

Urban Child Soldiers

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Currently, we can find daily newspaper articles referring to criminal gangs, organised crime groups, *maras* or *pandillas*. It is important to call attention to the fact that this phenomenon is a reality in both developing countries and developed countries. The media and the political and social community insist to treat group members who are actively involved in organised armed violence as common delinquents, however, this view does not reflect the reality. Common delinquents who commit petty crimes or even more grave crimes must be treated under the rule of law. However, when we are dealing with group members involved in organised armed violence, the treatment delivered to them should be a different one.

Nevertheless, the question we must pose to ourselves is the following: are these children and adolescents involved in organised armed violence “just” juvenile delinquents? And the answer is NO. They belong to a different violent reality. They are subjected to a command structure, they are paid on a salary basis, and they belong to organised groups which have a strong hierarchy system to which they

¹ This article first appeared in the Child Soldiers Newsletter, Issue 15, January 2007.

have to respect. Therefore, it becomes clear that they cannot be treated the same way as juvenile delinquents.

During the 90's, a relatively similar question arose regarding the case of child soldiers. Graça Machel was asked by the UN Secretary General to carry out an assignment on the impact of armed conflicts on children. In the assignment she emphasised the abuses they normally suffer, human rights violations, and the lack of access to basic resources or the oversight of the own community. This report was a benchmark in the struggle for the recognition of the plight of children who were and still are employed as soldiers, carrying out logistic tasks in open armed conflicts elsewhere. The international community finally understood that girls and boys involved in armed conflicts as soldiers are not only perpetrators of abuses: they belong to sides, committing crimes as perpetrators and suffering constant abuses as victims.

The social reality of several children in diverse regions of the world such as South America, Central America, Central Asia, Eastern Europe, the Balkans or diverse areas of the African continent is characterised by common risk factors such as: impoverished socio-economic contexts, high unemployment rates, fragile governments, lack of access to sanitary and/or educational system, etc.

In addition to the situation of insecurity and high levels of violence, which happens, amongst other reasons, due to State's corruption, the lack of consolidation of post-war rehabilitation processes, the uncontrolled circulation and presence of small arms and light weapons, the existence of networks of drug and person trafficking, they all serve to worsen the context in which this reality is breaking out. For instance, when comparing the danger posed to minors by gunfire in Rio de Janeiro with that of recognised conflict situations, the seriousness of Rio's situation is starkly apparent. As a result of the conflict between Israel and Palestine over the occupied territories, 467 Israeli and Palestinian minors were killed between Dec.1987-Nov.2001². During the same period, in the municipality of Rio de Janeiro

² Statistics supplied by the Israeli Information Centre for Human Rights in the Occupied Territories.

alone, 3937 under eighteen year olds were killed due to small arms related injuries³.

A historical absence of the police and an almost total lack of socio-economic investment in poor areas left a power vacuum and opened the way for factions to assume the traditionally state role of social ordering⁴ within the community. High levels of police corruption and a policy of repressive policing has led to a spiral of violence between both sides and fail to deal with the socio-economic problems that lead to many children and young people choosing the drug trade as the 'best' of poor options.

Child Soldiers versus “Urban Child Soldiers”

Despite the similarities between these concepts, categorising children involved in organised armed violence as “child soldiers” would be problematic as many of the countries in which this phenomenon was observed are not in a state of war.

“Urban Child Soldiers” are children and youth employed or otherwise participating in Organised Armed Violence⁵ where there are elements of a command structure and power over territory, local population or resources. Organised armed groups include institutionalised street gangs, *maras* and *pandillas* drug factions, ethnic militias, vigilantes and even paramilitary groups acting in non-war scenarios.

