



## DANGEROUS CHILDHOOD: THE ISSUE OF CHILD SOLDIERS WITH SPECIAL REFERENCE TO ARMED CONFLICT

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### ABSTRACT

*I killed two informers in Medellín. They were aged thirty-eight and forty-two. I was not afraid to kill them because I had already been in combat. Our collaborators had seen them talking to paramilitaries. I had their address and went to their house. There were two of us, but I was the one who had to do the killing. It was a test for me. I was thirteen. It was the same year that I joined the FARC-EP. After doing it, I felt really big, like a real killer (matón). But sometimes when I thought about it, I felt sad, and I wanted to cry.*

*Milton (pseudonym for a Colombian boy, age 13)<sup>3</sup>*

*“Whereas mankind owes to the child the best it has to give....”<sup>4</sup>*

*The use of child soldiers is one of the most distressing elements of contemporary armed conflict, raising significant ethical, legal, and humanitarian issues. This paper delves into the complex problem of child soldiers, examining the reasons behind their recruitment, the roles they play in conflicts, and the long-term repercussions of their involvement. “Child soldiers” refers to individuals under eighteen who are enlisted or utilized by armed groups, including government forces, rebel factions, and other non-state actors. These children are often forcibly conscripted or coerced into joining and are thrust into the harsh realities of warfare, serving as combatants, spies, messengers, or in other support roles.*

*The recruitment of child soldiers is influenced by various socio-economic factors, such as poverty, inadequate education, and the breakdown of social structures due to conflict. Armed groups exploit these vulnerabilities, preferring children because they are more easily manipulated and less likely to question orders. The use of children in combat reflects a broader strategy that flouts international legal norms and humanitarian principles. The consequences for these children are severe, including physical and*

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<sup>3</sup> “You’ll Learn Not to Cry”: Child Combatants in Colombia, Human Rights Watch, 18 September 2003.

<sup>4</sup> Preamble, UN Declaration of the rights of the child, General Assembly Resolution 1386, 20 November 1959.

*psychological trauma, loss of family, and disruption of their development. These impacts extend beyond the individual, affecting entire communities and perpetuating cycles of violence and instability. This paper also reviews international legal frameworks aimed at preventing the recruitment and use of child soldiers, such as the United Nations Convention on the Rights of the Child (CRC) and its Optional Protocol on the Involvement of Children in Armed Conflict (OPAC). Despite these legal protections, enforcement is inconsistent, and many areas continue to witness the exploitation of children in warfare.*

*Through case studies from various conflict zones, this study provides a comparative analysis of the effectiveness of international interventions and reintegration programs designed to rehabilitate former child soldiers. The paper concludes with recommendations to enhance global efforts in protecting children from armed conflicts and improving reintegration strategies to help former child soldiers rebuild their lives. Addressing the issue of child soldiers requires a unified international response, focusing on both preventive measures and comprehensive post-conflict rehabilitation to ensure a future free from the scourge of child soldiers.*

**KEYWORDS:** *Child Rights, Armed Conflict, Marginalisation, International Humanitarian Law, Vulnerabilities.*

## **INTRODUCTION**

International organizations and media outlets have voiced significant concern over the global issue of child soldiers. According to various NGOs, armed groups in over 85 countries have recruited more than 500,000 minors under the age of eighteen, including both state-affiliated and non-state actors. Alarming, approximately 300,000 of these children are actively participating in combat, whether as soldiers or members of armed opposition groups. Despite the international community's long-standing awareness of this issue, a lasting solution remains out of reach. Nevertheless, the global community has made progress in establishing international legal frameworks that offer guidelines and directives, primarily for state parties, to protect minors involved in armed conflicts. This study explores how international humanitarian law and human rights treaties address the protection of child soldiers. It provides a detailed analysis of key provisions that prohibit the recruitment of minors, drawing on academic perspectives, NGO statements, and reports from global organizations.

These existing legal obligations should be viewed as a critical foundation for addressing the urgent problem of child soldiers. Significant advances have been made in shaping legal norms, particularly through the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, alongside other international human rights laws, though challenges remain. The recruitment and use of children as active participants in violent conflicts is especially troubling. Governments and non-state

actors enlist children, often through coercion, challenging the idea that war impacts only civilians. The recruitment of child soldiers for conflicts aimed at achieving self-determination or national liberation further complicates this issue.

The problem of child soldiers is not a new one. From World War II, where children were involved in groups such as the Hitler Youth, to present-day conflicts, children have played significant roles in armed conflicts, both as combatants and as civilians. Child soldiers are often involved in violent crimes, including forced displacement, rape, torture, and even fatalities. They may also witness or become victims of these atrocities. As noted in the 1999 book *New and Old Wars: Organized Violence in a Global Era*<sup>5</sup>, most modern conflicts stem from domestic rather than international disputes, blurring the lines between organized crime, conflict, and severe human rights violations.

