

CHILDREN AS COMBATANTS: REINTEGRATING CHILD SOLDIERS AND UPHOLDING THEIR RIGHTS

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Abstract:

Children who are displaced or estranged from their closed ones and their communities are more vulnerable and they are easily exposed to the recruitment by armed forces and groups. Concurrently, these same children are also highly susceptible to becoming displaced as refugees¹. This confluence of recruitment and displacement has entrapped thousands of children globally in a vicious cycle. The connections between the displacement and exploitation of children as soldiers have been inadequately explored, thereby seriously hindering attempts to address the needs of these affected children. Furthermore, the complex interplay between the protective paradigms and reintegration efforts for child combatants have mostly focused on criminal justice-centric approach emphasizing the apprehension and prosecution of individuals implicated in the recruitment and re-enlistment of children who have previously engaged in armed conflict. This strategy is underpinned by legalistic intervention and upon critical examination, it appears to be a mere symbolic than actually bringing change in the situation to stop the future recruitment of children's. This is mostly because of the multifaceted issue like social, economic and political dimensions of these children's lives. As well as these programs are short-term and often incongruous approach in understanding the root problem of the situation.

The paper delves into the intricacies of safeguarding the fundamental and human rights² of these children as well as how international law protects children from becoming combatants³. It further focuses on thwarting recruitment, demobilization, reintegration of these children with their families and the psychological issues they face⁴. It also specifically deals with girl soldiers and how most of the reintegrative programs have not taken them into consideration. Furthermore, this paper recommends for effective long-term programs which analyse the real root cause of the problem, the circumstances, conditions which surround such recruitment, the behaviour of the families and communities regarding the same and how such program should

¹ Vera Achvarina and Simon F. Reich, *No Place to Hide: Refugees, Displaced Persons, and the Recruitment of Child Soldiers*, INTERNATIONAL SECURITY, Vol. 31, 127-164, (2006).

² RHONA K.M. SMITH, INTERNATIONAL HUMAN RIGHTS LAW, Pg. 36 (Oxford University Press 2018).

³ Joseph N. Madubuike-Ekwe, *The International Legal Standards Adopted to Stop the Participation of Children in Armed Conflicts*, 11 ANN. SURVEY, 29-33, (2005).

⁴ Maria Teresa Dutli, *Captured Child Combatants*, 278, INTERNATIONAL REVIEW OF THE RED CROSS, (1990), [Captured child combatants | International Review of the Red Cross](#), (last visited Aug. 8, 2025).

be backed up by information dissemination system, informed decision-making and effective implementation to prevent children from getting associated with such armed groups.

Key Words: Child soldier, Disarmament, Demobilization, Psychosocial, International Humanitarian Law, Reintegration, Vulnerable groups, Criminal responsibility, Girl soldiers, Ex-combatants, Armed conflict.

Introduction:

The use of child soldiers in conflicts and war thriving areas have been a historical and global issue. Over recent decades, child soldiers have become more visible in the eye of the public, partly due to the increased reporting and a growing number of children involved in armed conflict. This rise has prompted legal fraternity and policy makers to aim at better protecting children from such exploitation. International law has seen a significant development in response to the growing issue of child warfare. Treaties and conventions now universally recognise a child as any person under the age of 18 and utilizing anyone under this age is a crime. Furthermore, international humanitarian law affords special protection to children extending beyond times of peace to situations of armed conflict. Despite these protections, the phenomenon of child soldiery persists, highlighting a significant failure of international community to safeguard the rights of most vulnerable.

Children in war zones are particularly vulnerable and the most significant harm inflicted on children in conflict is through their direct involvement in fighting. Children are often coerced or forced into military roles, which can include combat, but also other tasks that expose them to the danger like to carry out attacks, clear minefields, or serve as unwilling courier. Those involved in armed conflicts face severe physical and psychological harm. The trauma they endure with severe psychological stress and fear, alongside the lack of education, proper guidance can have a long-lasting negative impact on their physical and mental health and these children often carry the burden of these long-term consequences throughout their lives. Escaping this life is incredibly difficult and a child soldier who manages to survive faces the challenges of reintegrating into society. They are often ostracised by their communities and families and many find it impossible to return to their homes. This also affect their overall development and often a neglected part in the process of reintegration because of which such becomes impossible to fully integrate a child back to their environment. For proper reintegration, it is crucial to understand the underlying causes of this difficulty to effectively support these children as well as provide them with the support and mechanism allowing them to heal and rebuild their lives after a childhood stolen by war⁵.

The core issues affecting children in armed conflict are complex and interconnected. The most prominent problems are the killing and ill-treatment of children, which are widespread in the conflict zones. While the killing and mistreatment of these children involved in hostilities are frequently discussed but there is no effective implementation to stop the root cause underlying

⁵ Layne, C.M., Warren, J., Watson, P., & Shalev, A, *Risk, vulnerability, resistance, and resilience: Towards an integrative model of posttraumatic adaptation*, PTSD, 497-520, (2006).

the issue. Another major concern is the cruel some recruitment and use of children by armed groups. Once recruited these children are subjected to horrific conditions and often use as more than just fighters. Protecting children from this exploitation has proven to be an incredibly difficult task. The reason for using child soldiers is varied. Sometimes, it's due to the accessibility of weapons and the desire to build a massive fighting force. Additionally, recruiting children is often a more cost-effective option for armed groups than employing trained professional soldiers. Sexual violence against children especially girl soldiers is another serious and pervasive problem in armed conflict⁶. It has become a deliberate and calculated tactic of war, often used as a strategic tool by military forces. Another problem arises is the abduction of children and the abuse of such children in conflict zones. Abducted children are frequently exploited in various ways, including being used as human shields or held hostage heightening their vulnerability.

