



April 12, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Obama,

We are writing regarding US implementation of the Child Soldiers Prevention Act of 2008, and specifically, the failure of your administration to fulfill its pledge to secure concrete progress by the governments of Chad, the Democratic Republic of Congo (DRC), (South) Sudan, and Yemen in ending their use of children as soldiers.

In October 2010, you decided to grant blanket national interest waivers and allow all forms of US military assistance to Chad, the DRC, Sudan, and Yemen, despite their continued use of child soldiers in violation of the Child Soldiers Prevention Act of 2008 (Title IV of the William Wilberforce Trafficking Victims Protection Reauthorization Act). At the time, the White House stated that it was committed to working with these countries to reduce their recruitment or use of child soldiers.

Since that time, we have been deeply disappointed to see no discernable progress by any of the four governments concerned as a result of US action.

- In the DRC, government forces retain hundreds of children in their ranks and have promoted military officers that have been charged or convicted of using child soldiers to high-ranking positions. Despite 2 years of engagement by the United Nations, the DRC has failed to sign an action plan to end its use of child soldiers, as mandated by Security Council resolution 1612 (2005). We were dismayed to learn that the US had not been in touch with the UN country team in DRC on this issue until very recently, and that the country team was unaware of any US action to urge the DRC government to sign and implement such a plan.
- In Chad, a February 2011 report on children and armed conflict issued by the UN Secretary-General confirmed that the Chadian army continues to use child soldiers, and has recently recruited Sudanese refugee children. In 2007, UNICEF estimated the number of child soldiers in Chad to be 6,000-7,000. However, in 2010, only 173 children were demobilized from Chadian armed forces and groups. Like the DRC, the government of Chad has not yet agreed to a formal action plan to end its use of child soldiers. Discussions on an action plan have been slow over the past years, and the US Administration's influence will be key to moving discussions forward.
- In South Sudan, the Sudan People's Liberation Army (SPLA) signed an action plan in November 2009 in line with Security Council resolution 1612 (2005), setting a timetable for the release of all children from its forces by December 2010. However, it has failed to meet that timetable. Releases of children have taken place, but have not been comprehensive. Since the 2009 action

plan was signed, several hundred children have been released, but UN sources state that several hundred children remain within the SPLA ranks. Ensuring that the new nation's security forces are child-free must be a critical cornerstone of US support to the fledgling security sector of South Sudan.

- In Yemen, children have been recruited and used as soldiers by Yemeni government forces and by the government-affiliated militia al-Jaish al-Sha'bi. The current unrest in the country puts children at even greater danger of recruitment and participation in armed conflict.

The UN Secretary-General is expected to release his annual report to the UN Security Council on children and armed conflict at the end of May, including a list of governments and non-state armed groups that are in violation of international standards prohibiting the recruitment and use of child soldiers. The list is likely to include forces in Yemen for the first time. In addition, the Congolese armed forces, Chadian National Army, and the SPLA will remain on the list of violators for their continued use of child soldiers.

Since October, our organizations have had ongoing contact with your administration on this issue, and in November, presented detailed recommendations for each country regarding what we believe would constitute tangible progress in ending the recruitment and use of child soldiers. We recognize that efforts have been made to form an inter-agency working group on this issue and to identify appropriate focal points at the State Department, Defense Department and other relevant agencies. We also recognize that efforts have been made to coordinate efforts with the Office of the Special Representative of the UN Secretary-General on children and armed conflict, in order to ensure that US efforts to address the issue of child soldiers in these four countries reinforces the approach being taken by the United Nations under the mandate of the UN Security Council.

Despite these efforts, however, we have not seen evidence that the US is engaging directly at a high level with the governments concerned to secure concrete actions to comply with the Child Soldiers Prevention Act and avoid future US sanctions. We have also been disappointed by the administration's failure to articulate its policy approach to this issue, for example, by stating publicly that it will not transfer any lethal assistance to countries in violation of the Child Soldiers Prevention Act.

In less than three months, the State Department will be issuing a new list of countries that are in violation of the Child Soldiers Prevention Act as part of its annual Trafficking in Persons Report. We expect all four countries will be named again for continued use of child soldiers. This will represent not only these countries' own failure to uphold international standards, but also the US government's failure to use its leverage to curb these abhorrent practices.

White House officials have indicated that since last year was the first year that the Child Soldiers Prevention Act was in force, countries given waivers were placed "on notice," but that progress would have to be made if they were going to continue to receive assistance.

In line with your administration's own statements and commitments, we recommend the following:

1) Initiate immediate contact with the concerned governments at senior levels (e.g. by the Secretary of State or ambassador) to indicate that if clear benchmarks are not met by June 1, 2011 (just prior to the release of the Trafficking in Persons report), that any outstanding aid for FY 2012 and upcoming aid in FY 2013 will be suspended and no waivers under the Child Soldiers Prevention Act will be granted. This should be followed up by in-country engagement by the US mission. Such benchmarks should include:

- DRC: signature of the UN action plan to end the use of child soldiers and meaningful, initial steps towards implementation, including demobilization of child soldiers;
- Chad: signature of the UN action plan to end the use of child soldiers and meaningful, initial steps towards implementation, including demobilization of child soldiers;
- South Sudan: completion of the 2009 agreement to demobilize all children from the ranks of the SPLA; and
- Yemen: agreement by the Yemeni government to allow a field visit by the Special Representative to the Secretary-General on children and armed conflict and dialogue with the UN to negotiate an action plan to end the use of child soldiers.

2) For those countries in which these benchmarks are not met, publicly announce the administration's intention not to grant waivers for FY 2012 or FY 2013 and to apply the prohibitions contained in the Child Soldiers Prevention Act.

Thank you for your consideration.

Sincerely,



Larry Cox  
Executive Director  
Amnesty International USA



Kenneth Roth  
Executive Director  
Human Rights Watch



Aryeh Neier  
President  
Open Society Foundations



Richard Stearns  
President  
World Vision U.S.

cc:

The Honorable Hillary Clinton, Secretary of State

The Honorable Samantha Power, Special Assistant to the President for Multilateral Affairs and Human Rights

The Honorable Maria Otero, Undersecretary of State for Democracy and Global Affairs

The Honorable Michael Posner, Assistant Secretary of State for Democracy, Human Rights and Labor

The Honorable Andrew Shapiro, Assistant Secretary of State for Political-Military Affairs

The Honorable Luis CdeBaca, Office to Monitor and Combat Trafficking in Persons

Senator Richard Durbin

Ms. Radhika Coomaraswamy, Special Representative to the Secretary-General for Children and Armed Conflict