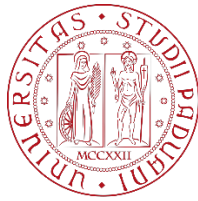


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Human Rights and Multi-level Governance



**Beyond the Battlefield: Child Soldiers in Armed Conflicts.**

**Advancing Solutions for Prevention, Rehabilitation, and Reintegration  
in Colombia, Democratic Republic of Congo, and Iraq**

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## **Abstract**

This aim of this thesis is to advance solutions for prevention, rehabilitation and reintegration of child soldiers in Colombia, Democratic Republic of Congo and Iraq. For this reason I will examine the international framework regarding child soldiers and its implementation in Colombia, the Democratic Republic of Congo and Iraq. I will also study the causes leading to child recruitment as well as the impacts to better develop solutions for the prevention, rehabilitation and reintegration of child soldiers. I will then, analyze the proposed solutions at the international level and see the effectiveness of their implementation and the challenges encountered in Colombia, the Democratic Republic of Congo and Iraq. To continue, I will examine the treatment of child soldiers in the justice systems at the international and national level to analyze the violations child soldiers might face. Finally, I will analyze the content of the first three chapters in my last chapter to advance solutions for the prevention, rehabilitation and reintegration of child soldiers in Colombia, the Democratic Republic of Congo and Iraq.

**Keywords** : Child soldiers, armed conflict, solutions, prevention, rehabilitation, reintegration, Colombia, Democratic Republic of Congo, Iraq

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## Acronyms

CAAC: Office of the Special Representative of the Secretary-General on Children and Armed Conflict

CONADER: Commission Nationale de la Demobilization et Reinsertion

CPS: MONUSCO's Child Protection Section

DDR: Disarmament, Demobilization, and Reintegration

DRC: Democratic Republic of Congo

ELN : National Liberation Army

FARC : Revolutionary Armed Forces of Colombia

FARDC: Forces Armées de la République Démocratique du Congo

ICBF: Colombian Family Welfare Institute

ICRC: International Committee of the Red Cross

ILO: International Labour Organization

MONUSCO: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

MRM: Monitoring and Reporting Mechanism on grave violations against children

NGO: Non-Governmental Organisation

OPAC: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

RCC: Revolutionary Command Council

SCWG CAAC: Security Council Working Group on Children and Armed Conflict

SNBF: The National Family Welfare System

SRSR CAAC: Office of the Special Representative of the Secretary-General on Children and Armed Conflict

UNCRC: United Nations Convention on the Rights of the Child

UNICEF: United Nations Children's Fund

UN: United Nations

UNSC: United Nations Security Council

## Introduction

Since 2005, 266.000 grave violations against children committed by parties of an armed conflict were verified by the United Nations<sup>1</sup>. Moreover, since 2005, the UN Country Task Forces on Monitoring and Reporting or their equivalent, reported that more than 93.000 children have been recruited and used by parties to armed conflict. It is believed that this number could be much higher. The highest number of violations against children were verified in 2022, indeed 7,622 children were recruited and 2,496 were deprived of liberty for their actual or alleged association to parties in conflict.<sup>2</sup>

There are six grave violations against children's rights during an armed conflict defined which are : recruitment and use, killing and maiming, abduction, rape and other forms of sexual violence, attacks on schools and hospitals, and denial of humanitarian access. In this thesis I will focus on the recruitment and use of children as child soldiers. Being involved in an armed conflict as child soldier has a grave impact on the child physical and mental well-being as well as on their access to education, their livelihoods and social development, also being associated to armed groups impact children's relationship with their families and communities. For this reason, I will examine the causes leading to child recruitment and what are the solutions implemented to prevent the recruitment of children by armed groups. Furthermore, it is primordial to demobilize child soldiers and to reintegrate them with their families and communities. I will base my research on the international legal and normative framework as well as from data of reports, interviews and analysis concerning the situation of child soldiers in Colombia, the Democratic Republic of Congo and Iraq. The goal of this thesis is to examine the effectiveness of the solutions for the prevention, rehabilitation, and reintegration of child soldiers in Latin America, Africa and Middle East by studying cases in a country of each of these continents.<sup>3</sup>

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<sup>1</sup> 25 Years of children in armed conflict : taking action to protect children in war. (2022, June). United Nations Children's Fund (UNICEF). Retrieved November 10, 2023, from <https://www.unicef.org/reports/25-years-children-armed-conflict>