As the international community has established numerous laws and conventions to protect these children⁷. However, the true challenges lie in the implementation and enforcement of these legal obligations. The focus of this paper is to analyse the global legal framework to determine its strengths and weaknesses in practise. It also involves the assessing of the relevant legal instruments, but also examining the real-world obstacles to their enforcement such as demobilisation, rehabilitation challenges and the complexities of holding responsible parties accountable as well as fostering collaboration among governments, international organisations and civil societies to protect the rights of children caught in conflict and provide them with a genuine path to recovery.

Deconstructing the process of child soldier and their current state:

The global issue of child soldiers is a tragic phenomenon where young people are simultaneously perpetrators and victims of horror figure violence. While they may commit atrocities, it is essential to understand the brutal processes that transform them from children into combatants. The use of children in arm conflicts is not a modern issue. It has been recurring tactic throughout history, seen in conflicts from Post World War II Asia to Latin America and Africa. The methods used to recruit and exploit children are varied and cruel. Many are forcibly abducted and conscripted at gunpoint, while others are manipulated through psychological tactics and brainwashing as exemplified by the Khmer Rouge in Cambodia⁸ or the Mozambique's internal conflict where the rebel group aggressively conscripted children into ranks and they had to endure the rigours of living in the torment situation⁹. These children are then exploited in numerous ways, forced into roles that expose them to extreme dangers. Beyond being used as frontline fighters, they serve as spies, messenger or sent on highly

⁶ Dyan E. Mazurana, Susan A. Mckay, Khristopher C. Carlson, *Girls in Fighting Forces and Groups: Their Recruitment, Participation, Demobilization, and Reintegration*, PEACE AND CONFLICT: JOURNAL OF PEACE PSYCHOLOGY, 8, 97-123, (2002).

⁷ David M. Rosen, *Child Soldiers, International Humanitarian Law, and the Globalization of Childhood*, Vol. 109, AMERICAN ANTHROPOLOGIST, pp. 296-306, (2007).

⁸ Chiep Mony, *Former Child Soldier Describes Khmer Rouge*, KHMERNZ.BLOGSPOT, (Aug. 8, 2025, 19:30 PM), [: Former Child Soldier Describes Khmer Rouge](#).

⁹ Andre Thomashausen, *The National Resistance of Mozambique*, Vol. 14, AFRICA INSIGHT, (1983), [\(PDF\) The National Resistance of Mozambique](#).

dangerous task. Girls, in particular, face the added horror of being subjected to sexual violence and forced into roles as concubines.

A child soldier is any person under the age of 18 that serves as a cornerstone for international protection efforts, yet, the reality on the ground is far from uniform. The Cape Town Principal's clarifies the basis for definition by stating that upper age of 18 as outlined, aligns with a boundary between childhood and adulthood established in the "Convention on the Rights of the Child".¹⁰ However, the legal justification doesn't fully explain why military service should be permitted for a child and simultaneously forbidden for a 17-year-old. So, the term child ultimately applies to individuals under 18. But the key question is that, does the age of 18 in practise signify the formal shift from childhood to adulthood and how do people actually perceive the age for military involvement at local level? In many societies the boundaries of childhood and adulthood are defined using social rather than chronological terms. For instance, in Afghanistan, a girl is considered a child until she marries but a boy might not be seen as fully grown until he becomes the family head. The social definition of childhood often clashes with what is considered standard practise in many countries. Many societies view military involvement as a national part of becoming an adult, and therefore encourage many individuals under 18 to participate in military activities. In many developed nations, including the US they actively recruit high school students into military through junior reserve officer training programmes portraying military service in a prestigious and patriotic light. Some countries like US, Britain, Burundi and Canada have set the official age of enlistment at 16 with a parental or guardian permission, while Oman, Yemen and Bahrain have even lower minimum age for enlistment. In many country military services are based on indiscriminate compulsory conscription for young people.

The term "child soldier" encompasses a wide range of functions, from active combatants and spies to roles as messengers, porters, cooks, laying mines, trading, logistics and even sexual slaves. This broad involvement underscores the children's military participation is not limited to combat. And the experiences can worry dramatically from one conflict to the next.

The global humanitarian discourse based on the definition of a "child" assumes that children are vulnerable, lacking moral, physical and mental competence and therefore, categorises all child soldiers as victims. Most observers agree that this persists because children are easy to deceive and coerce, and are more easily moulded into effective and disposable combatants due to their youth and inexperience. Based on the assumption of vulnerability, child soldiers are also considered to have no real agency in their military enlistment. Even though children may voluntarily join an armed group without being conscripted or press-gagged, this form of recruitment is often too voluntarily. Children may have no option for survival than to engage in such acts. Additional children may not have the cognitive and developmental skills to fully assess the risk and decisions they face under the circumstances. Furthermore, the humanitarian discourse assumes the child soldiers are not criminally responsible and takes on the responsibility of explaining their actions. While child soldiers may have committed serious war time crimes. They are still considered to be children who have gone through devastating effects of war and need safety and protection. Children of an appropriate age should be charged with criminal responsibility and special procedures must be in place to account for their youth and

¹⁰ CAPE TOWN PRINCIPLES, [The Capetown Principles](#), (Aug. 8, 2025).

developmental stage. While those who do not qualify the maturity require appropriate measures to promote their psychological recovery and reintegrating them to their normal life. Finally, age is viewed as a universal indicator of a child's moral agency and the supposed vulnerability of children is presumed to require fundamentally different needs and approaches to the issue of culpability¹¹.

