2csoldrs.htm>

⁴ Unicef, The state of the world's Children 1996, Children As Soldiers,

<http://www.unicef.org/sowc96/2csoldrs.htm>

⁵ United States and Somalia are the only two countries who have not signed and ratified the treaty.

a person under 18 is defined as a child. Besides, eighteen, in most countries is regarded as an age of maturity, marked by voting and other privileges.

It is paradoxical that governments like those of the U.K permit individuals under 18s to join the armed forces but at the same time withhold a variety of privileges to those of that age. It clearly represents the government's self interest. They are willing to put a minor into a mortal danger but deny them of other privileges like the right to marry without parental consent, buying alcohol or driving.

The so-called "five year trap" in UK is another interesting issue. All the recruits (both under 18 and adults) joining the British armed forces sign a contract with a possibility of withdrawal from the service after three years. Interestingly for minors this privilege is ceased till the age of 18. Thus, a 16 year old signing the contract will in effect be trapped for the coming five years instead of three as compared to 18 year old recruits.

Therefore, the said push towards raising the minimum for being recruited to serve in armed forces is important because it will provide protection to two set of groups. Inevitably bringing protection to the 16 - 17 years old it will also provide protection for the youngest and the most vulnerable. The latter will be protected because in many countries birth records are either inconsistent, non-existent or many children themselves do not know how old they are. The recruiter can only presume the age according to the appearance. Those malnourished may look young while those with hard labour will look much older than they are. Also, those falsely conscripting, can easily pass off a 12-year-old as a 15-year-old but it will be not so easy to claim he/she

is an 18-year-old and nearly impossible to claim an 8 or 9 year old child as an 18 year old.

As a result of the Child Soldier campaigns, the new UN agreement, known as the Optional Protocol to the Convention on the Rights of the Children on Involvement of Children in Armed Conflict (hereafter the Optional Protocol or the Protocol), came into existence but it failed to put a complete ban on the recruitment of children under 18. It was represented as an important step forward; a cause for encouragement. However, for many Children's advocates it was a disappointment.

LOOPHOLES IN THE OPTIONAL PROTOCOL

After over a decade of campaign, the Optional Protocol brought no more than a mere disappointment to many. The stand that the protocol took seemingly showed that they were listening to the voices of suffering when in fact this does not appear to be the case.

One of the most basic weaknesses in the Optional Protocol is that it fails to specify a complete ban on the use of children under 18 in combat. The absence of a complete ban on all under 18 recruits brings cracks to the foundation and the structure of the child soldier campaign because the entire purpose was to set a universal and complete

ban. Instead, the protocol requires the state parties to “take all feasible measures” to prevent “direct” participation.

The said provision, “to take all feasible measures”, provides a defence line for states. This is specially true for those with weak administrations, corruption and constant changes in governments causing widespread chaos and disorder economically, socially and politically. In such states it is difficult to enforce practical recruitment measures as these states could easily argue that they took all reasonable steps to prevent under age recruitment and that is the best they can do.

The phrase “all feasible measures” is too wide and will certainly vary in interpretation from country to country. The Protocol fails to provide any concrete examples or definitions which would make it easier for child advocates to understand the limitations and more difficult for the states (or other parties) to evade liability. However, it should be noted that the phrase “all feasible measures” was specifically chosen over alternatives such as “ensuring that under-18s are kept out of the conflict”.

According to the Protocol, states should prevent “direct” participation in an armed conflict. What constitutes a “direct” and “indirect” part in a combat is a difficult question. The ideal approach would be to prohibit all forms of participation, without any distinction between primary or secondary. It is a question of putting a child’s life in mortal danger not a question of whether s/he participated directly or not.