Child Soldiers International notes that despite international agreements established since the 1970s to curb children's involvement in armed conflicts, the practice of using child soldiers persists. Former UN Secretary-General Ban Ki-moon has expressed concern over the growing role of non-state actors in the recruitment of children and the continued use of child soldiers, especially in Africa. Regrettably, the current legal frameworks and practices fail to address the realities faced on the ground fully. <sup>6</sup>Despite the increasing presence of young soldiers in international conflicts, the terms "child" and "soldier" are rarely paired together. Yet, children are frequently deployed in conflicts across the globe. Estimates indicate that between 250,000 and 300,000 minors are currently involved in military operations worldwide. This issue is deeply connected to the origins and nature of modern warfare, especially in post-colonial contexts, and raises significant ethical concerns for the global community. The primary focus of this research is to explore the political, social, economic, military, environmental, religious, ethnic, and psychological factors that make the use of child soldiers—particularly in what is often called the "Kalashnikov age"—a more cost-effective and efficient strategy compared to deploying adults.

A child soldier is defined as any individual under the age of eighteen who has been recruited into the armed forces or used in any capacity by an armed group. This includes both boys and girls who serve as combatants, cooks, porters, messengers, spies, or for sexual purposes. The term applies to all minors involved, not just those directly engaged in combat.<sup>7</sup>

Currently, over thirty countries around the globe continue to employ child soldiers. These nations include Afghanistan, Burma, Burundi, the Democratic Republic of Congo, Chad, the Central African Republic, the Philippines, Somalia, Sudan, South Sudan, Thailand, Yemen, Uganda, Sierra Leone, Iraq, India, Indonesia, Israel, Ethiopia, Liberia, Rwanda, the Chechen Republic, Colombia, Cambodia, Sri Lanka, Mozambique, Mexico, Honduras, Peru, and Myanmar. The widespread use of child soldiers in intrastate armed conflicts

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<sup>5</sup> Ary Kaldor, *New and Old Wars*, Stanford University Press, 2012, <https://www.sup.org/books/title/?id=23193>.

<sup>6</sup> Child Soldiers International. (2015). Who are child soldiers?

<sup>7</sup> Mulira, Dorcas B., "International Legal Standards Governing the Use of Child Soldiers" (2007). LLM Theses and Essays. 88. [https://digitalcommons.law.uga.edu/stu\\_llm/88](https://digitalcommons.law.uga.edu/stu_llm/88)

has raised serious concerns among public and international organizations. Data indicates that the number of child soldiers has risen significantly over the past decade, and this troubling trend is expected to continue. Historically, children have been involved in military operations across different cultures, even in situations that defy social norms. For example, during World War I, the British Army recruited 250,000 minors under the age of eighteen. Similarly, young men were enlisted by the Warsaw Uprising, the Soviet Army, and Jewish resistance groups during World War II.

Despite multiple international agreements established since the 1970s to prevent the involvement of children in armed conflicts, Child Soldiers International reports that children are still being exploited as child soldiers and actively participating in conflicts. This persistent issue highlights the significant gap between existing legal norms and the harsh realities faced by child soldiers worldwide.

## **IMPORTANCE OF STUDY**

In today's world, many children are subjected to horrific abuse, sold into slavery, and forced to become child soldiers. These children face unimaginable tragedies that rob them of their innocence and childhood. Growing up in environments marked by death and violence, they have little to no memory of life before these horrors or of a functional society. If they manage to escape or are released, they often return to communities that are filled with fear and rejection. Although the issue of child soldiers is gaining more recognition, systematic research on the topic has lagged behind the growing public concern. Much of the available literature is authored by activists rather than scholars, leading to common issues such as overgeneralization, disorganized analysis, and a lack of specificity.

In the Middle East, there have been numerous severe human rights violations, and in recent years, countries like Syria, Iraq, Israel, Palestine, and Yemen have increasingly recruited young people as soldiers. This paper aims to provide a case study focusing on Israel and Syria.

## **THE PROBLEMATIC DEFINITION OF THE PROBLEM**

Many people initially question why children would be trained as fighters instead of using teenagers for combat. Understanding the issue of child soldiering helps clarify these concerns. While the terms "child" and "soldier" may seem simple on their own, their combination creates a troubling and harmful concept in the context of modern warfare. Although the use of children in battle is not new in human history, the contemporary phenomenon of child soldiers is closely tied to ongoing conflicts. Unlike in the past, the structured deployment of child soldiers has not been widely seen in recent times.

International humanitarian law and the United Nations Convention on the Rights of the Child mandate that individuals must be at least fifteen years old to enlist in the military or participate in armed conflicts.<sup>8</sup> Moreover, the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict prohibits governments and armed groups from recruiting individuals under the

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<sup>8</sup> Article 7, para 2 of the Additional Protocol I and Article 38 of the Convention.

age of eighteen.<sup>9</sup> The concept of enlisting minors in the military presents significant challenges. First, the affected countries have different cultural practices and definitions of childhood compared to Europe and the United States. Since the age of eighteen does not hold the same significance across Europe and Africa, it becomes difficult to determine when childhood ends in certain regions. Additionally, there is inconsistency in the scope of the category of "childhood."

In 1997, an effort to clarify this issue was made with the Cape Town Principles. This crucial legal document defines a child soldier as "anyone under the age of eighteen who is involved in any capacity with a regular or irregular armed force or group, including messengers, cooks, porters, or anyone accompanying them—excluding family members." This classification also includes girls who are forcibly married or targeted for sexual exploitation.<sup>10</sup> The 2007 revision of the Paris Principles defines a child soldier as any individual under the age of eighteen who has been recruited or used by an armed force or group in any capacity, including but not limited to sexual exploitation, spying, messaging, cooking, portering, fighting, or any combination of these roles. This definition applies universally to all children who are or have been directly involved in armed conflicts.<sup>11</sup> The Cape Town Principles categorize children in three distinct ways: (i) as child combatants, those who carry weapons; (ii) as children associated with armed forces or groups; and (iii) as children affected by armed conflicts, including refugees, internally displaced persons, orphans, street children, and others.

