

Chad

Child Soldiers International: Submission to the UN Universal Periodic Review

Second Cycle, 17th Session, 2013

Key words: *Children; Child soldiers; Child recruitment and use in hostilities; Armed and security forces; Demobilisation, temporary care, recovery and reintegration assistance (or 'DDR'); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC); UN Action Plan; Birth registration.*

Child Soldiers International

1. Child Soldiers International is an international human rights research and advocacy organisation which campaigns for the effective implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, a global ban on any form of military recruitment of boys and girls below the age of 18, and a definitive end to the military use of children in any capacity. The organisation was previously known as the Coalition to Stop the Use of Child Soldiers.

Summary

2. In this submission Child Soldiers International provides updated information relating to the recruitment and use of children by the Chadian national army; the demobilisation, temporary care and reunification of children recruited into the army; and measures taken by the government to end child recruitment. In section I, Child Soldiers International recalls Chad's international obligations and commitments before examining the extent to which its domestic legislation complies with them, raising the issue of non-criminalisation of child recruitment and use. In section II, on 'Cooperation with treaty bodies' Child Soldiers International notes with concern that Chad's initial OPAC report is almost nine years overdue. Section III conveys the findings of Child Soldiers International's investigations into incidents of child recruitment and shortcomings of child 'DDR' in 2012, and concludes that Chad has so far failed to take a certain number of practical measures to implement its international human rights obligations and enforce its domestic law in relation to the protection of children from unlawful recruitment into the armed forces.
3. Recommendations are included in relation to each area of concern.

Child Soldiers International documents for further reference

- "Better Than Cure: Preventing the recruitment and use of children in the Chadian national army" (April 2012), available at: <http://www.child-soldiers.org>

I: BACKGROUND AND FRAMEWORK

A. Scope of international obligations

4. Chad ratified the **Optional Protocol on the involvement of children in armed conflict** (OPAC) in August 2002, committing, *inter alia*, to:
 - Banning compulsory recruitment of under-18s in the armed forces and, by virtue of its binding declaration, establishing 18 as the minimum age for voluntary recruitment;
 - Providing children recruited in contravention of the Protocol with “*all appropriate assistance for their physical and psychological recovery and their social reintegration*”;¹
 - Criminalising recruitment and use of children.
5. Chad is required to adopt legislation to implement the **Rome Statute of the International Criminal Court** (ICC), which it ratified in November 2006, including by establishing as a war crime the recruitment of children or their use to participate actively in hostilities.²
6. In 2009 the Chadian government accepted the **recommendation of the Working Group on the Universal Periodic Review** to:
 - “Develop in good time an action plan to prevent the illegal recruitment of children into its forces and establish transparent procedures for the verification and release of children from the Chadian army”;³
 - “Criminalize recruitment of children under domestic laws”;⁴
 - “Put an end to impunity, investigate crimes, and bring perpetrators to trials”.⁵
7. In June 2011, the government signed a UN **Action Plan on children associated with armed forces and groups in Chad**, thereby committing to:
 - End the recruitment and use of under-18s by the national army and armed groups by promoting policies and procedures that prevent underage recruitment;
 - Facilitate the release of child soldiers, and their temporary care, recovery and reintegration, including through regular and unescorted access of child protection agencies to military sites for identification and verification purposes;
 - Criminalise the recruitment and use of children in national law; promptly investigate allegations of such crimes and take punitive measures against those found responsible.

B. Constitutional and legislative framework

Prohibition

8. The 2006 Law on the Reorganisation of Armed and Security Forces – which sets the minimum age for enrolment (voluntary) in the army at 18 and the minimum age for conscription (compulsory) at 20⁶ – remains on the statute books, but it is not fully enforced.

¹ OPAC, entered into force 2002, Art. 6(3).

² *Rome Statute of the International Criminal Court*, U.N Doc. A/CONF.183/9, July 17, 1998, entered into force 1 July 2002, Arts. 8(2)(b)(xxvi) and 8(2)(e)(vii).