Once again the Optional Protocol fails to exemplify the degree of participation. For instance, sending children for reconnaissance missions is not as direct and dangerous

as sending them for a front line assault and those who are merely hunting, cooking and cleaning at the camp are hardly involved. Some may argue that they are involved more indirectly than the one sent for reconnaissance missions. However, those children sent for reconnaissance mission are also faced with the danger of being identified and tortured or killed just as the ones in the frontline. Similarly, those who are merely cooks at the camps or base are posed with a danger of being bombed or shot among other adult soldiers if the base is under attack. The mere fact that children are at the base and not in the heat of the war does not suggest that they are indirectly involved. It is reasonably foreseeable that they could come under armed attack and get killed just as the one in the front line assault. Just as children have no place in a war, the question of direct or indirect participation has no place in the optional protocol.

Also, the Optional Protocol fails to provide 18 as a minimum age for voluntary recruitment. Instead, it supports a “pick and chose” policy. The governments can set their own age for voluntary recruitment from the age of 16, subject to certain safeguards like, proof of age and parental consent.

Again, this is another defence line provided for the benefit of self-interested governments. States could argue that they did all they could but still people under 18 volunteered themselves and there is nothing or little they can do about it. As Michael Southwick, head of the U.S delegation stated: “U.S may not always be able to withhold volunteers from hostilities”⁶

⁶ Protecting children from war: What the new International agreement really means;
http://www.afsc.org/youthmil/html/news/mar00/childsold_p2htm

According to the Protocol non-state actors and armed groups are barred from recruiting under-18 volunteers. It is disappointing to know that the Protocol applies more stringent standard to non-governmental groups than the government. The inequality of voluntary recruitment against non-state actors is no more than a political propaganda, in the name of a child soldier. At the end of the day, armed groups or rebellions exist because of state repression, state inaction or state failure. It is very true these groups frequently recruit, often forcibly, young children. Thus the common tendency towards this issue is to set up sanctions and criminalization of such groups, but people fail to see when a government has committed much more serious acts and owe non-state actors their existence.

What we need is to allow non-governmental groups to come forward, and enter a dialogue of negotiation for all issues, open themselves to independent scrutiny by setting up an independent verification panel. A similar mechanism was practised to oversee decommissioning of arms in Northern Ireland. Also, the international community could contribute by fund raising and seeking political support for non-governmental actors in exchange of compliance with international human rights. A good example (relevant but different mode of practice) would be when UK made financial and military assistance to Sierra Leone condition on the non-use of child soldiers by the government. Sierra Leone is not the only example, there have been incidents when parties are willing to make commitments-although some times the promises were broken- but this does not mean to suggest that we should allow the setting of double standards.

There should be a complete ban of under18 recruitment⁷

The Optional Protocol fails to clarify the faith of those under 18 who do not have parents or any one legally responsible. Should they be allowed to join on their best judgement or should this exception be ceased for such group of children. The most obvious answer to me is “NO”. In the event of parental or guardian death or disappearance they must not be allowed to participate as a volunteer in a combat. Children at that age may be driven to join forces because of their innocence and ignorance about a recruit’s life. Also the recruiters could declare themselves as guardians of those children and set them up in order to satisfy the crucial need for fresh recruits.

Furthermore, in the event of adjudication⁸, a complete ban would have been a useful mechanism to speed up the process; one that will only depend on simple evidence of under-18 recruitment regardless of whether voluntary or forced. However this is not the case with the current Optional Protocol. At court the burden of proof is on the state part to establish that they took all reasonable steps to prevent under 18 recruitment and direct participation. Resulting in a long court battle, with detailed analysis of the efforts made by the state and longwinded evidential matters to be solved in order to prove the state (or other party) liability. Thus the Protocol fails to foresee that over such period of court battle there will be hundreds of thousands children recruited, tortured, disabled and killed.