## **THE PRESENT VICTIMS OF CHILD SOLDIERY AND POSSIBLE CAUSES**

It is estimated that around 300,000 minors under the age of eighteen are currently engaged in conflicts worldwide. While the exact number of child soldiers in military units and groups is difficult to determine, many tens of thousands of children are involved in armed conflicts globally. These children are not only forced into combat but also serve as cooks, porters, and messengers, and some are even exploited for prostitution. Factors such as discrimination, hardship, and violence may drive them to join, or they may seek revenge for harm done to them or their families. A small proportion are abducted or coerced into these roles.

Gathering precise data on the number of adolescents involved in military activities and the impact of conflict on children is a challenging task for the United Nations and other humanitarian organizations. According to the Global Report 2008, co-edited by UNICEF and the Child Soldiers Global Institution, children were actively involved in armed conflicts in nineteen countries or territories between 2004 and 2007. These included the Democratic Republic of the Congo (DRC), Afghanistan, Burundi, Chad, Israel,

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<sup>9</sup> Para 7 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

<sup>10</sup> The Paris Principles, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007, <https://www.unicef.org/mali/media/1561/file/parisprinciples.pdf>.

<sup>11</sup> Principles and Guidelines on Children Associated with Armed Conflict or Armed Groups of February 2007, drafted under UNICEF auspices, [http://www.diplomatic.gouv.fr/en/article-imprim.php3?id\\_article=8638](http://www.diplomatic.gouv.fr/en/article-imprim.php3?id_article=8638).

the Occupied Palestinian Territory, India, Iraq, Myanmar, Nepal, the Philippines, Somalia, Sri Lanka, Sudan, Thailand, and Uganda.<sup>12</sup>

The primary factor driving the recruitment of child soldiers is the ease with which they can be enlisted. Their lack of a well-defined worldview and clear goals makes them vulnerable to manipulation, including brainwashing, drugs, and propaganda. These children quickly develop a strong loyalty to an adult, especially a leader who has the power to offer rewards or impose punishments. Girls are often targeted for sexual exploitation or to fulfil roles such as providing food and other necessities for the group. Additionally, children who are separated from their families are frequently left alone, desperate, and in need of protection. Ishmael Beah, a former child soldier from Sierra Leone, recounted how, at the age of twelve, he became lost and joined a group of thirty other children, aged seven to sixteen, who scavenged for food until they were eventually found by the government army. Under the influence of stimulants, Beah witnessed and participated in horrific acts, including forcing other children to kill their parents and engaging in violent competitions, such as cutting the throat of a rival.<sup>13</sup> In other situations, the family is too poor to provide for their kids.<sup>14</sup> Children's low maintenance costs and their susceptibility to manipulation through medication, rewards, or punishments also contribute to their recruitment.

Another factor is the accessibility of firearms and ammunition. Since these weapons are readily available, children can operate submachine guns just as effectively as adults. According to media reports, "650 million lightweight, easily operated, and lethal small arms are affordably accessible anytime and anywhere."<sup>15</sup> Another reason for using child soldiers is that their handlers know experienced militias often hesitate to engage with child combatants. The presence of a child soldier can demoralize opposing forces and make them less willing to fight, making children a potent asset on the front lines.

## **THE LEGAL STANDERS GOVERNING CHILD SOLDIERY: INTERNATIONAL INSTRUMENTS**

Treaties, state laws and norms, international humanitarian law, customary international law, and children's rights fall under the broad area of international law.<sup>16</sup> The 1979 Additional Protocols to the Geneva Conventions and the 1989 Convention on the Rights of the Child established the prevailing legal framework, which previously allowed the recruitment and deployment of adolescents as young as fifteen in times of conflict. This has been the accepted practice until recently. However, this approach is inadequate because children under eighteen are entitled to further protections under other provisions of the Convention

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<sup>12</sup> Child Soldiers Global report, 2008. <http://www.hrw.org/en/reports/2008/12/11/child-soldiers-global-report>, 2008.

<sup>13</sup> Ishmael Beah. *A Long Way Gone, Memoirs of a Boy Soldier*. Douglas & McIntyre, Vancouver/Toronto, January 01, 2007, at Page 72, 111, 121-124.

<sup>14</sup> Shin, H.K. *Remembering Korea, 1950, A Boy Soldier's Story*. University of Nevada Press, <https://unpress.nevada.edu/9780874174823/remembering-korea-1950/>.