<sup>2</sup> 25 Years of children in armed conflict : taking action to protect children in war. (2022, June). United Nations Children's Fund (UNICEF). Retrieved November 10, 2023, from <https://www.unicef.org/reports/25-years-children-armed-conflict>

<sup>3</sup> 25 Years of children in armed conflict : taking action to protect children in war. (2022, June). United Nations Children's Fund (UNICEF). Retrieved November 10, 2023, from <https://www.unicef.org/reports/25-years-children-armed-conflict>



I selected Colombia, the Democratic Republic of Congo (DRC) and Iraq for various reasons. As a start, it is important to note that all three countries have faced conflicts involving the recruitment and use of children. To continue, studying the situation of child soldiers and how solutions for prevention, rehabilitation and reintegration are implemented in these diverse regions of the world provides a comprehensive understanding what solutions are truly effective, by analyzing this phenomenon across different continents, cultures and geopolitical contexts. In this study, the chosen countries will illustrate how solutions to protect child soldiers are implemented at the regional and national level. Colombia will be the chosen example for South America, the Democratic Republic of Congo for Central Africa and Iraq for the Middle East. Each country has its own unique socio-political dynamics, which creates different challenges and opportunities for implementing solutions for prevention, rehabilitation and reintegration. Indeed, Colombia's conflict has its roots in political and ideological divisions, the DRC faced and is still facing today complex conflicts due to resource-related tensions involving various armed groups, Iraq's conflict has been influenced by geopolitical factors and sectarian tensions. The conflicts in these three countries got a lot of international attention and intervention which can demonstrate how international frameworks and interventions impact the national prevention, rehabilitation and reintegration efforts.

Moreover, studying how is implemented the solutions for prevention, rehabilitation and reintegration is an opportunity to assess different approaches to conflict resolution and their implications for addressing child soldier issues. Indeed, Colombia went through peace processes and disarmament efforts, the DRC has undergone peace agreements and UN interventions and Iraq has experienced military actions and subsequent stabilization efforts. Each country has its own legal and policy frameworks concerning child soldiers. For this reason, analyzing these frameworks offers insights into the challenges and successes in implementing preventive measures, rehabilitation and reintegration programs.

Understanding the impact of being associated with parties to an armed conflict on children and the measures taken for their recovery is crucial to address humanitarian concerns. Each country's situation offers unique insights into the humanitarian dimensions of child soldiering.

This thesis will show the complexities of preventing child soldier recruitment, rehabilitating former child soldiers, and reintegrating them into society within diverse and challenging contexts such as the one of Colombia, DRC and Iraq.

Let's explain the socio-political dynamics of the chosen countries for this study.

The conflict in Colombia has historical roots in political and ideological divisions. It involves various armed groups, including leftist guerrilla organizations such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). The Colombian government, paramilitary groups, and other non-state actors have also played significant roles in the conflict.<sup>4</sup>

These different groups are fighting over valuable resources such as land and drugs. The Colombian government has received substantial military and financial support from the United States and other Western nations in its efforts to combat guerrilla groups. This international involvement has shaped the trajectory of the conflict and affected regional security dynamics. This armed conflict has resulted in one of the world's largest internally displaced populations. Civilians, including children, have been displaced from their homes, facing issues of human rights abuses and limited access to education and healthcare.<sup>5</sup>

The reason behind the armed conflict in DRC is the competition over rich natural resources like minerals (coltan, tin, and gold). Armed groups often exploit and control mining areas, leading to widespread violence. International corporations and markets have been implicated in the trade of conflict minerals, contributing to the perpetuation of violence. However, this is not the only reason behind this conflict as it is involving numerous armed groups with varying agendas. Also, the regional and ethnic tensions further complicate the situation, leading to a multifaceted and interconnected series of conflicts. Millions of people are affected by displacement, poverty, and inadequate access to basic services due to this armed conflict. Children are particularly vulnerable to recruitment by armed groups due to the breakdown of social structures. The United Nations has conducted one of its largest and most complex peacekeeping operations

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<sup>4</sup> Colombian Armed Conflict - justice for colombia. (2018, February 18). Justice for Colombia. <https://justiceforcolombia.org/about-colombia/colombian-armed-conflict/>

<sup>5</sup> Colombian Armed Conflict - justice for colombia. (2018, February 18). Justice for Colombia. <https://justiceforcolombia.org/about-colombia/colombian-armed-conflict/>

(MONUSCO) in the DRC. The presence of peacekeeping forces reflects the international community's commitment to stabilizing the region and addressing the root causes of the conflict.<sup>6</sup>