“During the last decade, it is estimated..... child victims have included:

⁷ Coalition to Stop use of Child soldier

- **2 million killed;**
- **4-5 million disabled;**
- **some 10 million psychologically traumatised”⁹**

The Optional Protocol falls short in clarifying what armed forces are covered, or whether the Protocol even applies to all ends of the armed forces. The national military may have clear legal penalties for recruiting children, but irregular forces, such as civil defence units and paramilitaries, are not usually formally addressed by such legislation. A state could recruit adults for national military and still be able to recruit under 18s as an irregular force. There is likelihood that in internal conflicts under 18s will be deployed as paramilitaries. Also military schools should be included in the Optional Protocol to ensure students get regular education, not training to become members of the armed forces as well as to ensure that those students are not deployed in any military operation. They should have a free choice without limitations to choose either career.

The Optional Protocol also permits the governments to enter reservations, thus providing a defence or a loophole to deploy under 18's in an armed conflict without breaking the International norms. It complicates the problem further because most of the armed conflicts today are internal and not international. So a state can easily depart from the rules by entering into a reservation permitting under-18s to be

⁸ As in Sierra Leone, a special court has jurisdiction to consider case for under 15 recruitment as a war crime.

⁹ Children in War; Unicef: <http://www.unicef.org/sowc96/1cinwar.htm>

recruited for internal armed conflict. In any event, the very notion of reservations destroys the common purpose hoped to be achieved.

VOLUNTARY OR FORCED RECRUITMENT?

Children are recruited in number of ways but the entire picture could be divided into two groups; those who volunteer themselves, and those who are kidnapped from school, streets, homes and orphanages- in other words those who are forcefully recruited.

The issue regarding child soldier recruitment is a perplexing one. A “Volunteer” recruit means “willingly or not forced”, however the real picture is very different because there are a number of factors which could lead to a child stepping forwards for an armed struggle. Thus distinguishing between a true volunteer and indirectly forced volunteer is difficult.

Some children join armed forces in order to protect or support their families or to protect themselves from threats of violence by soldiers. Others have lost their parents and siblings in war and feel the need to take revenge for the atrocities committed against their family.

“40% of the children have see their family members being killed, 80% have seen destruction of their homes and 92% though that they would be killed¹⁰”.

Children may themselves volunteer if they believe¹¹ that regular meals and clothing will be provided. In Cambodia (1980's) children joined the armed forces to secure food and protection. Similarly, in Liberia in the 1990's children as young as seven were seen in combat because they felt safe with guns in their hands. According to the Director of the Liberian Red Cross, “those with guns could survive” (please provide source and add footnote).

In Myanmar, parents volunteer their children for the Rebel Karen army because the guerrillas provide clothes and two square meals a day and others may forcefully encourage to volunteer, especially those with daughters who have poor marriage prospects. If parents do not volunteer their children, they may sell them due to poverty and hunger. It is alarming to know that the Optional Protocol allows under 18's to be recruited provided they have parental consent (among other safeguards) and fails to foresee that parents could come under immense pressure through various channels social, economic and political.

Even if children do present themselves willingly for armed service, it is unfortunate to know that in most cases they are not allowed to change their decision and if a child tries to escape other child soldiers are forced to kill him/her.

¹⁰ A Rwandan case study, Children and war in the contemporary world, Dyregrow Atle and Raundalen

“one boy tried to escape[from the rebels,] but he was caught.... His hands were tied, and then they made us, the other new captives, kill him with a stick. I felt sick. I knew this boy from before. We were from the same village. I refused to kill him and they told me they would shoot me. They pointed a gun at me, so I had to do it.

The boy was asking me, “why are you doing this?” I said I had no choice. After we killed him, they made us smear his blood on our arms.... They said we had to do this so we would not fear death and so we would not try to escape.....¹²”

Thus, the term “voluntary” is open to interpretation. As stated above social, political and economic pressure could lead people to believe that they have a better chance or rather they have no other option other than the military; they may join “voluntarily” but only because they are under duress.

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¹¹ Such belief stems from false promises made by army leader.