<sup>15</sup> Dallaire, Roméo, Senator, L.Gen. (Ret'd). *The Fight Like Soldiers, They Die Like Children*. Random House, Canada at P. 12, 120

<sup>16</sup> Ilene Cohn & Guy S. Goodwin-Gill, *Child Soldiers: The Role of Children in Armed Conflict*, 23 (1993), at p. 55

on the Rights of the Child.<sup>17</sup> In response to inadequate legal protections and the widespread use of child soldiers, the Alliance to Stop the Use of Child Soldiers was established as a global network of non-governmental organizations dispersed across various regions. The alliance began advocating for more stringent legislation to restrict the use of child soldiers in the 1990s.<sup>18</sup> The 1998 Rome Statute of the International Criminal Court, ratified by 120 governments, classified the use, recruitment, or conscription of minors under the age of fifteen during armed conflicts as a war crime.<sup>19</sup>

The Worst Forms of Child Labor Convention (Convention No. 182), adopted by the International Labor Organization in June 1999, made it illegal to coerce adolescents under the age of eighteen into recruitment for armed conflict.<sup>20</sup> In May 2000, the United Nations adopted the Optional Protocol to the Convention on the Rights of the Child concerning the Involvement of Children in Armed Conflict. This protocol established an eighteen-year minimum age for joining armed non-governmental organizations, participating in armed conflict, and being recruited under coercion.<sup>21</sup> Despite being a regional agreement, the African Charter on the Rights and Welfare of the Child established eighteen as the minimum age for enlistment and participation in armed conflicts.<sup>22</sup>

## **THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)**

The 1989 Convention on the Rights of the Child (CRC) offers protection for children both in times of peace and during conflicts. It is the most widely ratified human rights treaty in history, with 191 out of 193 participating countries having approved it. The CRC stipulates that "State Parties undertake to respect and ensure respect for rules of international humanitarian law applicable to them in armed conflicts that are relevant to the child," which includes prohibitions against the recruitment of minors as soldiers.<sup>23</sup>

Numerous actions are prohibited under both national and international law, even when the principles of customary international law are unclear. While the Convention on the Rights of the Child (CRC) is globally accepted, it falls short of protecting children during armed conflicts. The Convention has faced criticism in various aspects, notably for being the only provision that deviates from the universal eighteen-year age

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<sup>17</sup> Art 7, 1577 U.N.T.S. 3, Convention on the Rights of the Child, Nov. 20, 1989.

<sup>18</sup> P.W. Singer, Talk is Cheap: Getting Serious about Preventing Child Soldiers, 37 Cornell Int'l L.J. 561, 573(2004), at P. 569

<sup>19</sup> Rome Statute of the International Criminal Court, July 17, 1998, art. 8 (xxvi), U.N. Doc. A/CONF.183/9, at 8,9, 17, 37 I.L.M. 999 [hereinafter Rome Statute.]

<sup>20</sup> International Labor Organization Worst Forms of Child Labour Convention 182, S. Treaty Doc. No. 106-S (1999), 38 I.L.M. 1207, available at <http://www.ilo.org/public/english/50normes/whatare/index.html>

<sup>21</sup> Conflict, GA Res. 54/263, Annex I (May 25, 2000), S. TREATY DOC. NO. 106-37 (2000), [https://treaties.un.org/doc/source/docs/a\\_res\\_54\\_263-e.pdf](https://treaties.un.org/doc/source/docs/a_res_54_263-e.pdf).

<sup>22</sup> African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), [https://au.int/sites/default/files/treaties/36804-treaty-african\\_charter\\_on\\_rights\\_welfare\\_of\\_the\\_child.pdf](https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf).

<sup>23</sup> Art. 38 (1), Convention on the Rights of the Child.

limit.<sup>24</sup> Article 38 of the Convention specifies that a child is anyone under fifteen who recruits or participates in armed conflict, despite Article 1 of the Convention defining a child as anyone under eighteen. Additionally, Article 38 of Additional Protocol I to the Geneva Conventions reaffirms the recruitment and participation ban outlined in Article 77. However, this reassertion does not introduce new measures and may detract from the stricter provisions in Additional Protocol II, which prohibits the use of child soldiers in all forms of armed conflict, not just international conflicts.<sup>25</sup> Moreover, the CRC's obligations are diminished by several reservations.<sup>26</sup> If states governed by international human rights law can selectively choose which provisions to follow, then international human rights legislation—particularly regarding global children's rights—becomes ineffective. Furthermore, the enforcement of the CRC depends on each nation's domestic laws, as the Convention lacks its enforcement mechanisms.<sup>27</sup>

## **OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

In response to growing global awareness of the suffering endured by child soldiers, there was a push for a Protocol to the Covenant on the Responsibility to Protect (OCR) that would raise the legal age for enlistment and combat to eighteen.<sup>28</sup>

The Optional Protocol on the Involvement of Children in Armed Conflict, ratified on May 25, 2000, marks a significant advancement in protecting children during armed conflicts. It establishes a legal standard that states are required to follow, setting an international norm that restricts the use of minors as combatants. The Protocol introduces a minimum age requirement that makes it more difficult for governments and non-state actors to falsely claim that minors engaged in combat are older than they are. It also encourages states to enforce existing domestic laws or adopt new ones that align with the standards set by the Protocol, while raising awareness about the issue of child soldiers. Despite these improvements, the Optional Protocol faces challenges, largely due to its ambiguities, which undermine its overall effectiveness.