In Iraq, the armed conflict is due to geopolitical factors such as the Iraq War and the subsequent interventions. Also, sectarian tensions between the Sunni and Shia communities contributed to the rise of insurgent groups such as Al-Qaeda and later the Islamic State (ISIS) who attracted support from disenfranchised populations, including children. Furthermore, the presence of foreign forces since the United States initiated the war in Iraq, contributed to the ongoing instability. The diverse population made of various ethnic and religious groups has been a source of both strength and conflict. The Iraq War and subsequent conflicts have had profound implications for global security. The rise of insurgent groups like Al-Qaeda in Iraq and later ISIS has contributed to the spread of terrorism, affecting regions beyond the Middle East. The international military involvement and subsequent stabilization efforts have had diplomatic, geopolitical, and economic implications for the participating nations and the broader international community. And, the Iraq conflicts have had repercussions for regional stability in the Middle East. The sectarian tensions and power struggles have influenced the dynamics of neighboring countries, contributing to a broader regional geopolitical landscape.

I will first start by defining some terms essential for this research.<sup>7</sup>

The Paris Principles on the Involvement of Children in Armed Conflict defined in 2007 a child soldier as : *“A child associated with an armed force or armed group” refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.*<sup>8</sup>

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<sup>6</sup> Conflict in the Democratic Republic of Congo | Global Conflict Tracker. (n.d.). Global Conflict Tracker. <https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo#:~:text=Since%201996%2C%20conflict%20in%20eastern,DRC's%20neighbor%20to%20the%20east>

<sup>7</sup> Iraq War | Summary, Causes, Dates, Combatants, Casualties, & Facts. (2023, November 13). Encyclopedia Britannica. <https://www.britannica.com/event/Iraq-War>

<sup>8</sup> UN Children's Fund (UNICEF), The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups, February 2007, available at: <https://www.refworld.org/docid/465198442.html> [accessed 9 November 2023]

The Oxford English Dictionary define prevention as : *“The action of keeping from happening or making impossible an anticipated event or intended act.”*<sup>9</sup>

It defines rehabilitation as the : *“Restoration of a person to health or normal activity after injury, illness, disablement, or addiction by means of medical or surgical treatment...”*<sup>10</sup>

Finally, the Oxford English Dictionary defines reintegration as the : *“Restoration to a state of wholeness, completeness, or unity; reincorporation into a whole.”*<sup>11</sup>

An armed conflict is defined as : *“Political conflict in which both sides are armed with weapons; an instance of this.”*<sup>12</sup>

The Paris Principle 2.2 defines armed forces as the armed forces of a State, they are sometimes referred to as “government security forces”.<sup>13</sup>

And the Paris Principles 2.3 defines armed groups as the groups distinct from armed forces, as defined by Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict<sup>14</sup>. They are often called non-state armed groups.

The first chapter of this thesis will be dedicated to study the international normative and legal framework regarding child soldiers and its implementation in Colombia, the Democratic Republic of Congo and Iraq; then I will examine the causes leading to the recruitment and use of children by armed forces or armed groups, and describe what are the long-term impacts child soldiers are experiencing due to their association.

The second chapter of this thesis will examine the solutions for prevention, rehabilitation and reintegration of child soldiers proposed at the international level and how they are implemented at the national level taking as example Colombia, the Democratic Republic of Congo and Iraq.

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<sup>9</sup> prevention - Quick search results | Oxford English Dictionary. (n.d).

<https://www.oed.com/search/dictionary/?scope=Entries&q=prevention&tl=true>

<sup>10</sup> rehabilitation - Quick search results | Oxford English Dictionary. (n.d).

<https://www.oed.com/search/dictionary/?scope=Entries&q=rehabilitation>

<sup>11</sup> reintegration - Quick search results | Oxford English Dictionary. (n.d).

<https://www.oed.com/search/dictionary/?scope=Entries&q=reintegration>

<sup>12</sup> armed conflict - Quick search results | Oxford English Dictionary. (n.d).

<https://www.oed.com/search/dictionary/?scope=Entries&q=armed%20conflict>

<sup>13</sup> UN Children's Fund (UNICEF), The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups, February 2007, available at:

<https://www.refworld.org/docid/465198442.html> [accessed 9 November 2023]

<sup>14</sup> UN General Assembly, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000, available at:

<https://www.refworld.org/docid/47fdfb180.html>

The third chapter will be dedicated to analyze the protection of child soldiers by the justice system at the international and national level, taking again as example Colombia, the Democratic Republic of Congo and Iraq.

