

# Americas and the Caribbean

## Regional overview

Children continued to be involved in civil conflicts. In countries devastated by long years of conflict and the displacement of rural communities, the failure to rehabilitate former child soldiers and the proliferation of small arms furthered the development of armed youth gangs. There was a high level of support for international standards on the recruitment and use of child soldiers in Latin America. However, most states did not support the “straight 18” position banning all child recruitment and continued to recruit children from the age of 16.

### Child soldiers in Colombia

Reports on the recruitment of children in **Colombia** continued to paint a grim picture. As many as 14,000 boys and girls, some as young as 12, were used as child soldiers by armed opposition groups and army-backed paramilitaries. The children recruited into these forces had to endure harsh conditions. Some were forced to commit serious abuses, killing civilians and destroying villages.

As the armed conflict spread into border areas, it threatened to have an impact across the region. The number of refugees from Colombia seeking asylum in **Ecuador, Panama** and **Venezuela** increased significantly. In Panama, hundreds of Colombian refugees were returned to Colombia without a fair hearing, while in Ecuador, the refugee situation was becoming critical as the number of refugees from Colombia seeking asylum in Ecuador grew considerably. Colombian armed opposition groups and paramilitaries frequently crossed into neighbouring

countries, where they fought other armed groups, forcibly recruited Colombian asylum seekers, and trafficked drugs and people. They were reported to have carried out incursions into **Brazil** and forcibly recruited members of indigenous communities. With no sign of a reduction in the level of conflict, children were at heightened risk of recruitment by these groups.

The forces responsible for human rights abuses continued to enjoy impunity. Negotiations between the government and the paramilitaries, as well as legislative initiatives related to the peace talks, raised fears that those responsible for serious breaches of international human rights law and humanitarian law would not be brought to justice. In mid-2004, negotiations continued with the largest paramilitary group, but peace discussions with the main opposition forces, which collapsed in 2002, had not restarted. Demobilization of children involved in the conflict continued at a slow pace. Only about 10 per cent have been demobilized since November 1999.

### The legacy of conflict

With the ending of conflicts in several countries in the region, the phenomenon of youth gangs (*maras*) and youth crime has become a significant threat, particularly in **Central America**. The long-term effects of conflicts continued to be felt by children in marginalized communities. Children orphaned as a direct result of conflict joined growing populations of street children in the cities. It was reported that some older gang members (*mareros*) had been former child combatants, as governments in Central

America had failed to set up comprehensive programs to demobilize and reintegrate former child soldiers into society at the end of civil conflicts.

The wider impact of conflict was felt in communities displaced from the countryside by conflict, whose members struggled to make a living in shanty towns around the larger cities and among the urban poor. Years of armed conflict have left Central America awash with small arms and munitions. In 2003 it was estimated that two million light weapons were in circulation in the region.

In 2003, **El Salvador, Guatemala, Honduras and Nicaragua** agreed to work regionally against armed gangs, and anti-*maras* laws were adopted in El Salvador and Honduras. In June 2004 the UN Committee on the Rights of the Child declared that the El Salvador laws breached the UN Convention on the Rights of the Child. The Salvadorian authorities subsequently announced that modifications would be made to the legislation, the Penal Code and the Juvenile Offender's Code, in a process involving non-governmental organizations and the judiciary. Also in June 2004, **Panama** announced a "get tough" plan and legal reforms to deal with the growing problem of youth crime. These would allow under-18s to be tried in adult courts, and 20-year prison terms to be imposed for certain crimes. In July, members of the government said that Panama would withdraw as a party to the Convention on the Rights of the Child so that the new legislation could be applied but the Panamanian Parliament rejected the proposals in August.

In **Brazil**, the recruitment and use of children by urban-based drug factions bore similarities to that of armed opposition groups. They targeted particular age groups for recruitment, allocating specific functions and standing within the command structure, and rewarding them financially. In Rio de

Janeiro, an estimated 5,000 armed children were involved in organized violence.

In the Caribbean, young children were frequently reported to be involved in violent gangs. In **Haiti**, there were some incidents of young teenagers joining groups of armed political gangs, although the extent of their involvement was difficult to determine.

In **Mexico**, it was difficult to monitor the recruitment of under-18s by irregular armed groups in the southern states of Chiapas, Guerrero and Oaxaca. Obtaining information was difficult in areas where indigenous communities suffered constant intimidation and attacks by these groups. The federal and state governments continued to afford impunity to their own or allied forces accused of serious human rights violations.

## The legal framework

Many states in the Americas region have ratified the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict. In Latin America, most states have ratified or acceded, except for **Bolivia, Colombia, Cuba, Dominican Republic and Nicaragua**. In August 2004, **Bolivia** announced that Congress had begun to discuss measures to be taken with a view to ratification of the Optional Protocol. In addition, **Guatemala** modified its national legislation to protect under-18s from involvement in armed conflict or recruitment into military service.

Caribbean countries have been slower in signing up, with only **Belize, Dominica and Jamaica** having ratified or acceded to the Optional Protocol at the time of writing.

## Children are still recruited

Few of the states that had ratified the Optional Protocol also adopted a "straight-18" position to ban all child recruitment. Many continued to allow

### **Optional Protocol: ratifications and signatures**

**Acceded/ratified:** Argentina, Belize, Brazil, Canada, Chile, Costa Rica, Dominica, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, USA, Uruguay, Venezuela. **Signed:** Colombia, Cuba, Dominican Republic, Haiti, Suriname. **Not signed:** Antigua and Barbuda, Bahamas, Barbados, Bolivia, Grenada, Guyana, Nicaragua, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago.

the recruitment from the age of 16 to compulsory and voluntary military service. In **Paraguay**, an inquiry by a national Inter-Institutional Commission of officials and non-governmental organizations found nearly 200 under-18s serving in the armed forces and numerous examples of false documentation by the conscription authorities. In **Peru**, a Congressional mission found underage recruits in military barracks, and the Ombudsman's Office reported over 170 human rights violations against conscripts since 1998. There were about 1,000 recruits aged 16 to 19 in the armed forces in **Canada** at any one time. No recruits were reported to have been deployed in combat although Canada had troops in several countries where there were hostilities.

Other states that had ratified the Optional Protocol but still recruited under-18s included **Chile**, where legislators were debating putting military service on a voluntary basis at the time of writing. In **El Salvador**, the Procurator's Human Rights Office proposed reinstating compulsory military service to resolve the problem of violence by youth gangs. **Brazil**, on ratifying the Optional Protocol in January 2004, declared its intention to continue allowing the voluntary recruitment of under-18s into its armed forces. In **Bolivia**, as in other

countries, military service was seen as a rewarding alternative to other forms of employment, and youngsters volunteered before the age of 18 to help support their families and gain the means to go on to further education.

The **USA** ratified the Optional Protocol in December 2002, but at least 62 soldiers under the age of 18 participated in US military operations in Afghanistan and Iraq in 2003 and 2004. Every year approximately 10,000 recruits aged 17 enlisted voluntarily for active duty in the armed forces, many of them before they had completed secondary education. US forces detained children accused of being "enemy combatants" without charge or trial at Guantanamo Bay in Cuba. In January 2004, three of the children, aged 13 to 15, were released, but those aged 16 and 17 remained held with adult prisoners.