## **AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

The Organization of African Unity adopted the African Charter on the Rights and Welfare of the Child in 1990.<sup>29</sup> Children involved in armed conflicts are protected by the Charter's article that states, "State Parties to this Charter shall undertake to respect and ensure respect for the rules of international humanitarian law

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<sup>24</sup> Daniel Helle, Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child, International Review of the Red Cross, (2000) at P.797-809, <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children#:~:text=Each%20State%20Party%20shall%20deposit,recruitment%20is%20not%20forced%20or>.

<sup>25</sup> Protocol II, at art. 4(3)(c).

<sup>26</sup> Marsha L. Hackenberg, Can the Optional Protocol for the Convention on the Rights of the Child Protect the Ugandan Child Soldier? 10 Ind. Int'l & Comp. L. Rev. 417, 418 (2000), at 429.

<sup>27</sup> Amy Beth Abbott, Child soldiers-The use of Children as Instruments of War, 23 Suffolk Transnat'l L. Rev. 499,

<sup>28</sup> Optional Protocol on the Involvement of Children in Armed Conflict, <https://childrenandarmedconflict.un.org/tools-for-action/opac/>.

<sup>29</sup> African Chapter, supra note 182

applicable in armed conflicts which affect the child."<sup>30</sup>

State Parties must also "take all necessary measures to ensure that no child shall take a direct part in hostilities" and "refrain, in particular, from recruiting any child."<sup>31</sup> The CRC is less comprehensive compared to the regional Charter. Unlike the CRC, which has a broader international scope, the Charter explicitly defines everyone under eighteen, including those involved in armed conflict, as a child. Additionally, the Charter prioritizes the rights and well-being of children above the type of conflict they are involved in, as stated in Article 22. This includes addressing internal conflicts, tensions, and other challenges.

The CRC's "feasible measures" are less stringent compared to the "necessary measures" outlined in the Charter. The Charter's implementation system allows complaints from non-party states, individuals, organizations, and NGOs, and includes a reporting mechanism similar to that of the CRC. However, the Charter has limitations. It only applies to ratifying states and, as per Article 1(3), any customary, traditional, cultural, or religious practices that contradict the Charter's rights and obligations are deemed invalid. This allows states to potentially justify non-compliance with cultural or religious arguments. Nonetheless, the Charter supports both the CRC and international humanitarian law in its stance on child soldiers, especially those involved in internal conflicts.<sup>32</sup>

## **CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR**

A convention about the prohibition of the worst types of child work and the fast steps toward their extinction was passed by the International Work Organization in June 1999.<sup>33</sup>

The Convention requires all ratifying governments to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor," as soon as possible.<sup>34</sup> Under Article 2 of the Convention, anyone under eighteen is classified as a juvenile. The Convention defines "the worst forms of child labor" to include any form of slavery or similar practices. This encompasses child trafficking and sale, debt bondage, forced or compulsory labor, and includes the recruitment of minors into the armed forces.<sup>35</sup>

Additionally, the "worst forms of child labor" include any work that, due to its nature or the conditions under which it is performed, poses a risk to the health, safety, or morals of children. When implementing the Convention's standards, state authorities must consult worker and employee groups to determine what

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<sup>30</sup> Id at art. 22(1)

<sup>31</sup> Id. At art. 22(2)

<sup>32</sup> Art. 2, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

<sup>33</sup> International Labour Organization Worst Forms of Child Labour Convention 182, S. Treaty Doc. No. 106-S (1999), 38 I.L.M. 1207, available at <http://www.ilo.org/public/english/50normes/whatare/index.html>,

<sup>34</sup> Id at Article 1

<sup>35</sup> Art. 3(a), Conventions, Protocols and Recommendations, International Labour Organisations, <https://www.ilo.org/international-labour-standards/conventions-protocols-and-recommendations>.

constitutes hazardous, immoral, or harmful labor for individuals under eighteen.<sup>36</sup>

The Convention was the first international agreement to formally recognize child soldiering as a form of child labor, setting a minimum age limit of eighteen years for the practice.<sup>37</sup> A key limitation of this Convention is that it only prohibits forced or coerced recruitment, leaving voluntary recruitment unaddressed. As a result, children under eighteen who voluntarily participate in armed conflict are not protected by this Convention.<sup>38</sup>

## **PREVENTION, DEMOBILISATION, REINTEGRATION OF CHILD SOLDIERS**

Children have historically been among the most vulnerable victims of violence and, at times, its most brutal enforcers. They have supported violent extremism in various ways, including committing violent acts, such as killings, and disseminating propaganda online. The approach to these children within the criminal justice system should be guided by juvenile justice principles, rather than a separate philosophy.

While the process of demobilization and reintegration of child soldiers is often viewed negatively, these young individuals can transition into positive civilian lives and build healthy social relationships.<sup>39</sup> Integrating child soldiers into demobilization plans, and peace agreements, and supporting their reintegration into families and communities is a complex task that heavily depends on financial resources and political will.

A fundamental principle of children's Disarmament, Demobilization, and Reintegration (DDR) is that the release and reintegration of child soldiers should occur before the end of hostilities, regardless of their intensity. These processes should not be delayed until official peace negotiations or DDR programs are established. Legally, State Parties to the Convention on the Rights of the Child are required to address the issue of minors in armed conflict in addition to their policy obligations, as outlined in the Optional Protocol.<sup>40</sup>

In practice, many young soldiers are only released from military or armed groups after conflicts have ended or peace has been achieved. While it is crucial to actively seek ways to disengage children from conflicts whenever possible, significant obstacles, limited successes, and temporary improvements often hinder these efforts.