Finally, the last chapter will be to discuss the findings of the first three chapter to analyze the effectiveness of the solutions promoted by the international community at the national level and to advance new solutions.

## Methodology

This thesis uses a multidisciplinary approach to provide solutions for the prevention, rehabilitation, and reintegration of child soldiers in Iraq, Colombia, and the Democratic Republic of the Congo (DRC) by integrating qualitative data collecting, legal analysis, and comparative case studies. The study makes use of rulings from national constitutional courts and the International Criminal Court (ICC), as well as an extensive analysis of normative legal frameworks at the international, regional, and national levels.

An extensive examination of the national, international, and regional legal frameworks controlling the treatment of child soldiers opens the study. Along with rulings from national constitutional courts, this examination takes into account treaties, procedures, statutes, and pertinent ICC jurisprudence. The objective is to comprehend the legal underpinnings of initiatives aimed at preventing, rehabilitating, and reintegrating child soldiers and to spot any implementation gaps or disparities.

Non-governmental organizations (NGOs) use semi-structured interviews to gather information about the experiences of child soldiers and the variables that influence their recruitment. These interviews offer personal descriptions of the reasons people join the military or armed groups, including socioeconomic issues (poor, lack of access to education, etc.). They also provide insightful viewpoints on the efficacy of current rehabilitation and reintegration initiatives, such as vocational training.

Additions to the interview data come from reports from international organizations and non-governmental organizations (NGOs), such as Save the Children and UNICEF. The treatment of child soldiers in Colombia, the Democratic Republic of the Congo, and Iraq is better understood in the light of these accounts. Their statistical analyses, case studies, and policy recommendations strengthen the research's empirical base.

Furthermore, a database maintained by the International Committee of the Red Cross (ICRC) is utilized to obtain extensive data regarding national and international legal structures concerning child soldiers. This database acts as a clearinghouse for pertinent national laws, treaties, and customary international law. It facilitates the identification of crucial clauses pertaining to the protection of child soldiers, including those involving prevention, rehabilitation, reintegration, and possible criminality.

This study used a comparative case study methodology to investigate the execution of child soldier protection protocols in Colombia, the Democratic Republic of the Congo, and Iraq. The case studies offer a comprehensive analysis of the distinct socio-political environments and obstacles encountered by every nation, facilitating a refined evaluation of the efficaciousness of preventive, rehabilitation, and reintegration initiatives within their corresponding legal structures, in order to develop better solutions for the prevention, rehabilitation and reintegration of child soldiers in Colombia, Democratic Republic of Congo and Iraq

The approach for this thesis is a thorough and comparative examination of the programs for child soldier prevention, rehabilitation, and reintegration that are in place in Iraq, Colombia, and the Democratic Republic of the Congo (DRC).

The collected material is examined using content analysis and thematic coding methods. Finding recurrent themes and patterns in the transcripts of interviews, reports, and legal papers is part of this process. The goal of the research is to create a thorough understanding of the intricate dynamics surrounding the problem of child soldiers in the countries under investigation by combining findings from other sources.

Even though this study uses a wide variety of sources, it's vital to recognize any possible restrictions. These could include data dependability and accessibility as well as possible biases in the interview data that NGOs gather. Furthermore, there can be difficulties using the comparative case study approach to achieve full comparability among the chosen nations.

Because of its protracted armed conflicts, Colombia has a long history of recruiting child soldiers. Analyzing past patterns will shed light on how the problem has developed.

The regulatory environment surrounding the recruitment of child soldiers can be better understood by analyzing the national legislative framework and policies. Examining the government of Colombia's initiatives will provide insight into the country's efforts to tackle the issue.<sup>15</sup>

The DRC has had protracted hostilities during which the use of child soldiers has been common. Studying historical backgrounds will help develop a more complex

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<sup>15</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river#:~:text=Between%202005%20and%202020%2C%20more,this%20is%20their%20harsh%20reality>

understanding. Understanding the DRC's national legal structure and regulations can help with the legal solutions to the recruitment of child soldiers. Gaining insight into the programs and interventions carried out by DRC authorities would provide a viewpoint on doable projects.<sup>16</sup>

In the context of armed conflicts, Iraq has had to deal with issues pertaining to the recruitment of child soldiers. Analyzing historical viewpoints will help one to comprehend context. An examination of Iraq's national legal system and laws will shed light on the appropriate legal measures to address the problem. Examining initiatives and interventions carried out by Iraqi authorities will provide a point of comparison.<sup>17</sup>

