

110TH CONGRESS
1ST SESSION

H. R. 3028

To end the use of child soldiers in hostilities around the world, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2007

Mr. FORTENBERRY (for himself, Mr. PAYNE, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To end the use of child soldiers in hostilities around the world, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Soldier Preven-
5 tion Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) According to the September 7, 2005, report
9 to the General Assembly of the United Nations by
10 the Special Representative of the Secretary-General

1 for Children and Armed Conflict, “In the last dec-
2 ade, two million children have been killed in situa-
3 tions of armed conflict, while six million children
4 have been permanently disabled or injured. Over
5 250,000 children continue to be exploited as child
6 soldiers and tens of thousands of girls are being sub-
7 jected to rape and other forms of sexual violence.”.

8 (2) According to the Center for Emerging
9 Threats and Opportunities (CETO), Marine Corps
10 Warfighting Laboratory, “The Child Soldier Phe-
11 nomenon has become a post-Cold War epidemic that
12 has proliferated to every continent with the excep-
13 tion of Antarctica and Australia.”.

14 (3) Many of the children currently serving in
15 armed forces or paramilitaries were forcibly con-
16 scripted through kidnapping or coercion, a form of
17 human trafficking, while others joined military units
18 due to economic necessity, to avenge the loss of a
19 family member, or for their own personal safety.

20 (4) Some military and militia commanders force
21 child soldiers to commit gruesome acts of ritual
22 killings or torture, including acts of violence against
23 other children.

24 (5) Many female child soldiers face the addi-
25 tional psychological and physical horrors of rape and

1 sexual abuse, enslavement for sexual purposes by mi-
2 litia commanders, and severe social stigma should
3 they return home.

4 (6) Some military and militia commanders tar-
5 get children for recruitment because of their psycho-
6 logical immaturity and vulnerability to manipulation
7 and indoctrination. Children are often separated
8 from their families in order to foster dependence on
9 military units and leaders. Consequently, many of
10 these children suffer from deep trauma and are in
11 need of psychological counseling and rehabilitation.

12 (7) Child soldiers are exposed to hazardous con-
13 ditions and are at risk of physical injury and dis-
14 ability, psychological trauma, sexually transmitted
15 diseases, respiratory and skin infections, and often
16 death.

17 (8) On May 25, 2000, the United Nations
18 adopted and opened for signature, ratification, and
19 accession the Optional Protocol to the Convention on
20 the Rights of the Child on the Involvement of Chil-
21 dren in Armed Conflict (in this Act referred to as
22 the “Optional Protocol”), which establishes 18 as
23 the minimum age for conscription or forced recruit-
24 ment and requires states party to ensure that mem-

1 bers of their armed forces under the age of 18 do
2 not take a direct part in hostilities.

3 (9) On June 18, 2002, the Senate unanimously
4 approved the resolution advising and consenting to
5 the ratification of the Optional Protocol.

6 (10) On December 23, 2002, the United States
7 presented the ratified optional protocol to the United
8 Nations.

9 (11) More than 110 governments worldwide
10 have ratified the optional protocol, establishing a
11 clear international norm concerning the use of chil-
12 dren in combat.

13 (12) On December 2, 1999, the United States
14 ratified International Labour Convention 182, the
15 Convention concerning the Prohibition and Imme-
16 diate Action for the Elimination of the Worst Forms
17 of Child Labour, which includes the use of child sol-
18 diers among the worst forms of child labor.

19 (13) On October 7, 2005, the Senate gave its
20 advice and consent to the ratification of the Protocol
21 to Prevent, Suppress and Punish Trafficking in Per-
22 sons, Especially Women and Children,
23 Supplementing the United Nations Convention
24 Against Transnational Organized Crime.

1 (14) It is in the national security interest of the
2 United States to reduce the chances that members
3 of the United States Armed Forces will be forced to
4 encounter children in combat situations.

5 (15) Section 502B(a)(3) of the Foreign Assist-
6 ance Act of 1961 (22 U.S.C. 2304(a)(3)) provides
7 that “the President is directed to formulate and con-
8 duct international security assistance programs of
9 the United States in a manner which will promote
10 and advance human rights and avoid identification
11 of the United States, through such programs, with
12 governments which deny to their people internation-
13 ally recognized human rights and fundamental free-
14 doms, in violation of international law or in con-
15 travention of the policy of the United States as ex-
16 pressed in this section or otherwise”.