¹² Susan, 16, abducted by the Lord's Resistance Army in Uganda:
<http://www.hrw.org/campaigns/crp/voices.htm>

CHILD LABOUR

When we think of Child Soldier, it also brings to light other Child Labour issues because in an armed conflict children are made to do a range of military activities, from cooking, carrying very heavy loads of up to 60 kilograms including ammunition or injured soldiers(those who are too weak to carry their load are often beaten or shot), to committing and witnessing torture and execution, at times of even their own relatives¹³.

“same groups of children who become child soldiers at the time of armed conflict become child labour in peace time¹⁴”.

The use of children in the military activities has not previously been involved with the scope of Child Labour. However Amnesty International, Coalition to stop the use of child soldier and other NGO's are campaigning for the inclusion of child soldier in the International Labour Organisation (ILO) Proposed Convention and Recommendation, concerning the prohibition and immediate elimination of the worst forms of child labour.

In accordance with the article 3 of the proposed ILO convention all forms of slavery or practices similar to slavery....as sales trafficking of children...child prostitution is part of the worst forms of child labour.

¹³ In many countries including Afghanistan, Mozambique, Colombia and Nicaragua, children have been forced to commit violent act against their families and communities.

In Uganda where girls are abducted by the Lord's Resistance army and "married off" to a rebel leader, only to be passed on, in the event of his death, to another leader, the process could possibly be regarded as child slavery or perhaps child prostitution. Therefore, cases of those girls who are forced to provide sexual services to the army officers clearly falls within the boundaries of article 3 of the proposed ILO convention.

In addition to the said provision of article 3, it also covers "*any type of work...likely to jeopardise the health and safety or morals of children*". It is inevitable that children in the military will be involved in activities, which will include health and moral danger. Instances could be being placed in the front line of combat, planting and detecting landmine, carrying heavy loads.

A possible limitation under the proposed convention is that the said provision "likely to jeopardise the health and safety" is to be determined by the national authorities. Thus, there is likelihood that children in combat may be neglected where national practice is divergent and more traditional form Child Labour is practised.

¹⁴ Rachel Brett and Margaret McCallin, *The invisible soldier Radda Barnen*, Stockholm, 1996.

PROBLEMS WITH DEMOBILIZATION AND REINTEGRATION.

Clearly the problem is urgent, massive and difficult. Urgent and massive because an estimated over 300,000 children are at military service and tens of thousands will be sent to war. Reintegration is problematic for number of reasons.

A female child soldier who has been raped or sexually abused faces a high likelihood that any marriage proposal will be refused. Her society buried under cultural beliefs will not accept her back because she will be a bad influence on other girls.

“Some societies consider such children as EVIL”

This further results in making it crucially difficult for her family to accept their daughter back. Nowhere to turn to, it is highly possible these girls may become prostitutes.

“Nearly 100% of escaped girls and women have sexually transmitted diseases”¹⁵.

On the other hand for some there are no families; They have perished in a war or have had to flee to an untraceable destination.

These children would have missed their education, as a result of which they may be put back with younger students. Some parents may object to have ex-combatants with other children.

Thus it is very difficult for a former child soldier, worn down by conflicts both physically and emotionally to make the transition to a non-violent lifestyle back into the society. Few programs exist to help these children. The international community as well as the local governments must step up to make wider changes and provide assistance for this generation. If they are not demobilized and reintegrated back into society, they can grow up to be future rebel leaders, having led an entire life of using violence and gun power to attain their desires.

¹⁵ Playing at War :www.amnesy.org.uk/chidrights/cuganda.htm

PREVENTING FUTURE RECRUITMENT

It is absolutely essential to prevent the recruitment of children. The optional protocol, as we have seen, does not solve the problem of child soldiers. It is very difficult to practically distinguish between what is compulsory and what is truly voluntary. The suggestion put forward by the NGOs to prohibit the recruitment of any person under 18 altogether is one that would clearly solve the problem. However, it is also one which is the least likely to materialise in the near future.