International framework for preventing Child Combatancy:

International law can be viewed as the primary branch with several smaller branches emerging from it, particularly in times of conflict. These sub-disciplines include Human Rights Law, International Humanitarian Law. A foundational document of International Human Rights Law is the Universal Declaration of Human Rights adopted on December 10, 1948. Subsequently, in 1966 the UN General Assembly adopted two treaties that further solidified this framework: The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Collectively, these documents form the core of what is often referred to as International Bill of Human Rights, which serves as a cornerstone¹².

International Humanitarian Law embodies guidance and rules aimed at minimising the harm caused by armed conflict. Its key principles include protecting non-combatants such as former combatants, prisoners of war and the wounded. A crucial element of International Humanitarian Law is the principle of distinction which requires fighters to differentiate between civilian and military targets. Additionally, the principle of proportionality mandates that combatants must take measures to prevent collateral damage and avoid targeting civilians. International Humanitarian Law remains in effect even when hostilities are ongoing and does not prohibit military action. But rather governs its conduct. Historically, the law of war was founded on customary practises but over time, we've evolved through treaties adopted at international conferences to set clear rules. International Humanitarian Law places legal constraints on states and individuals governing the conduct of armed forces, the treatment of civilians and non-combatants. While there are some not covered by treaties, the protection of civilians and the properties still upheld by the core principles of International Humanitarian Law.

The United Nations has established a Special Representative for Children and Armed Conflict created in December, 1996, is there to help defend children affected by war. It further works to facilitate the reintegration of child soldiers back to their communities. A report from the special representative published in July 2022 provided a startling crucial data on the status of child soldiers¹³. The report reveals that in 2021 alone, nearly 24,000 children were victims of recruitment, killing, maiming and abduction as a result of armed conflict. Of these over 6,300 were actively recruited to participate in hostilities. The countries with the most reported cases of child recruitment were the Democratic Republic of Congo, Syria, Somalia and Mali. Despite creating this office, there are still children continued to be recruited and used in armed conflicts

¹¹ Boothby, N., *Mobilizing Communities to meet the psychosocial needs of children in war and refugee crisis*, YALE UNIVERSITY PRESS, pp. 149-164, (1996).

¹² UNITED NATIONS HUMAN RIGHTS, [International Covenant on Civil and Political Rights | OHCHR](#), (last visited Aug. 8, 2025).

¹³ CHILDREN AND ARMED CONFLICT ANNUAL REPORT OF THE SECRETARY-GENERAL, [Children and armed conflict annual report of the Secretary-General](#), (last visited Aug. 8, 2025).

worldwide. There are 24 countries currently in focus, with nearly 3,000 children being detained as suspects of affiliation with parties to the conflict. On bright side, more than 12,200 children have been freed from the control of armed groups with the help of the United Nations. Also, there is a 20% increase in abductions and sexual violence against children. The number of kids living in conflict zones have been doubled since from 1990 over 200 million to 400 million by 2017. Most of the children reside in Asia and over 150 million are in Africa. Additionally, about 40% of children living in the Middle East are in conflict zones.

Armed conflicts are classified into two main categories: International armed conflicts are non-international armed conflicts. The first step involves two or more states, while the second occurs within a single state, typically between the government and an insurgent group. International law governs both types of conflict. The Geneva Conventions and their additional protocols establish the rules of warfare. The first Geneva Convention protects the wounded and sick on land, the second extends this protection to the wounded, sick and shipwrecked at sea. The third is about the treatment of prisoners of war and the fourth focuses on civilians' safety. Regarding the Additional protocols, additional protocol 1 addresses International armed conflicts. In contrast, additional protocol 2 and 3 deal with non-international conflicts. The legal principle of *Lex specialis derogate lex generali* (specific law overrides general law) regulates warfare. This principle allows for a specific law such as International Humanitarian Law, to take precedence over a general law such as Human Rights Law during armed conflict. For instance, the right to life is a core principle of human rights. However, in times of war, international humanitarian law authorises a state to temporarily suspend or derogate from this provision. While International Humanitarian Law is considered the special law that takes precedence over human rights law, it does not nullify a state's obligation to adhere to international human rights law, wherever they can remain applicable.

The Convention on the Rights of the Child (CRC) was adopted through a UN General Assembly resolution on December 10, 1959. This document recognises that children due to their physical and mental immaturity requires special safeguards and care, including appropriate legal protection and these protections were based on the Universal Declaration of Human Rights. It was officially adopted on November 20, 1989 and came into force on September 2, 1990. The CRC not only defines the rights of children in conflict, but also provides a legal framework for their childhood. The countries who are signatory are expected to follow international humanitarian law when it comes to children especially those who come under 15 affected by armed conflict. The CRC specifically in Article 38 calls out the issue of child soldiers urging states to refrain from recruiting or using children under the age of 15. This provision challenges the idea that children up to 18 should be considered child soldiers as it acknowledges a state's right to recruit or conscript children between the ages of 15 and 18. Where the CRC draws this distinction, it mandates that International Humanitarian Law applies to how such children are treated. The Optional Protocol on the Involvement of Children in Armed Conflict is a supplemented treaty to the CRC¹⁴. The specific measures under this are to protect children from being recruited and used in armed conflicts. It requires all signatory states