This research starts by examining global frameworks pertaining to juvenile offenders and legal systems in chapter 1. Studying the development of international laws and conventions throughout history with a thorough examination of important international instruments. Then I will analyze national historical frameworks and contexts in Iraq, Colombia, and the Democratic Republic of the Congo. Then, a thorough evaluation of global preventive initiatives and their outcomes. In chapter 2, I will assess community-level strategies and their effect on the recruitment of children. I will evaluate how a country legal systems contribute to the prevention of child army recruitment. I will also analyzing advocacy initiatives and how they affect practices and police as well as the significance of kids taking part in peacebuilding initiatives. In the chapter 3, the aim is to examine international court cases involving allegations of child soldiers to analyze the methods used by international tribunals and study how Iraqi and Colombian national judicial systems handle child soldiers. Moreover, I will also evaluate in this chapter rulings in international justice and I will analyze the difficulties, imprisonment, and protection found in country legal systems by studying cases involving juvenile soldiers by international courts in Iraq and Colombia. The chapter 4 is to conduct a comparative analysis of the global legal and normative landscape, examining the solutions put in place in Iraq, Colombia, and the Democratic Republic of the Congo. I will provide a comparative analysis of the difficulties faced. Moreover, a thorough examination of the

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<sup>16</sup> Thousands of children continue to be used as child soldiers. (2018, February 12). UNICEF. Retrieved November 10, 2023, from <https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

<sup>17</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>



factors that contribute to the enlistment of minors as soldiers will be made as well as a comparison of the effects on child soldiers in Iraq, the Democratic Republic of the Congo, and Colombia.

I will conduct an evaluation of the solutions put forth by the global community with a thorough analysis of how each nation has implemented the remedies, as well as an evaluation of rulings in international justice. I will analyze the difficulties, imprisonment, and protection found in country legal systems and evaluate cases involving juvenile soldiers by international courts in Iraq and Colombia. I will provide solutions for the three countries, and then give a concluding analysis and suggestions.

During this thesis, a throughout assessment of the body of research on child soldiers, global frameworks, and national situations will be made with a comprehensive examination of government reports, policies, and legal documents. During this study I will encounter possible restrictions like biases and the availability of data, encountering obstacles to obtain private data.

## Chapter 1 - Child Soldiers in the International and National Frameworks

### 1. International framework concerning child soldiers and the justice system

#### 1.1 Historical evolution of International Laws and Conventions

The impact of armed conflict on children and their rights was first reported by Graça Machel in 1996, after 3 years of field research. This report led to various legal and normative framework concerning children in armed conflict. In 1997, was created the Office of the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG CAAC). In 2000, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children and armed conflict (OPAC) was adopted, the UNSC Resolution 1314 called for its ratification. In 2001, the UNSC Resolution 1379 requested the listing of parties who recruit and use children in the annual report of the Secretary-General. The UNSC Resolution 1460 asked the Secretary-General to report on progress made with the listed parties in 2003. In 2004, The UNSC Resolution 1539 asked the Secretary-General to prepare an Action plan to establish the monitoring and reporting mechanism on grave violations against children in armed conflict, this Action Plan was presented in 2005 which led to the creation of the Monitoring and Reporting Mechanism (MRM) on grave violations against children as well as the establishment of the Security Council Working Group on Children and Armed Conflict that same year. In 2007, the Paris Commitments and Principles on children associated with armed forces and armed groups was adopted. In 2015 was adopted the Safe Schools Declaration. In 2017, was adopted the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers. The UNSC Resolution 2427, of 2018, focused on protection and stated that children associated with parties to conflict must be treated as victims. In 2021, the UNSC Resolution 2601, on safeguarding and promoting the right to education including in armed conflict was passed to develop effective measures to prevent and address attacks on schools.<sup>18</sup>

#### 1.2 Analysis of key international instruments

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<sup>18</sup> 25 Years of children in armed conflict : taking action to protect children in war. (2022, June). United Nations Children's Fund (UNICEF). Retrieved November 10, 2023, from <https://www.unicef.org/reports/25-years-children-armed-conflict>