17 **SEC. 3. CHILD SOLDIER DEFINED.**

18 In this Act, consistent with the provisions of the Op-
19 tional Protocol, the term “child soldier”—

20 (1) means—

21 (A) any person under age 18 who takes a
22 direct part in hostilities as a member of govern-
23 mental armed forces;

1 (B) any person under age 18 who has been
2 compulsorily recruited into governmental armed
3 forces;

4 (C) any person under age 16 voluntarily
5 recruited into governmental armed forces; and

6 (D) any person under age 18 recruited or
7 used in hostilities by armed forces distinct from
8 the armed forces of a state; and

9 (2) includes any person described in subpara-
10 graphs (B), (C), and (D) of paragraph (1) who is
11 serving in any capacity, including in a support role
12 such as a cook, porter, messenger, medic, guard, or
13 sex slave.

14 **SEC. 4. SENSE OF CONGRESS.**

15 It is the sense of Congress—

16 (1) to condemn the conscription, forced recruit-
17 ment or use of children by governments,
18 paramilitaries, or other organizations in hostilities;

19 (2) that the United States Government should
20 support and, where practicable, lead efforts to estab-
21 lish and uphold international standards designed to
22 end this abuse of human rights;

23 (3) that the United States Government should
24 expand ongoing services to rehabilitate recovered

1 child soldiers and to reintegrate them back into their
2 communities by—

3 (A) offering ongoing psychological services
4 to help victims recover from their trauma and
5 relearn how to deal with others in nonviolent
6 ways such that they are no longer a danger to
7 their community, taking into consideration the
8 needs of girl soldiers, who may be at risk of ex-
9 clusion from disarmament, demobilization, and
10 reintegration programs;

11 (B) facilitating reconciliation with their
12 communities through negotiations with tradi-
13 tional leaders and elders to enable recovered
14 abductees to resume normal lives in their com-
15 munities; and

16 (C) providing educational and vocational
17 assistance;

18 (4) that the United States should work with the
19 international community, including, where appro-
20 priate, third country governments, nongovernmental
21 organizations, faith-based organizations, United Na-
22 tions agencies, local governments, labor unions, and
23 private enterprise—

24 (A) on efforts to bring to justice rebel or-
25 ganizations that kidnap children for use as

1 child soldiers, including the Lord's Resistance
2 Army (LRA) in Uganda, Fuerzas Armadas
3 Revolucionarias de Colombia (FARC), and Lib-
4 eration Tigers of Tamil Eelam (LTTE), includ-
5 ing, where feasible, by arresting the leaders of
6 such groups; and

7 (B) on efforts to recover those children
8 who have been abducted and to assist them in
9 their rehabilitation and reintegration into com-
10 munities;

11 (5) that the Secretary of State, the Secretary of
12 Labor, and the Secretary of Defense should coordi-
13 nate programs to achieve the goals specified in para-
14 graph (3), and in countries where the use of child
15 soldiers is an issue, whether or not it is supported
16 or sanctioned by the governments of such countries,
17 United States diplomatic missions should include in
18 their mission program plans a strategy to achieve
19 the goals specified in such paragraph;

20 (6) that United States diplomatic missions in
21 countries in which governments use or tolerate child
22 soldiers should develop, as part of annual program
23 planning, strategies to promote efforts to end this
24 abuse of human rights, identifying and integrating

1 global best practices, as available, into such strate-
2 gies to avoid duplication of effort; and

3 (7) that, in allocating or recommending the al-
4 location of funds or recommending candidates for
5 programs and grants funded by the United States
6 Government, United States diplomatic missions
7 should give particular consideration to those pro-
8 grams and candidates deemed to promote the end to
9 this abuse of human rights.

10 **SEC. 5. PROHIBITION.**

11 (a) IN GENERAL.—Subject to subsections (b), (c),
12 and (d), none of the funds appropriated or otherwise made
13 available for international military education and training,
14 foreign military financing, foreign military sales, direct
15 commercial sales, or excess Defense articles by the For-
16 eign Operations, Export Financing, and Related Programs
17 Appropriations Act, 2006 (Public Law 109–102) or any
18 other Act making appropriations for foreign operations,
19 export financing, and related programs may be obligated
20 or otherwise made available to the government of a coun-
21 try that is clearly identified by the Department of State
22 in the Department of State’s most recent Country Reports
23 on Human Rights Practices as having governmental
24 armed forces or government supported armed groups, in-

1 cluding paramilitaries, militias, or civil defense forces, that
2 recruit or use child soldiers.

3 (b) NOTIFICATION TO COUNTRIES IN VIOLATION OF
4 THE STANDARDS OF THIS ACT.—The Secretary of State
5 shall formally notify any government identified pursuant
6 to subsection (a).

7 (c) NATIONAL INTEREST WAIVER.—

8 (1) WAIVER.—The President may waive the ap-
9 plication to a country of the prohibition in sub-
10 section (a) if the President determines that such
11 waiver is in the interest of the United States.