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Chad*, A/HRC/12/5, 5 October 2009, paragraph 82, recommendation 46.

⁴ *Ibid.* paragraph 82, recommendation 47.

⁵ *Ibid.* paragraph 82, recommendation 49.

Criminalisation

9. Child recruitment and use is not currently criminalised in Chad. A **draft Child Protection Code** (*Code de protection de l'enfant*), prepared by the Ministry of Justice with the support of UNICEF, includes a provision imposing criminal sanctions for the acts of recruiting and using children in hostilities.⁷ It is currently awaiting debate in Parliament, but the drafting and review process has been fraught with delays and difficulties since 2007.

Recommendation:

- **Explicitly criminalise the recruitment of under-18s and their use in hostilities.**

II. COOPERATION WITH HUMAN RIGHTS MECHANISM

Cooperation with treaty bodies

10. Although Chad ratified OPAC in 2002, it has **not yet submitted its OPAC initial report** to the Committee on the Rights of the Child (the Committee). The report is now almost nine years overdue and the Committee reminded Chad of this obligation in 2009.⁸
11. In December 2011, a committee for Treaty Body reporting was established by Prime Minister decree; the committee comprises representatives from most government ministries.⁹ In early December 2012, it received training from the Office of the High Commissioner on Human Rights. Child Soldiers International was then assured that the drafting for the OPAC initial report was imminent.

Recommendation:

- **Draft, without delay, and in consultation with relevant ministries and NGOs, Chad's initial OPAC report to the Committee on the Rights of the Child.**

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right to life, liberty and security of the person

Continued child recruitment

12. Despite Chad's commitment to end the recruitment and use of children, and despite a legal ban to that effect, **several dozen children were officially enlisted in the Chadian army (*Armée nationale tchadienne*) in 2012.** This plainly demonstrates non-compliance with international obligations, commitments made under the UN Action Plan and Chad's own

⁶ *Loi 06-012 2006-03-10 PR du 10 mars 2006 portant réorganisation des Forces Armées et de Sécurité*, Art. 32.

⁷ Section 4, Article 397 reads: "Any person facilitating the recruitment or use of children in the armed forces, armed groups and their use in wars and armed conflicts will be punished by five (5) to ten (10) years imprisonment and a fine of 100,000 to 1,000,000 CFA Francs." (Translation by Child Soldiers International)

⁸ Concluding Observations on Chad, UN Doc. CRC/C/TCD/CO/2, paragraph 88. In addition, Chad's second CRC periodic report was examined in 2009 and the country was invited to submit its combined third, fourth and fifth periodic reports by 31 October 2012. Concluding Observations on Chad, UN Doc. CRC/C/TCD/CO/2 paragraph 91. This consolidated CRC report had not yet been submitted at the time of writing.

⁹ *Arrêté No 3912/PR/PM/MDHLF/2011 Portant mise en place d'un Comité de Suivi des Instruments Internationaux en matière des Droits de l'Homme*, 12 December 2011.

national laws. This is a particularly concerning development at a time when the Chadian armed forces are engaged in active combat in Mali, with so far 1,800 troops deployed without prior screening or age verification (to Child Soldiers International's knowledge).