¹⁴ OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict – Office of the Special Representative of the Secretary-General for Children and Armed Conflict](#), (last visited Aug. 8, 2025).

to take every possible precaution to ensure that individuals under the age of 18 do not directly participate in hostilities. It prohibits post and compulsory enlistment, but it permits voluntarily enlistment for children under age of 18. Parents or legal guardians' consent and the individual must be fully informed of their duties. And it also explicitly mentions that children must be at least 16 to volunteer, or if they wish to enlist, they can do so voluntarily to the CRC with states that recruiting children under 15 is prohibited. However, in many conflicts affected areas, these conditions are difficult to meet as records may be lost because of the displacement, or a lack of government infrastructure. While the principal outlined in these conventions are noble, the reality of conflict and post conflict conditions often make it impossible for states to fully comply with this mandate. It is a difficult task because of lack of infrastructure, dysfunctional government and the inability to provide social services to address the physical, emotional and economic needs of these children¹⁵.

The Cape Town Principles:

In 1997, a symposium was organised in Cape Town, South Africa by the NGO working group on the Convention on the Rights of the Child and the United Nations Children's Fund. The purpose was to address child soldiers and create strategies to prevent such pressing issues. Outcome was that the Cape Town Principles and best practises, which served as temporary supplement to the CRC and its optional protocol. The principal urged governments to ratify the optional protocol, which was still in development at the time. It also called for a minimum age of 18 years for any person participating in hostilities and for recruitment in all forms into armed force.

The African Charter on the Rights and Welfare of the Child:

The African Charter, which is inspired by CRC, is the only legally binding treaty that deals exclusively with children's rights under International Humanitarian Law. It also provides greater protection to individuals under the age of 18 than CRC. Adopted by African Union and effective since November 1999 the Charter defines a child as anyone under the age of eighteen. It also requires states to prioritise the best interest of the child in all actions. Article 22 of the charter outlines three main duties of signatory states: that states must respect the rules of International Humanitarian Laws that apply to children in armed conflict. It prevents state and makes sure that all necessary measures are taken to ensure that no children participate directly in hostilities and no recruitment of children are done. It also takes feasible measures to ensure the proper care and protection of children affected by armed conflict.

The International Criminal Court owes its existence from the Rome statute, a very powerful legal instrument that is ratified by 123 states. Conceived as a court of last resort the ICC exist to fulfil a profound humanistic purpose that is to provide justice for victims when national system fails. The Courts authority is not meant to override sovereign states, but to step in only when a court is unwilling or genuinely unavailable to bring perpetrators of the most heinous crimes to justice. The ICC is mandatory to prosecute individuals for most severe crimes of

¹⁵ Janel B. Galvanek & Yvonne Kemper, *Testing the Paradigms of Humanitarian Dialogue with Non-State Armed Groups: The Unique Challenges of Ending the Use of Child Soldiers*, Vol.31, SCHERHEIT UND FRIEDEN, 28-35, (2013).

international concerns. The court is presently overseeing a significant docket of cases which are related to war crimes and against humanity and this is the testament to the ongoing need for a global mechanism to combat impunity.

The establishment of the Special Court for Sierra Leone¹⁶, a collaborative effort between the Sierra Leone and the UN, marked a new era where the court addressed the most profound injustices of the country's civil war. This court was uniquely important because it brought justice home by conducting trials in Sierra Leone which provided justice and held the perpetrators accountable for the victims. It was sought holding the former Liberian President Charles Taylor for exploiting and using children as soldiers. The endeavour was further solidified by the formation of a Truth and Reconciliation Commission, a crucial step in healing the traumatised nation. And bringing global attention to the exploitation of children in armed conflict¹⁷.

The establishment of the extraordinary chambers in the courts of Cambodia which was a joint initiative between the Cambodian government and the United Nations Represents a novel approach to prosecuting individuals for grave violations of humanitarian and criminal law during the Khmer Rouge era¹⁸. The court's successful prosecution of leader Nuon Chea for his involvement in child soldier recruitment and other heinous crimes. This demonstrates the potential of such specialised courts to provide closure to the victims and advance the principles of international law.

There are significant problems, which are faced by these courts and that is the scarcity of both financial and human resources which often results in under resourced institutions leading to procedural delays. A major obstacle can be said the risk of political influence as these tribunals frequently rely on external funding or political backing from a specific government or coalition of governments compromising their judicial independence. Furthermore, the capacity of the court to engage in domestic legal systems is a complex problem, as they may face difficulty in executing arrests, gathering evidence and securing credible testimony. Finally, the question of legitimacy arises as often the local populace perceiving it as illegitimate particularly if they are viewed as instruments of foreign power or if the judicial process fails to deliver justice in a transparent manner.

Criminal responsibility of child combatants:

International law has set a minimum age for recruitment and use of children in armed conflict. But there is no universal minimum age for a child to be held criminally responsible for crimes committed during a conflict. This is because there is a need to balance accountability with the understanding that the child involved in legal proceedings may be too young to comprehend the process. The Rome statute excludes individuals under the age of 18 at the time of offence from his jurisdiction. Article 30 of the CRC urges states to establish a minimum age of responsibility. However, the definition of child often worries with some defining a child as

¹⁶ Myriam Denov, *Coping with the trauma of war: Former Child Soldiers in post-conflict Sierra Leone*, 53 INT. SOC. WORK 791-806, (2010).