Agendas like the fact that governments must adhere to the declaration to protect child rights, pay closer attention to methods of recruitment, have a children free zone¹⁶ are clearly important. However, attention should also be devoted to the other players who play a major role in child soldier escalation because any campaign against child soldiers would be meaningless without it.

In this respect, US policies towards child soldiers are interesting to consider because the U.S has consistently resisted child soldier campaigns. The US has failed to ratify major treaties protecting children's rights and has consistently blocked international efforts to raise the minimum age for soldiers from 15 to 18.

The US also provides arms transfer, military aid and military training to countries using children in armed conflicts. Among the 42 armed conflicts in 1994-5, the US

¹⁶ A good overview can be found in the Cape Town "Annotated Principles and Best practice" for prevention of child recruitment.

provided arms assistance to 39 of them. In Colombia where an estimated over 15,000 child soldiers are at service US military sales made \$26 million and \$403,000 from military training¹⁷.

“US companies were authorised to sell Colombian state entities 30,000 grenades, one million rounds of ammunition and 7000 M-16 assault rifles¹⁸”

When the world’s most powerful nation is involved in condemning and, to a certain extent, perpetuating this practice, the wrong signal is sent to the international community. The fight against child soldiers is a difficult one and one that requires the cooperation of one and all.

Another important mechanism in preventing child soldier recruitment is the use of media. The media has played an extremely important role in promoting and protecting human rights and the issue of child soldiers is yet another important area where its contribution would be of utmost help. Indeed, very often, people in the world do not realise during periods of war, the warriors are very often children. This intolerable situation should be exposed to the international community so that the fight against child soldiers becomes everyone’s fight. However, the problem is that where there is a conflict of interest of media and a child, the voices of suffering go unheard. It is sad to know that the primary concern of the media is to produce a quick and sensational story, which is easy to sell.

¹⁷ Use of Children as Soldiers, Vol 4, no 27, November 1999, page 3 by Shannon McManimon.

“...coverage of the conflicts in Bosnia and Herzegovina and Somalia was extensive, very little has been reported about conflicts in Afghanistan and Angola”¹⁹.

If the media were to responsibly undertake their role and stigmatise the use of child soldiers, we would be half way through winning the battle.

Governments and the media are not the only ones who shoulder the responsibility of protecting the children. The rest of the International community also has an important role and can participate by protesting, reporting child conscription and raising such issues with the authorities supporting the fight against child soldiers. In Myanmar, protests resulted in return of several men and boys. Further, in El Salvador, Guatemala, Paraguay, Peru organizations and groups have successfully pressurised the authorities to stop child soldiers. The United Nations itself has airlifted many children who were forcefully used as soldiers²⁰.

The ultimate weapon would surely be to reduce poverty and inequality in vulnerable countries, through long term development programs. If families will have enough money to live on and educate their children, joining an army would then not seem like the best option available. This would in fact not only solve the problem of child soldiers but would solve so many others. However, the reality is that such equality is not going to be achieved anytime soon.

¹⁸ Use of Children as Soldiers.

¹⁹ Impact of armed conflict on children.

²⁰ Sudanese child soldier airlift a BBC news report:
http://news.bbc.co.uk/1/hi/english/world/africa/newsid_1192000/1192734.stm

CONCLUSION

The optional protocol and other measures taken by the governments, NGOs and the international community in general are proof that we are aware of the issue of child soldiers. However, whether we have truly heard the message of the 15-year-old Ugandan girl²¹ is questionable. Had we truly listened to her and understood her message and her pain and suffering, no child today would be a soldier. The staggering number of children involved in armed conflicts today is proof of our failure as a generation to protect our future. Commitment to end child soldiers will not happen in the normal course of the life of the rich countries because the numbers suffering in those countries are not so powerful. In poor countries, the voices of suffering go unheard because soldiers are needed; children are needed. This is a battle, which must be fought together. It requires the commitment of one and all. Let us not disappoint those children who have put faith in us and who believe that there can be more to life than killing each other.

²¹ see introduction

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