To continue, various frameworks were adopted to prohibit the recruitment and use of children in armed conflict as well as delimiting the minimum age of recruitment. Indeed, The Geneva Convention IV prohibits the occupying power to enlist children “in formations or organizations subordinate to it”.<sup>19</sup> About the delimitation of the minimum age required for a child to be recruited, the Additional Protocol I provides that all the parties to the conflict should take all the possible measure to avoid recruiting children under the age of fifteen years to take part in the hostilities and if parties to conflict recruit children, they should prioritize to recruit the oldest<sup>20</sup>, which is also what recommends the Convention on the Rights of the Child with also the criminalization of recruitment and use of children in conflict. States that have ratified the UN CRC should develop national legislation to prohibit the recruitment and use of boys and girls<sup>21</sup>. The Additional Protocol II affirms that “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”<sup>22</sup>. The International Criminal Court stated that “conscripting or enlisting children under the age of fifteen years” into armed forces or groups constitutes a war crime in both international and non-international armed conflicts <sup>23</sup>, which is also stated in the UNTAET Regulation No. 2000/15<sup>24</sup>. Also, the Convention on the Worst Forms of Child Labour listed the “forced or compulsory recruitment of children [under 18] for use in armed conflict” as one of the worst forms of child labour and called State Parties to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour”<sup>25</sup> considering being a child soldier as one of them. Optional

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<sup>19</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, Article 50, second para

<sup>20</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, 8 June 1977, Article 77(2). Article 77 was adopted by consensus. CDDH, Official Records, Vol. VI, CDDH/SR.43, 27 May 1977, p. 251

<sup>21</sup> Convention on the Rights of the Child, adopted by the UN General Assembly, Res. 44/25, 20 November 1989, Article 38(3)

<sup>22</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Geneva, 8 June 1977, Article 4(3)(c). Article 4 was adopted by consensus. CDDH, Official Records, Vol. VII, CDDH/SR.50, 3 June 1977, p. 90

<sup>23</sup> Statute of the International Criminal Court, adopted by the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 17 July 1998, UN Doc. A/CONF.183/9, Article 8(2)(b)(xxvi) and (e)(vii)

<sup>24</sup> Regulation on the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offences, UN Doc. UNTAET/REG/2000/15, Dili, 6 June 2000, Section 6(1)(b)(xxvi) and (e)(vii)

<sup>25</sup> Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO Convention No. 182, adopted by the ILO General Conference, Geneva, 17 June 1999, Articles 1 and 3(a)

Protocol on the Involvement of Children in Armed Conflict affirmed multiple principles such as the non-compulsory recruitment of persons under 18 years into armed forces, the special protection of minors, if children under 18 years are recruited States must verify that their enlistment is made voluntarily and with full knowledge and with consent from their legal guardians, armed groups are prohibited to recruit persons under 18 years and if it is the case States must demobilize these children and give them the appropriate assistance for their physical and psychological recovery and their social reintegration (article 6.3), finally States Parties should implement this protocol.<sup>26</sup> The Statute of the Special Court for Sierra Leone stated that “conscripting or enlisting children under the age of 15 years into armed forces or groups” is a serious violation of the international humanitarian law and has the power to prosecute persons who committed this violation<sup>27</sup>. Finally, concerning regional framework, the African Union declared in the African Charter on the Rights and Welfare of the Child that “States Parties to the present Charter shall ... refrain, in particular, from recruiting any child”<sup>28</sup> and added in the Kampala Convention that States Parties shall protect internally displaced persons from the recruitment of children<sup>29</sup>, and stated that “Members of armed groups shall be prohibited from: ... e. Recruiting children ...”<sup>30</sup>.

The Monitoring and Reporting Mechanism (MRM) was created to hold accountable parties of conflict who violate children’s rights to pressure them to stop committing grave violations on children such as recruitment and use, by gathering and reporting on the six grave violations committed against children in armed conflict. The evidence reported by the Monitoring and Reporting Mechanism can lead to the listing of armed forces and groups in the annexes of the UN Secretary-General’s annual report on Children and

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<sup>26</sup> Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, adopted by the UN General Assembly, Res. 54/263, 25 May 2000, Annex I, Articles 2–4, 6(3) and 7

<sup>27</sup> Statute of the Special Court for Sierra Leone, annexed to the 2002 Agreement on the Special Court for Sierra Leone, Freetown, 16 January 2002, annexed to Letter dated 6 March 2002 from the UN Secretary-General to the President of the UN Security Council, UN Doc. S/2002/246, 8 March 2002, p. 29, Article 4

<sup>28</sup> African Charter on the Rights and Welfare of the Child, adopted by the Sixteenth Ordinary Session of the OAU Assembly of Heads of State and Government, Res. 197 (XVI), Monrovia, 17–20 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990), Article 22(2)

<sup>29</sup> African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in Kampala, Uganda, 23 October 2009, Article 9(1)(d)

<sup>30</sup> African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in Kampala, Uganda, 23 October 2009, Article 7(5)(e)