¹⁷ Norimitsu Onishi, *Children of War in Sierra Leone Try to Start Over*, N.Y. TIMES, (Aug. 8, 21:13 PM), [Children of War in Sierra Leone Try to Start Over - The New York Times](#).

¹⁸ MCKAY, SUSAN, MAZURANA, DYAN E, *Where are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives and after War* 123 (2004).

anyone under age 18 while other legal instruments define it at the age of majority earlier. The specific age limit depends and is a direct reflection of each country's unique legal, economic, social and political systems. The first problem arises that there is general international minimum age for criminal responsibility, but its application depends on state's domestic law and the determination of the child's maturity, which can lead to subjective assessment by the court when deciding whether to hold the child soldier liable with the crime or not. Second, the biggest challenge is determining a child's age situation is where birth records and other forms of identification are scarce or non-existent which in force return to subjective and imprecise methods for deciding on criminal responsibility¹⁹. Further holding child soldiers criminally accountable presents a number of ethical dilemmas as well. Human rights organisations have argued against prosecuting children under 18 suggesting that rehabilitation is a more appropriate approach and such children are often compelled to join the military through coercion, threats as they are themselves victims of war. It is deemed that the ideal solution would be a restorative justice model, where prosecution is guided by the principle of rehabilitation of these children. This means that, while prosecution may still occur, it would be a last resort and any punishment would be tailored to the child's circumstances surrounding him/her and maturity level²⁰.

Girl Combatants:

Child soldiers often experience long term emotional numbing and a desensitisation to violence. As both victims and perpetrators of atrocities such as murder, rape, torture and destruction of homes etc. Following the experience, many of these children suffer from post-traumatic stress disorder marked by feelings of fear, helplessness, guilt. Even after being rescued and reintegrated into society, their lack of education, vocational skills often leave them unemployed. A significant hurdle for former child soldiers is a social stigma they face upon returning home. This social isolation, coupled with family members and neighbours fearing retaliation, can leave them feeling valueless and anxious. But a greater problem is faced by female child soldiers. They have to perform additional burdensome task. Receive less food and health care, are more vulnerable to physical and psychological abuse because of their gender. Within these groups they are also recruited because girls are often considered less of a threat and less likely to engage in such activities, making them seem a safer choice for recruitment. The risk of exploitation remains high in girl soldiers²¹. After leaving armed groups or getting rescued, girls require extensive medical and psychosocial care. Those who have experienced sexual violence, abuse and exploitation are particularly in need of support. The stigma faced by girls who were part of armed forces is often more severe than faced by boys because the families hesitate to reclaim their children²².

¹⁹ Lakmini Seneviratne, *Accountability of Child Soldiers: Blame Misplaced?*, 20 SRI LANKA J. INT. L. (2008), [Vol20-2-2.pdf](#)

²⁰ Megan Nobert, *Children at War: The Criminal Responsibility of Child Soldiers*, 3 PACE INT'L. REV. ONLINE COMPANION 1-39 (2011), [Children at War: The Criminal Responsibility of Child Soldiers](#).

²¹ Augustine S.J. Park, 'Other Inhuman Acts: Forced Marriage, Girl Soldiers, and the Special Court for Sierra Leone', Vol. 15 SOCIAL & LEGAL STUDIES, 315-337 (2006).

²² Milfrid Tonheim, *Who will Comfort Me? Stigmatization of Girls Formerly Associated with Armed Forces and Groups in Eastern Congo*, 16 INTERNATIONAL JOURNAL OF HUMAN RIGHTS, 278-297 (2014).

Prevention from Recruitment:

The prevention of child recruitment and re-recruitment must be a continuous effort throughout any conflict. Effective programme should be based on a thorough analysis of the factors that drive recruitment and should include an advocacy strategy targeting all levels of government. While it's a difficult task, prevention can and should be implemented even during an ongoing conflict and extend beyond traditional disarmament demobilisation and reintegration processes. There are various certain emergencies that create favourable conditions for child recruitment such as displacement, the breakdown of families and structures, the loss of values. Other factors can be like weak governance, the lack of accountability factor, unlimited access to basic social services also contribute in furthering this causes²³. Creating a protective environment for preventing recruitment means establishing a framework that allows for development of activities to prevent violence and safeguard children from being recruited. This includes forming community-based protection networks for care and defence of children's and recruitment is rarely a very sudden event. It starts with children joining it to get food or shelter, but they can eventually be drawn into military life, taking on more responsibilities. A broader framework is also necessary to tackle the issue like providing with education, other essential developmental youth activities, food security, and all the important aspects of a holistic approach that will refrain any child from joining the armed groups voluntarily. Working with different national and local policy makers is also a key component of this effort. Building the capacity of local associations and creating relationships with organisations like an accompanied children and street or working children are important steps. Additionally, grassroots level prevention measures that can be taken are by educating the families about the risk of recruitment, encouraging community and leaders to prevent child recruitment and secure the release of the children.