Furthermore, if we categorise these children as “soldiers”, it may result in legitimising the already high levels of lethal State force used against them. There are also many similarities between child and youth members of drug factions and gang members in urban centres within the United States of America and elsewhere. However, the command structures, levels of armed confrontation, territorial domination and power over the local population found amongst many organised armed groups are a far cry from traditional notions of “adolescent peer

³ Provided by DATASUS - Ministério de Saúde, Secretaria da Saúde do Governo do Estado do Rio de Janeiro

⁴ Known as the 'law of the favela'.

⁵ Also known as COAV: Children and youth in Organised Armed Violence.

groups”. Furthermore, children provided with war-grade weapons and paid a salary to carry firearms ostensibly for a drug faction in Rio de Janeiro *favela*, for a Civilian Volunteer Organisation in a village in rural Philippines, or for an ethnic-militia in the Niger Delta in Nigeria seem worlds apart from the traditional understanding of “juvenile delinquency”.

Despite similarities to both semantic categories definitions such as “child soldiers” or “delinquents” fails to correctly represent the growing number of children and youth around the world that engage in organised armed groups that function outside of traditionally defined war zones.

Small Arms and Children in Organised Armed Violence (COAV)

The unchecked proliferation of illicit small arms and the easy access to inexpensive light weapons within poor communities across the world has exacerbated the levels of gun violence in those communities, and increasingly exposed younger children to guns on a daily basis. Attention must be drawn to the devastating consequences that the circulation of small arms and light weapons has had on the growth of organised armed violence since the 1980’s and its subsequent effect on children, many of whom end up losing their childhood and lives to violence, abuse and the violations of their basic human rights.

For example, with less than 3% of the world’s population, Brazil accounts for 11% of the world’s firearm deaths. Rio de Janeiro’s annual death toll from violent crime is so high that it at times exceeds the conflict-related death toll in Colombia, where a high intensity civil war has been waged many years. In the period from 1978 to 2000, an estimated 39,000 conflict-related deaths occurred in Colombia⁶. During the same period in the municipality of Rio de Janeiro, 49,913 firearm fatalities were reported⁷. Approximately 70% of these deaths were the result of so-called drug

⁶ SIPRI (Stockholm International Peace Research Institute).

⁷ DATASUS – Ministério de Saúde, Secretaria de Saúde do Governo do Estado do Rio de Janeiro.

factions, or drugs gangs, in Rio de Janeiro. It is estimated that between 50% and 60% of drug faction members in the city are minors. These types of small arms and light weapons employed by all sides in the daily conflicts between rival faction and the police in the case of Rio de Janeiro, and in paramilitary groups, militias in other regions are the same found in many context of civil war and related conflicts.

When comparing the danger posed to minors by gunfire in Rio de Janeiro with situations of recognised conflict, the gravity of the case of Rio's is starkly apparent. As a result of the conflict between Israel and Palestine over the occupied territories, 467 Israeli and Palestinian minors were killed between December 1987 and November 2001⁸. During the same period, in the municipality of Rio de Janeiro alone, 3,937 under eighteen-years-old were killed by small arms related injuries⁹.

What can we do?

Governments have tended to focus on repressive tactics to deal with children and youth in organised armed violence. Government repression may occur via:

- Legislation that singles out youth groups or their members
- Repressive and increasingly militarised policing policies
- Detention and imprisonment of members or armed groups or their summary execution.

A security police that focuses exclusively on repression tends to be ineffective since: it does not deal with the root causes of the problem; the juvenile justice and penal systems in most countries affected by the phenomenon are inadequate, actually worsening the problem; and armed groups tend to become more organised and increasingly violent when faced only with repressive tactics.

⁸ Statistics supplied by the Israeli Information Centre for Human Rights in the Occupied Territories.

⁹ DATASUS – Ministério de Saúde, Secretaria de Saúde do Governo do Estado do Rio de Janeiro.

To effectively address the emerging phenomenon of children and youth in organised armed violence require:

- Proposition of model legislation at national, regional and international levels,
- Definition and categorisation of children in organised armed violence
- Establishment of proactive measures, like programmes of prevention, treatment and rehabilitation with the affected communities.