Disarmament, Demobilization, and Reintegration (DDR) programs are typically carried out in unstable and volatile environments, even in post-conflict settings where residual tensions might reignite hostilities. These areas often suffer from weak or nonexistent government authority, poor rule of law, economic instability, and divided

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<sup>36</sup> Art. 6, 7. "Each Member shall design and implement programs of action to eliminate as priority the worst forms of child labour." (Article 6). "Such programs of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate." (Article 7).

<sup>37</sup> Ann Davison, *Child Soldiers: No Longer a Minor Issue*, 12 *Willamette J. Int'l L. Disp. Resol.* 124, 141 (2004), at 135.

<sup>38</sup> Mark Drumbl. "Reimagining Child Soldiers in International Law and Policy; available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1921527](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1921527),

<sup>39</sup> Verthey, Beth. 2001. "Child Soldiers: Preventing, Demobilizing and Reintegrating." Africa Region Working Paper Series, Available at <http://www.worldbank.org/afr/wps/index.htm>

<sup>40</sup> Optional Protocol, Article 6(3) requires State Parties to take all feasible measures to ensure that children illegally recruited or used in hostilities are demobilized or otherwise released and receive appropriate support for their reintegration.

communities. For DDR programs to be effective and for both adult and child former combatants to successfully reintegrate into society, these issues must be addressed. DDR initiatives should be seen as a critical component of a broader strategy for social, political, and economic reconstruction.

According to the Paris Principles, child reintegration is defined as "the process through which children transition into civil society and assume meaningful roles and identities as civilians who are accepted by their families and communities" in the context of regional and national reconciliation.<sup>41</sup>

According to the principles, sustainable reintegration is achieved "when the political, legal, economic, and social conditions necessary for children to sustain their lives, livelihoods, and dignity are in place." This approach aims to ensure that children can fully exercise their rights, which include protection from harm, family unity, safe and respectful livelihoods, and access to both formal and informal education.<sup>42</sup> The UN's Integrated DDR Standards indicate that child reintegration should span at least five years to offer children a viable alternative to military life.<sup>43</sup>

However, funding for nationwide DDR programs is often limited to the first year or two after a conflict, during which time participants are demobilized and reintegrated into their communities. It is rare for former child soldiers and other ex-combatants to receive the extended support needed to play meaningful and positive roles in their communities.

While extended funding is crucial, even the most well-designed and well-funded DDR programs may fall short in addressing the long-term rehabilitation and reintegration needs of children displaced by war. Therefore, long-term rehabilitation and development efforts should incorporate DDR processes. There is a need for institutional mechanisms to connect organizations and donors responsible for short- and medium-term aid for veterans with those managing long-term community support and economic development.<sup>44</sup>

Once a peace agreement is signed by the warring parties, DDR programs for former combatants become crucial to the peace process. These programs aim to disarm and demobilize former fighters while assisting them in reintegrating into their communities or joining a new national army or police force. DDR seeks to ensure a safe and orderly transition from military to civilian life.<sup>45</sup> As a result, the DDR process for child soldiers differs significantly from that for adult ex-combatants. According to the UN DDR Resource Center, "Child soldiers cannot be legally recruited, and efforts to prevent their recruitment or reintegrate them into their communities should not be seen merely as standard components of DDR. Instead, these efforts should be regarded as attempts to prevent or address violations of children's human rights."<sup>46</sup> The World Bank outlines specific guidelines for DDR programs to protect the rights of child soldiers and address their unique needs. It recommends: "Establishing special reception centers and ensuring that child soldiers are kept separate from military authorities to minimize the time they are separated from their

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<sup>41</sup> The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles)

<sup>42</sup> *Id*

<sup>43</sup> UN Integrated DDR Standards, Section 5.30: Children and DDR, Sub-section 3.4: Reintegration

<sup>44</sup> LEONTINE SPECKER, The R-Phase of DDR processes: An Overview of Key Lessons Learned and Practical Experiences, Netherlands Institute of International Relations "Clingendael", September 2008.

<sup>45</sup> United Nations Disarmament, Demobilization, and Reintegration Resource Centre (n.d.). Available at <http://www.unddr.org/whatisddr.php>.

<sup>46</sup> *Id*

families and communities during demobilization."<sup>47</sup> Reintegration programs must focus on three key components: mental health support and education, family reunification, and employment opportunities. Initially, under UNICEF's guidance, child protection workers at disarmament and demobilization centers will separate children from adults. This separation aims to ensure that child soldiers receive age-appropriate reintegration services and to break the power and control dynamics imposed by their commanders.<sup>48</sup> Once the child's condition has stabilized, they can either enrol in an education program focusing on basic math, reading, and writing skills or, if they are older and have been out of school for a while, they can be gradually reintegrated into a local school.<sup>49</sup> Finally, ICCs must locate the families and communities of the child soldiers to prepare for their reintegration. Once identified, a brief awareness campaign will be conducted to inform these families and communities about the children's experiences during their military service and the support needed for their transition back to civilian life (The Save the Children Fund, 2007). These programs will also introduce and promote the concept of children's rights. In many cultures, a child's reintegration involves traditional rites of passage, such as washing ceremonies, for which the ICC typically assists with planning and funding. After reintegration, an ICC staff member will visit the family to provide follow-up support, addressing any challenges such as aggressive behaviour, PTSD symptoms, disobedience, or exclusion from community events. Young soldiers are influenced by a combination of domestic and international factors during their military service and their transition back to civilian life. Therefore, it is essential to bridge the gap between conflicting viewpoints. Both sides need to adapt their goals and consider the broader context. This can be achieved by uniting experts from various fields to offer a clearer picture of the state of war, a deeper understanding of the complex causes of conflict, and the dynamics involved in rebuilding communities' post-conflict. Additionally, more research is needed on the perspectives of former child soldiers themselves to better understand their experiences and preferences for reintegration into post-conflict society.