Armed Conflict. Then, the listed armed groups and forces should be a part of an Action Plan with the United Nations to address these violations. When a country is listed in the annual report of the UN Secretary-General, a UN-led Country Task Force on Monitoring and Reporting (CTFMR) is established to gather information on grave violations against children in armed conflict in that country. The CTFMR monitors all parties to the conflict, even the ones not listed. An armed group or force can be de-listed if its Action Plan has been successfully implemented.<sup>31</sup> Other accountability mechanisms exist such as the country-specific reporting on implementation of the UN CRC and its Optional Protocols and the Universal Periodic Reviews of Human Rights in all 193 Member States of the UN General Assembly, which is required by the UN General Assembly Resolution 60/251.<sup>32</sup> The international legal and normative framework also lead States to take additional measures to prevent the recruitment and use of children by armed groups and forces. Indeed, for example, the Paris Principles and Commitments and the UNSC Resolution 2143.43 require states to provide training on legal standards and obligations to prevent recruitment and use of children.<sup>33</sup>

Concerning the release and reintegration of child soldiers, the article 7(2)(b)(c) of the ILO Convention 182 requires states to provide the necessary and appropriate direct assistance for the rehabilitation and social integration of children, as well as access to free basic education and if possible vocational training.<sup>34</sup>

The article 1.5 of the Paris Principles “underscore the humanitarian imperative to seek the unconditional release of boys and girls from armed forces or armed groups at all times, even in the midst of conflict and for the duration of the conflict”<sup>35</sup> and set a standard for

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<sup>31</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>32</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>33</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>34</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>35</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

release and reintegration of child soldiers in the articles 7.1 to 7.84.<sup>36</sup> It also calls on States to provide assistance to children who are vulnerable to recruitment or have been recruited. As well, the international legal framework aims to protect children from the abuse, violence and exploitation they might go through before, during and after being associated with armed forces and groups.<sup>37</sup> The article 38.4 of the UN CRC insists on the importance for strong child protection systems and education to protect vulnerable children, and on the protection that can bring family unity, birth registration and nationality.<sup>38</sup> Multiple UN Security Council resolutions aim to protect children from violence and promote the accountability and compliance of parties to conflict.<sup>39</sup> To enforce its provisions the Monitoring and Report Mechanism established the UN Security Council Working Group on Children and Armed Conflict, consisting of the 15 Security Council members.<sup>40</sup> The UN High Commissioner for Refugees (UNHCR)'s Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum provide that the unlawful recruitment or use of children may justify the granting of refugee status.<sup>41</sup>

## 2. National historical context and framework on child soldiers

### 2.1 Colombia

#### 2.1.1 Historical overview of recruitment

The Republic of Colombia stands out in this context not only for having the world's highest crime levels but also for the increasing rate of children involved in military actions. Guerrilla and paramilitary groups in addition to government armed forces, forcibly recruit children of every age, many as young as 8 years old.<sup>42</sup> Statistics estimate

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<sup>36</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>37</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 14, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>38</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 14, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>39</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 14, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>40</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 14, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>41</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 14, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>42</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

there are up to 14,000 child soldiers now fighting in opposition groups in Colombia; although, it is a practice that has been going on for more than 60 years.<sup>43</sup> The preferred targets for recruitment are children from the poorest neighborhoods of cities or of the more desperate rural areas as they do not have access to basic education and vocational training, and are therefore without many prospects.<sup>44</sup> Furthermore, armed forces and groups use recruitment tactics such as false promises, but more often it is through coercion under the threat of violence to these children and their families.<sup>45</sup> Unfortunately, joining those corps does not represent an escape to violence as with little to no training, these children have to act as front liner shields, conduct executions, participate in suicide missions or make and transport explosives.<sup>46</sup>

To understand the causes leading to the recruitment and use of children in Colombia, it is necessary to frame the country's political background. Colombia's troubled political past dates to 1948 when the murder of liberal leader Jorge Eliécer Gaitán caused a war between liberals and conservatives.<sup>47</sup> More than a decade of growing instability led to the establishment of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). Those paramilitary groups later converged in the Autodefensas Unidas de Colombia (AUC) and continued the fights for 20 more years, wreaking havoc and death in the country and kidnapping political leaders. It is among these paramilitary groups that the practice of child exploitation for various purposes began.<sup>48</sup> In conclusion, on June 23, 2016, FARC and the government signed a ceasefire showing commitment to building a better future for Colombia. Five years later, however, political stability still