Demobilization:

Demobilisation is the initial stage of transitioning from being a part of an armed group or military force to re-entering civilian life. This process involves the former release of child soldiers' reception by civilian authorities and their initial return to home or to temporary community-based arrangements. Demobilisation is not a simple process. It's filled with challenges like child fear, abuse and uncertainty about the future. Poor communication can misinform a child and make them distrustful, especially when they are promised unrealistic things. Demobilisation serves as two purposes, which are to avoid future abuse and exploitation of children and prepares children for reintegration programmes. This disarmament means that a child should be ideally disarmed by a military authority, rather than a child protection agency. There should be no requirement for children to prove the ability to use a weapon. Eligibility for demobilisation should not be based on whether a child has physically handled a weapon, but rather on the association with armed forces or groups. After demobilisation children should be supported through a formal process to surrender their weapons and ammunition. They must be provided with immediate support and whenever possible should be identified before arriving, so that the needs can be addressed promptly. There should be security systems that

²³ Robert Tynes and Brain R. Early, *"Governments, Rebels, and the Use of Child Soldiers in Internal Armed Conflict: A Global Analysis*, 21 PEACE ECONOMICS, PEACE SCIENCE AND PUBLIC POLICY, 79-110 (2015).

prevents adults from accessing children, particularly girls. Assembly areas or cantonment sites for girls should be located far from conflict zones to ensure their safety and prevent them from being recruited again²⁴.

Moving from a military towards civil life can be very difficult process for children. Even if a child found a sense of purpose and a clear role within an armed group, they may still struggle with the transition²⁵. So, it is crucial to dedicate time for finding and verifying the child's family. The community must also be prepared to receive the child back and involve a sensitization to the child's situation, ensuring a supportive environment. And there should be sufficient time allocated for creating a very comprehensive and detailed plan for the child's reintegration. Agencies must work quickly and clearly to separate the children from adult combatants. The process should include removing military symbols such as uniforms or clothing, and providing civilian documents like identity papers. For children, especially girls who may be unfamiliar with life outside of the military. A new identity can be difficult to grasp so children should get immediately assurance and information about the opportunities, benefits and requirements of the process to reintegrate into the society. Information about a child's identification their recruitment process should be collected and stored securely as far as possible. And there should be strict confidentiality rules involved in the data collection to protect the child. The information gathered should be exclusively used for counselling and family tracing purposes, carried out by specialised agencies with the child actively participating in the process. Family tracing process should begin as early as possible and the process should involve thorough assessment of circumstances arising. It's crucial to not create discomfort for the child and also provide a supportive place, especially if their families were involved in the fighting. Reunification is not a simple matter of returning a child, but it requires rituals of reconciliation with people who may be alienated from the family. Children's need to be assured that their families want them back, and they are willing to accept them as they are. Sometimes even family reunification is not the safest option so in that particular circumstances the child should be reunited with their extended families or another trusted adult who can provide them comfortable environment for the child's holistic development. It is also important that if a child is interviewed, their war experiences should never be sensationalised during media or public interviews. It is better approach that the focus of interview should be on family reunification, psychological support and the child's needs regarding reintegration.

Reintegration and Psychosocial healing:

Reintegration is a long-term process that is specifically designed to provide child soldiers with the necessary support to return to civilian life. The support provided to a child through the programme should consider the child's inform decisions and the length of the time they spend in an armed group. Reintegration programme should not be seen as an alternative process of disarmament and demobilisation but they are a continuation process.

Child soldiers are often portrayed as irredeemable individuals who have lost their moral compass or are beyond rehabilitation. These narratives often depict them as hardened criminals

²⁴ Jason Hart, *Displaced Childrens' Participation in Political Violence: Towards greater understanding of Mobilization*, 8 CONFLICT, SECURITY & DEVELOPMENT, 277-293 (2008).

²⁵ Astri Halsan Hoiskar, *Under Age and Under Fire: An enquiry into the use of Child Soldiers 1994-8*, VOL. 8 (3) CHILDHOOD, 340-360 (2001), [510 hoiskar 2001 under age und.pdf](#).

and a lost generation. But child soldiers are strong and can be reintegrated if they are provided assistance in a timely manner. There is a profound psychological and social trauma experience by these children's. The impacts of war on them are severe and lasting, resulting in deep seated memories and emotional scars. These children are often witnessed or been subjected to horrific acts. In Sierra Leone they were forced to commit atrocities against their own communities, which irrevocably shattered their bonds of trust with primary and support systems like family and friends²⁶.

Upon returning to their communities, many children face significant psychological challenges, and they face immense fear of rejection. Psychologist note that children who have experienced such combat often suffer from post-traumatic stress disorder which can lead to vivid flashbacks and nightmares that replay traumatic events²⁷. Additionally, they may exhibit heightened stress responses and contribute to self-regulation problems such as aggression and depression. The fear is also not stem from the trauma of being a part of such conflict but from the atrocities they were forced to commit. This phenomenon is new, and communities are unprepared to handle it, leading to high incidence of reprisal attacks. Case from Angola which illustrated a very different psychological perspective about a young boy's inability to sleep because the boy believed that his sleep disturbance was caused by the spirit of the person he had killed and his belief was that if he returned to home, he would bring this bad spirit with him, causing misfortune and hardship for his family and community.