## **CASE STUDY**

### **MIDDLE EAST - SYRIA**

This region has experienced numerous severe human rights violations, with countries such as Iraq, Syria, Israel, Palestine, and Yemen recently beginning to recruit minors into their armed forces. This paper aims to present a case study focusing on Syria and Israel.

In Syria, human rights organizations report that rebel groups have enlisted minors as young as fifteen in the

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<sup>47</sup> Knight, M., & Özerdem, A. (2004). Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transitions from War to Peace. *Journal of Peace Research*, 41(4), 499-516.

<sup>48</sup> Williamson, J. (2006). The Disarmament, Demobilization and Reintegration of Child Soldiers: Social and Psychological Transformation in Sierra Leone. *Intervention*, Vol. 4(3), 2006, at p. 185-205.

<sup>49</sup> Zack-Williams, Child Soldiers in Sierra Leone and the Problems of Demobilisation, Rehabilitation and Reintegration into Society: Some Lessons for Social Workers in War-Torn Societies. *Social Work Education*, Vol. 25(2), 2006 at p.119-128; Boothby, N., Crawford, J., and Halperin, J. Mozambique Child Soldier Life Outcome Study: Lessons Learned in Rehabilitation and Reintegration Efforts. *Global Public Health*, Vol. 1(1), 2006, at p. 87-107

civil war, according to investigations by UNICEF and Human Rights Watch. Human Rights Watch, based in New York, has noted that these rebels use youths as suicide bombers, soldiers, and stretcher-bearers. The ongoing crisis has severely impacted the Syrian population, with two million people have fled to neighboring countries and one-third displaced internally. Children of all genders are coerced into joining rebel groups. Estimates from "Save the Children" indicate that around two million children have been killed in the Syrian Civil War. These children face extreme conditions enforced by both rebel and official forces, including violence, illness, and starvation. As a result, they are separated from their families and schools. Struggling to survive, Syria's youth have lost their innocence and childhood. They endure severe poverty and lack access to essential resources such as food, shelter, healthcare, and safety. Heavy artillery and constant gunfire have forced many Syrians to flee, leaving them with no place to go. The exact number of child combatants in Syria remains uncertain. Local monitoring groups, such as the Violence Documenting Center, have reported casualties among child soldiers since the conflict began.<sup>50</sup> The research suggests that the International Criminal Court should prosecute teenagers recruited into the armed forces for war crimes.<sup>51</sup> These children are vulnerable and unable to discern right from wrong on their own. Despite their situation, they still have the potential to contribute to global harmony. In Kurdish-controlled regions, child recruitment is prevalent, exacerbated by the use of children as suicide bombers or human shields.

Access to Syrian conflict zones is limited, making it challenging to collect precise data on local casualties. Nonetheless, UN bodies, NGOs, news agencies, and activists have reported instances of sexual abuse, brutality, and even murder involving Syrian children. Currently, these children are being held in violation of UN treaties and international law. While opposing the recruitment of minors by both government and rebel forces is crucial, implementing effective restrictions is challenging. To ensure that these children can build better and more peaceful lives after demobilization, international actors must provide sustained support in areas such as finance, technology, education, health, and employment.

## **ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES**

The recent escalation in violence between Israel and the Occupied Palestinian Territories (OPT) has once again highlighted the eagerness of young people to engage in acts of resistance. These youths have actively protested against military occupation by organizing demonstrations and throwing stones at Israeli soldiers. This activism heightens their risk of abuse, detention, injury, or even death at the hands of occupying forces, with refugee children facing particularly severe threats. Additionally, detained children are at risk of being kidnapped and coerced into espionage by the Israeli military.

The exact number of Palestinian children involved in combat remains unclear. However, over the past three

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<sup>50</sup> Syrian child soldiers asked to commit suicide, Al-Jazeera, 2014, <http://america.aljazeera.com/articles/2014/6/20/report-syrian-childsoldiersaskedto commitsuicide.html>,

<sup>51</sup> Sherlock, Ruth. Syria using child soldiers as young as 14., The Telegraph, Published on September 25, 2013, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/9711971/Syria-using-child-soldiers-as-young-as-14.html>.

years, more than 65% of children in Israel have been processed through juvenile courts and detention centres. Currently, 373 Palestinian children are held in Israeli prisons and detention facilities.<sup>52</sup> Of these detainees, 167 children—about 45%—are being held for allegedly using weapons during their attacks. Among those suspected of weapon use, 40% are from the northern West Bank. Approximately 60% of the children, or around 100, are not affiliated with any resistance groups. Additionally, 17 children, or 4.5%, are under close supervision due to suicide attempts.<sup>53</sup> There is no indication that any of the children accused of attempting to stab an Israeli soldier or settler are affiliated with resistance organizations.

