

US Violating Human Rights of Children, Says UN Committee

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The Obama Administration recently underwent its first U.N. treaty body review, and the resulting [concluding observations](#) made public yesterday should be a cause for alarm. The observations, issued by independent U.N. experts tasked with monitoring compliance with the international treaty on the rights of children in armed conflict (formally known as the [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#) or “OPAC”), paint a dark picture of the treatment of juveniles by the U.S. military in Afghanistan: one where hundreds of children have been killed in attacks and air strikes by U.S. military forces, and those responsible for the killings have not been held to account even as the number of children killed doubled from 2010 to 2011; where children under 18 languish in detention facilities without access to legal or full humanitarian assistance, or adequate resources to aid in their recovery and reintegration as required under international law. Some children were abused in U.S. detention facilities, and others are faced with the prospect of torture and ill-treatment if they are transferred to Afghan custody.

By ratifying OPAC in 2002, the U.S. [committed to guaranteeing basic protections to children](#) in armed conflict zones, and to submit periodic reports on the implementation of its treaty obligations to the U.N. Committee on the Rights of the Child. We [wrote](#) about the latest U.S. report, released in November, which revealed that over 200 children have been held in U.S. custody in Afghanistan since 2008, some for lengthy periods of time. During its review of the U.S. on January 16, the Committee posed critical questions about the treatment of children by the U.S. military and issued recommendations to remedy these human rights violations.

These recommendations include taking “concrete and firm precautionary measures [to] prevent indiscriminate use of force” particularly against children, and ensuring all allegations of unlawful use of force are “investigated in a transparent, timely and independent manner” and that “children and families victims of attacks and air strikes do always receive redress and compensation.” In regard to the detention of juveniles, the Committee urged the U.S. to ensure that all children under 18 are detained separately from adults and guaranteed access to free and independent legal assistance as well as an independent complaints mechanism. Importantly, considering the previous [U.S. response](#) to the Committee revealed that the average age of children detained by U.S. forces is only 16 years old and the average length of stay for juveniles in U.S. military custody has been approximately one year, the Committee recommended children be detained only “as measures of last resort and for the shortest possible period of time and that in all cases alternatives to detention are given priority.”

The Committee also stressed that allegations of torture and other forms of mistreatment must be investigated and the perpetrators brought to justice, and that no child should be transferred to Afghan custody if “there are substantial grounds for the danger of being subject to torture and ill treatment.” The Committee specifically mentioned the case of [Omar Kadr](#), a former child soldier who was detained by U.S. forces at the age of 15 and was subjected to torture and a systematic program of harsh and highly coercive interrogations at the American prisons at Guantánamo Bay and Bagram.

The U.S. government’s human rights obligations do not end with the release of a periodic report or the completion of a treaty body review. In order to give meaning to the words of the children’s rights treaty, the U.S. must work diligently to implement the Committee’s recommendations and ensure that our military forces, intelligence agents, and other government officials treat children in the war zones of Afghanistan and elsewhere in accordance with international law.

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