Psychosocial support should focus on helping children develop new behaviours, help them articulate the feelings and fears, improve their self-esteem and build their capacity to make future decisions²⁸. They need support from adults and communities to cope with the stress of war. When children are more supported, their reintegration is more likely to be successful. For effective reintegration there should be positive adult role models, a sense of solidarity with other children and opportunities to be useful and responsible within the communities. Psychosocial reintegration is a very comprehensive process that goes beyond an individual therapy, including support from families, communities, schools and youth groups. Activities like healing, reconciliation, vocational training, apprenticeships and other forms of learning are also essentials. A high level of education increases a child's chances of successful reintegration. Therefore, it's important to encourage children to return to school or pursue educational opportunities or there should be a short-term support programmes to help children catch up on lost learning and prepare for former schooling. There should be training programmes that are designed to give them the tools to earn a living. It's very much important to remember that not all children with armed forces have had the same experiences. And the differences between children of all ages who joined voluntarily, or who are forced to join are different. Therefore, a professional and effective educational training should be prepared for the future which stops the child from falling back into hands of the armed groups. Children also need to transition

²⁶ William R. Thompson, *The Consequences of War*, VOL. 19 INTERNATIONAL INTERACTIONS, 125-147 (2008).

²⁷ Theresa S Betancourt, Ivelina Borisova, Timothy P Williams, Sarah E Meyers-Ohki, Julia E Rubin-Smith, Jeannie Annan, Brandon A Kohrt, *Psychosocial adjustment and mental health in former child soldiers—systematic review of the literature and recommendations for future research*, 54 J CHILD PSYCHOL PSYCHIATRY, 17-36 (2013).

²⁸ Tedeschi RG, Calhoun, *Posttraumatic Growth: Conceptual Foundations and Empirical Evidence*, 15 PSYCHOL INQ, 1-18 (2004) ([PDF](#)) [Tedeschi RG, Calhoun LG Posttraumatic growth: conceptual foundations and empirical evidence. Psychol Inq 15\(1\): 1-18.](#)

from a military mindset to a civilian one and to do this there should be skills training that can develop an understanding in the child about their responsibilities as good citizens²⁹.

The communities must be prepared to receive returning children through awareness, education and special attention for girls are important components of this process as well as the focus of community demobilisation should be less on logistics and more on the psychosocial healing and support needed for post conflict recovery. Staff working with child soldiers must be trained to help them develop skills for family mediation and community reintegration. Special attention should also be paid to misinformation and rumours circulating about returning children, especially regarding sexually transmitted diseases like HIV/AIDS. For children who are living independently or with non-related individuals, or who have children of their own, their situation must be proactively addressed in the reintegration programmes.

In the context of international law, there are various instruments that mandates states to protect children from armed conflicts. For instance, the preamble of the Convention on the Rights of the Child emphasises the duty of state to provide special protection for children. The CRC mandates that states take appropriate actions to promote and provide assistance and care for physical and psychological recovery and reintegration of child victims back to the society. This protection extends to children who have been victims of exploitation, ill-treatment, torment or other forms of brutal treatment related to armed conflicts. This recovery must occur in an environment which promotes child's welfare.

The CRC's Article 39 use of the term "appropriate" which remains notably ambiguous, as it does not specify as to what constitutes a suitable environment. This leaves a significant interpretative gap, particularly concerning the nature of an environment that fosters a child's health, self-respect, and dignity especially in regions devastated by armed conflict. The question arises whether such an environment is a contained peaceful facility, like a hospital or orphanage, or if it can be an entire community where the former child soldier can move freely and without restriction. The Optional Protocol on the Involvement of Children in Armed Conflict imposes a primary obligation on state parties to ensure that children do not take part in the conflict. It prohibits the compulsory recruitment of individuals under the age of 18 and also stipulates that states must demobilise or release all individuals who have been recruited or utilised in a manner that contravenes the Protocol and such individuals are entitled to receive all appropriate care and assistance for physical and psychological recovery and for the effective reintegration. Article 6 of the optional protocol also further mentions that state parties to provide assistance for the demobilisation, reintegration and physical and psychological rehabilitation of child soldiers. This is aimed at helping children who have been victimised by armed groups.

The problem arises to effectively implement this protocol is firstly because of the ambiguous nature of the word "appropriate assistance." This lack of clear standard raises concerns about the implementation of the protocol, especially regarding long term monitoring. Governments might not fully commit to the obligations and there is a lasting psychological and physical

²⁹ Milla Emilia Vaha, *Victims or Perpetrators? Adolescent Child Soldiers and the Vacuum of Responsibility*, 15 INTERNATIONAL STUDIES ASSOCIATION ANNUAL CONVENTION, (2009).

trauma experience by child soldiers³⁰. This trauma, including post-traumatic stress disorder and other related illnesses, can persist for many years after their combat experience³¹.

A secondary point of contention is Article 11 which permits states parties to denounce the protocol. And this provision states that such a denunciation takes after one year, after the secretary general of the United Nations is notified. However, a crucial exception is made: if a party is involved in an armed conflict. The denunciation is not valid until after the conflict ends. This grants the state degree of freedom to bypass its duties while a conflict is ongoing.

There are various NGOs³² that work for rehabilitation of former child soldiers. One such program is “Future Guardians of Peace” which teaches former child soldiers’ photography. This photo-based project aims to build relationships with the community which helps with rehabilitation and healing. Another organisation named as “Friends of Orphans” operates in Northern Uganda and was founded by a former child soldier. This organisation’s unique value lies in the fact that many of its staffs are former child soldiers themselves. They form a place of healing for such children by giving them assistance and form bonds with their counsellors who understand their lived experiences. And the counsellors themselves find peace by helping those in the care.

Conclusion:

The issue of children involved in armed conflict is a profoundly complex and devastating global problem, impacting millions of young people. These children are frequently coerced into roles as soldiers, spies, and are subjected to horrific violence, abuse and trauma that leave them with severe and lasting physical, emotional and psychological scars. It is vital to recognise that children are not merely passive victims of armed conflict, but can be agents of change themselves. By actively involving them and listening to their perspective during decision making processes we can build a better future for all children affected by these conflicts. They are often compelled to abandon their homes, communities leading to separation from their loved ones. They may also suffer from malnutrition, lack of health care and education and other opportunities³³.