Customary international humanitarian law mandates that civilians must be protected from the dangers of armed conflict and cannot be targeted. A civilian is defined as someone who does not engage in hostilities or combat. While Israel asserts that there is an "armed conflict" involving its military and the PA's forces, Palestinians argue that even armed police officers retain their "civilian" status, viewing the struggle as a civilian uprising against occupation. Given this perspective, unarmed children, who epitomize the concept of "civilians," should undoubtedly be safeguarded under this principle.

The plight of Palestinian children under occupation is dire, with daily violations of their fundamental human rights. Since the beginning of the second Intifada, by the end of June 2004, 595 Palestinian children have died in the OPT.<sup>54</sup> Whether they were killed by tank shells fired by Israeli forces, shot by Israeli soldiers, or succumbed to tear gas inhalation, all these deaths were a direct result of the occupation. Israeli travel restrictions further prevented these children from accessing hospitals and other medical services. Daily, children witness the deaths or severe injuries of friends and family members. They also endure the trauma of seeing their parents humiliated and mistreated during nighttime raids and at checkpoints. Since September 2000, the Israeli government has detained approximately 2,800 children, with a similar number of children having family members in custody.<sup>55</sup>

For many children, inadequate education, unemployed parents, and bleak career prospects paint a grim picture of the future. They understand that their adult lives will likely be more challenging than those of their parents, especially as conditions worsen. This discouraging outlook often drives children towards political involvement. Contrary to claims by some groups and interests, these children are not simply "brainwashed" by adults.<sup>56</sup> Only a small fraction of children believe that becoming a martyr will alleviate their despair and exact revenge on those they blame for their situation. While some of these children have been recruited by Palestinian political groups to carry out violent attacks, there is no evidence that such recruitment is widespread within these organizations. Senior leaders of these groups acknowledge that such cases exist, but they assert that their organizations and the broader community oppose using child

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<sup>52</sup> Child soldiers in the firing line". BBC, published on 8 April 2001.

<sup>53</sup> Id

<sup>54</sup> Child Soldiers Global Report 2004; Child Soldiers International at p. 292

<sup>55</sup> Id. At p. 292-293

<sup>56</sup> Jihad Shomaly, Use of Children in the Occupied Palestinian Territories, Way back Machine, Published on 30 October 2007, available at <http://www.dci-pal.org/english/publ/research/2004/ChildrenPerspective.pdf>

recruitment as a political strategy.<sup>57</sup> Therefore, it is insufficient for the leaders of these groups to merely publicly condemn the use of minors in conflict. Despite these criticisms, they must take decisive action to end the practice of recruiting and training young people for military roles.<sup>58</sup>

Leaders of all resistance organizations must ensure the adoption of a mandatory agreement that prohibits the recruitment of Palestinian children into armed resistance. Additionally, political parties should offer thorough education on relevant international laws to all members, regardless of their rank.

## CONCLUSION

Children continue to be exploited as soldiers, enslaved, and abused in conflicts, losing their innocence and childhood in the process. Raised amidst violence and destruction, these children often have scant memories of a normal life. Even when they are allowed to leave, they face communities that are hostile and unwelcoming, making reintegration into their hometowns extremely difficult. Although the issue of child soldiers has garnered public attention, the understanding of the problem has not kept pace with the depth of research conducted. Much of the existing literature is produced by activists rather than scholars, leading to issues such as overgeneralization and disorganized analysis. Consequently, the value of this research may lie in its ability to contribute to the collection of comparative data.

For academic and policy work to be effective, there must be a concerted effort to understand and address the factors driving the recruitment of child soldiers. Short-term objectives should be integrated into long-term strategies to foster effective solutions. Public perception of child soldiering needs to change significantly, with states formally acknowledging that recruiting minors is illegal. Addressing this issue is complex and culturally challenging, but it is essential for setting future goals. The international community should continue to provide support in finance, healthcare, and education without direct interference.

International law has seen a notable shift regarding the involvement of children in armed conflict, with the Optional Protocol on the Involvement of Children in Armed Conflict gaining widespread acceptance. However, despite these advances, conflicts persist, and new ones may arise, necessitating ongoing vigilance from the international community. Enhancing and refining current mechanisms for implementing, documenting, and enforcing regulations protecting young soldiers is crucial. Addressing the root causes of child soldiering is essential to bridge the gap between evolving legal standards and actual practices. Building relationships with informed authorities, understanding the specific circumstances of child recruitment, and evaluating the effectiveness of interventions are key strategies. Utilizing practical insights into child soldiering to develop viable alternatives can help the international community better understand the underlying issues and identify successful programs. Strengthening national and global networks will be

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<sup>57</sup> *Id*

<sup>58</sup> *Id*

vital in encouraging armed groups to comply with regulations.

Preventing child recruitment should always be a priority, even as efforts to secure the release and reintegration of affected children continue. The challenges in places like the Democratic Republic of the Congo and Sri Lanka highlight the difficulty of achieving release during emergencies. Therefore, while securing release is important, prevention remains the most effective long-term strategy for protecting children from harm.

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