13. Child Soldiers International met with government ministries in N'Djamena in November 2012 and noted that there is some political will – as well as legislation in place – to end underage recruitment. The problem lies with the fact that, notwithstanding any political will, **enforcement measures have not been taken**, despite the UPR recommendations accepted by Chad, and despite the specific enforcement measures identified in the Action Plan.
14. Indeed, **military instructions** were issued in September 2012, after children had been officially enlisted and following pressure from the international community. Only then did the Minister of Defence remind commanders of their “*obligation to comply with laws prohibiting the recruitment of minors in the Army.*”¹⁰
15. One must acknowledge that the ban on child recruitment remains difficult to enforce because of **low birth registration** rates in Chad,¹¹ as a result of which most candidates to recruitment do not have birth certificates or other proof of age. However, recruiting agents had not received any instructions or child protection training prior to the 2012 recruitment campaign, and age verification methods used were flawed. Furthermore, the 11,000 recruitment quota set by the government appears difficult to meet for the narrow age group targeted (18-20 year-olds) and may have put pressure on recruiters to enrol without thorough age verification. Finally, Child Soldiers International is concerned by reports that some recruiting agents set up temporary recruitment desks in local schools, thereby unwittingly encouraging school-age children to enlist.
16. In July 2012, Child Soldiers International sent an official request to the government urging it to **launch an investigation** into the presence of 24 children in the Mongo military training centre. To date no action has been taken despite several reminders, including in a meeting with the Minister of Defence in November 2012, and despite coordinated advocacy from UNICEF Chad and the Office of the Special Representative of the Secretary General on children and armed conflict.
17. Considering that effective prevention against underage recruitment is not yet in place, it is crucial that child protection agencies are allowed to **monitor recruitment processes** and given unhindered **access to military sites for monitoring and verification purposes**. However, Child Soldiers International's investigations reveal that, while UN agencies are able to monitor military training centres, they continue to lack access to military barracks.

Recommendations:

- **Take measures to make birth registration free and compulsory in practice;**
- **Instruct recruiters that in case of doubt over an individual's age they should not be recruited. In the absence of a birth certificate, temporary alternative measures of age verification should be used. These should rely on more than one type of document or approach, including (but not limited to) school diplomas and hospital records;**

¹⁰ Note no. 0341 PR/PM/MDPRCDNAC/EMP/DCM/2012, 26 Septembre 2012 *portant interdiction de recrutement des mineurs dans les rangs des Forces armées et de Sécurité.*

¹¹ In 2011, Chad's birth registration rate stood between 9-16% (UNICEF Chad, 5 December 2011).

- **Issue military orders to recruiting and commanding officers *before* the start of any army recruitment campaign to remind them of the ban on underage recruitment and the procedures of age verification, and to instruct them to refrain from recruiting from schools;**
- **Invite UN and NGO child protection experts to monitor recruitment by authorising their presence within army recruiting teams deployed throughout the country;**
- **Grant the UN and other child protection agencies independent, ongoing and unimpeded access to all military facilities – including military camps – and other locations where child recruits may be present for identification and verification purposes;**
- **Investigate all credible allegations of child recruitment or use, and, irrespective of the initiation of any criminal proceedings, ensure that appropriate disciplinary sanctions are imposed on military officials found responsible.**

'DDR'

18. Actions taken for the demobilisation, temporary care and reunification (also called 'DDR') of the children recruited and released in 2012 fall short of government obligations and commitments under OPAC, the UPR and the Action Plan. Although the authorities were prompt to acknowledge and release underage recruits in 2012, very **few were entrusted to child protection actors**, and most were simply sent home. Only 10 of them were eventually handed over to the care of the Ministry of Social Affairs (MAS) early November.

19. In addition, following the closure of the 2007-2011 national child 'DDR' program, the government was wholly unprepared to care for children demobilised in 2012¹². This resulted in **severe child protection failings with regard to temporary care and reunification**. The children handed over MAS were kept for two months in an N'Djamena kindergarten without appropriate or sufficient food, physical comfort, medical and social assistance or sufficient contact with their families outside the capital. They were eventually reunited with their families early January 2013.

Recommendations:

- **Resume, with the support of the UN, the national child 'DDR' program, and ensure that it, or any other program which replaces it, is adequately funded, and is regularly and independently monitored;**
- **Take immediate steps, in collaboration with the UN, to identify and provide assistance to all demobilised child soldiers.**

¹² UNICEF estimates that in 2012 approximately 30 children were unlawfully enlisted into the Chadian national army (then released). In addition, UNICEF identified and released at least 26 children from the Popular Front for Recovery (*Front Populaire pour le Redressement/FPR*), a Chadian opposition armed group that had been based in neighbouring Central African Republic and surrendered in September 2012.