12 (2) PUBLICATION AND NOTIFICATION.—The
13 President shall publish each waiver granted under
14 paragraph (1) in the Federal Register and shall no-
15 tify the Committee on Foreign Relations and the
16 Committee on Appropriations of the Senate and the
17 Committee on Foreign Affairs and the Committee on
18 Appropriations of the House of Representatives of
19 each such waiver, including the justification for the
20 waiver, in accordance with the regular notification
21 procedures of such Committees.

22 (d) REINSTATEMENT OF ASSISTANCE.—The Presi-
23 dent may provide to a country assistance otherwise prohib-
24 ited under subsection (a) upon certifying to Congress that
25 the government of such country—

1 (1) has implemented effective measures to come
2 into compliance with the standards of this Act; and

3 (2) has implemented effective policies and
4 mechanisms to prohibit and prevent future use of
5 child soldiers and to ensure that no children are re-
6 cruited, conscripted, or otherwise compelled to serve
7 as child soldiers.

8 (e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED
9 TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR
10 PROFESSIONALIZATION OF THE MILITARY.—

11 (1) IN GENERAL.—The President may provide
12 to a country assistance for international military
13 education and training otherwise prohibited under
14 subsection (a) upon certifying to Congress that—

15 (A) the government of such country is im-
16 plementing effective measures to demobilize
17 child soldiers in its forces or in government
18 supported paramilitaries and to provide demobi-
19 lization, rehabilitation, and reintegration assist-
20 ance to those former child soldiers; and

21 (B) the assistance provided by the United
22 States Government to the government of such
23 country will go to programs that will directly
24 support professionalization of the military.

1 (2) LIMITATION.—The exception under para-
2 graph (1) may not remain in effect for more than
3 2 years following the date of notification specified in
4 section 5(b).

5 **SEC. 6. REPORTS.**

6 (a) PREPARATION OF REPORTS REGARDING CHILD
7 SOLDIERS.—United States missions abroad shall thor-
8 oughly investigate reports of the use of child soldiers.

9 (b) INFORMATION FOR ANNUAL HUMAN RIGHTS RE-
10 PORTS.—In preparing those portions of the Human Rights
11 Reports that relate to child soldiers, the Secretary of State
12 shall ensure that such reports shall include a description
13 of the use of child soldiers in each foreign country, includ-
14 ing—

15 (1) trends toward improvement in such country
16 of the status of child soldiers or the continued or in-
17 creased tolerance of such practices; and

18 (2) the role of the government of such country
19 in engaging in or tolerating the use of child soldiers.

20 (c) INCLUSION OF INFORMATION ON VIOLATIONS.—
21 When the Secretary of State determines that a govern-
22 ment has violated the standards of this Act, the Secretary
23 shall clearly indicate that fact in the relevant Annual
24 Human Rights Report.

1 (d) LETTER TO CONGRESS.—Not later than June 15
2 of each year for 10 years following the enactment of this
3 Act, the President shall submit to the Committee on For-
4 eign Relations and the Committee on Appropriations of
5 the Senate and the Committee on Foreign Affairs and the
6 Committee on Appropriations of the House of Representa-
7 tives—

8 (1) a list of the countries receiving notification
9 that they are in violation of the standards of this
10 Act;

11 (2) a list of any waivers or exceptions exercised
12 under this Act;

13 (3) justification for those waivers and excep-
14 tions; and

15 (4) a description of any assistance provided
16 pursuant to this Act.

17 **SEC. 7. REPORT ON IMPLEMENTATION OF ACT.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the President shall submit to the Com-
20 mittee on Foreign Relations and the Committee on Appro-
21 priations of the Senate and the Committee on Foreign Af-
22 fairs and the Committee on Appropriations of the House
23 of Representatives a report setting forth a strategy for
24 achieving the policy objectives of this Act, including a de-
25 scription of an effective mechanism for coordination of

1 United States Government efforts to implement this strat-
2 egy.

3 **SEC. 8. TRAINING FOR FOREIGN SERVICE OFFICERS.**

4 Section 708 of the Foreign Service Act of 1980 (22
5 U.S.C. 4028) is amended by adding at the end the fol-
6 lowing new subsection:

7 “(c) The Secretary of State, with the assistance of
8 other relevant officials, shall establish as part of the stand-
9 ard training provided after January 1, 2008, for officers
10 of the Service, including chiefs of mission, instruction on
11 matters related to child soldiers and the substance of the
12 Child Soldier Prevention Act of 2007.”.

13 **SEC. 9. EFFECTIVE DATE; APPLICABILITY.**

14 This Act shall take effect 180 days after the date of
15 the enactment of this Act and shall apply to funds obli-
16 gated after such effective date.

○