The United Nations has made substantial strides in addressing this issue through various mechanisms³⁴. These include establishing the office of the Special Representative for Children and Armed Conflict created in December, 1996 to advocate and protect the rights of children affected by war. While these efforts represent significant progress, a great deal must be done to ensure all children are shielded from the destructed effects of war. Governments, International organisations and civil society must intensify their efforts to prevent the recruitment and use of

³⁰ Rhoda E. Howard and Jack Donnelly, *Human Dignity, Human Rights, and Political Regimes*, VOL.80 THE AMERICAN POLITICAL SCIENCE REVIEW, 801-817 (1986).

³¹ Steven C. Poe and C. Neal Tate, *Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis*, VOL.88 THE AMERICAN POLITICAL SCIENCE REVIEW, 853-872 (1994).

³² BRETT, RACHEL, ARMED AND DANGEROUS- CHILD SOLDIERS-IN THE FIRING LINE: WAR AND CHILDREN’S RIGHTS, pp. 55-68 (1999).

³³ Elizabeth J. Letourneau, Luciana C Assini-Meytin, *Mapping the unseen: global prevalence of childhood sexual violence*, VOL. 405 THE LANCET, 1792-1793 (2025).

³⁴ David M. Rosen, *Child Soldiers, International Humanitarian Law, and the Globalization of Childhood*, VOL. 109 AMERICAN ANTHROPOLOGIST, pp. 293-306 (2007).

children in armed conflict, to address the structural factors that contribute to conflict and build inclusive democratic and equitable societies that prioritise the rights and well-being of all children. One of the significant obstacles in effectively addressing children involved in armed conflict is due to the scarcity of reliable data and information. Many conflicts occur in remote or inaccessible areas, making it difficult to collect accurate data on the number of children affected. To overcome this, it is crucial to fortify monitoring and reporting systems that can collect and analyse data on the impact of armed conflict on children and collaborating with local communities, civil society organisations and other stakeholders to document violations and support the creation of consistent and dependable data collection system. The most important approach which can be taken for effective implementation can be engaging retired diplomats and non-governmental organisations in second track diplomacy. These efforts which do not involve direct political pressure on states aim to define an assert a set of demands and mechanism for demobilisation of child soldiers. And this approach, in particularly, is valuable for engaging states that may be hesitant to become involved in a more formal political process. Prioritisation should also be given to the protection of unaccompanied or separated children with specialised accommodation and safeguards tailored to those at high risk of recruitment. Govts, organisations and international bodies like the United Nations Security Council should condemn child recruitment and inform both political and military leaders of the need to protect all children from recruitment. National governments ought to ratify and operationalise the Optional Protocol to the Convention on the Rights of the Child concerning the participation of minors in armed conflicts. They must also rigorously enforce the stipulations of this protocol pertaining to the minimum age for recruitment, as well as processes for demobilisation and reintegration³⁵.

There is a major issue in determining the child soldiers and their criminal responsibility for war crimes is from the factor that international law defines a child as anyone under the age of 18. However, it can be extremely difficult to determine the exact age of child soldiers, especially in regions with weak or non-existent birth registration systems. This can lead to situations where children over 15 but under 18 are recruited as soldiers, which raises complex questions about their culpability and accountability for war crimes. It is also crucial to consider that these children may have been subjected to coercion threats and other forms of abuse which can compromise their decision-making abilities. So, in such circumstances, it is challenging to make them responsible for such actions and also, it is important to consider the psychological and physical consequences of armed conflict on a child. The psychological toll of war on a child is profound as a majority of children exposed to conflict have witnessed and participated in acts of violence, often leading to constant fear for their own life. This reality, compared with first-hand accounts from child soldiers, underscores the deeply damaging psychological and physical impact of war³⁶.

³⁵ Tonderai W. Chikuhwa, *Evolution of the United Nations Protection agenda for children affected by armed conflict: towards an 'era of application' of international standards*, UNIVERSITY OF PITTSBURGH PRESS, 37-51 (2010), [THE CHILD SOLDIERS INITIATIVE](#).

³⁶ Theresa Stichick Betancourt, Kashif T Khan, *The mental health of Children affected by armed conflict: protective processes and pathways to resilience*, VOL. 20 INTERNATIONAL REVIEW OF PSYCHIATRY, 317-328 (2008).

The implementation of laws concerning child soldiers often face as a significant credibility gap. While the ratification of international instruments is intended to protect children from such circumstances it is often mere symbolic condemnation of the use, rather than meaningful action. The actual implementation of these laws at the municipal level often falls short, and the fact that there is not always a strong correlation between international law and its enforcement highlights the need for further measure to mitigate the harm inflicted upon a child. It is apparently clear that the current legal framework for child soldiers does not adequately protect the child or serve their best interests³⁷. The persistent efforts of NGOs and other organisations to advocate for stronger implementation of International Humanitarian Law is commendable. Yet their efforts have so far been unable to remedy the situation. It is important to not waste time in endless debates over policies, mechanism or legal amendments, but a call for action should be made to improve the situation. The sooner the international community can find the resolve to stand up to these aggressors in a way that captures global attention the sooner we will see children freed from the clutches of the war and armed conflicts.

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