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<sup>43</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>44</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>45</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>46</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>47</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>48</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

seems far away.<sup>49</sup> In November 2019, the Colombian government enforced a national action plan along with other accountability measures like Case No. 07 of the Special Jurisdiction for Peace aimed to prevent recruitment and sexual violence against children in the country. Despite these measures, according to the latest Annual Report of the Secretary-General on Children and Armed Conflict, paramilitary groups like FARC continue to forcibly recruit younger boys into their militias without punishment.<sup>50</sup> Luckily, especially in the last decades and thanks to the mobilization of the Colombian government, many nonprofit organizations directly support the cause against child soldiers in Colombia. They are doing this is by granting populations access to essential services but also by building playgrounds and schools and promoting access to work.<sup>51</sup> One organization that is helping children is Misiones Salesians, which began in Madrid in the 1970s and has reached 130 countries today. It provides international aid to promote the economic and social progress and contribute to eradicate the root causes leading to child exploitation.<sup>52</sup> Furthermore, Missioni Don Bosco Onlus, which began in Turin in 1991 and is a continuation of the pioneering work of the Italian humanitarian, has created 4,469 schools and professional training centers to help approximately 1,140,000 boys around the world.<sup>53</sup> To bring an end to children in warfare, the Colombian government must continue to define ever more stringent policies and accountability measures aimed to discourage the recruitment of child soldiers.<sup>54</sup>

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<sup>49</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>50</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>51</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>52</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>53</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>54</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project.

<https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>



In 2004 Colombia ranked fourth for the highest use of child soldiers in the world. As of 2012 there are about 5,000–14,000 children in armed groups in the country.<sup>55</sup> Current DDR programs in Colombia are carried out by the Colombian Family Welfare Institute (ICBF) and have focused on a post-conflict framework.<sup>56</sup> Former Colombian child soldiers reported the most difficult parts of reintegration as being the transition from rural to urban life, reuniting with their families, and being removed from a context of organised armed violence.<sup>57</sup> Existing DDR programs in Colombia predominantly focus on protecting former soldiers from each other, rather than addressing the fear and stigma that each group suffers.<sup>58</sup> Many in Colombia have viewed the services granted under DDR programmes as granting impunity to these individuals for former crimes. Instead, advocates have pushed for a public awareness through campaigns and advocacy in order to eliminate existing stigma<sup>59</sup>.

Between 1990 to 2017, 16,238 children and adolescents were recruited by armed groups, in Colombia although it is understood the true figure could be as high as 40,000.<sup>60</sup>

The most prominent violation in the Colombian armed conflict was by far the recruitment and use of children by armed groups, FARC-EP groups were the main perpetrators as well as the Ejército de Liberación Nacional (ELN), with 220 children recruited between July, 1<sup>st</sup>, 2019 and June, 30<sup>th</sup>, 2021. Families in some areas were forced to move due to the threat on their children to be recruited as child soldiers, this phenomenon was the most common in the Arauca and Meta Departments.<sup>61</sup>

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<sup>55</sup> Rehabilitation and reintegration of child soldiers. (2023, November 9). Wikipedia. [https://en.wikipedia.org/wiki/Rehabilitation\\_and\\_reintegration\\_of\\_child\\_soldiers](https://en.wikipedia.org/wiki/Rehabilitation_and_reintegration_of_child_soldiers)

<sup>56</sup> Rehabilitation and reintegration of child soldiers. (2023, November 9). Wikipedia. [https://en.wikipedia.org/wiki/Rehabilitation\\_and\\_reintegration\\_of\\_child\\_soldiers](https://en.wikipedia.org/wiki/Rehabilitation_and_reintegration_of_child_soldiers)

<sup>57</sup> Rehabilitation and reintegration of child soldiers. (2023, November 9). Wikipedia. [https://en.wikipedia.org/wiki/Rehabilitation\\_and\\_reintegration\\_of\\_child\\_soldiers](https://en.wikipedia.org/wiki/Rehabilitation_and_reintegration_of_child_soldiers)

<sup>58</sup> Rehabilitation and reintegration of child soldiers. (2023, November 9). Wikipedia. [https://en.wikipedia.org/wiki/Rehabilitation\\_and\\_reintegration\\_of\\_child\\_soldiers](https://en.wikipedia.org/wiki/Rehabilitation_and_reintegration_of_child_soldiers)

<sup>59</sup> Rehabilitation and reintegration of child soldiers. (2023, November 9). Wikipedia. [https://en.wikipedia.org/wiki/Rehabilitation\\_and\\_reintegration\\_of\\_child\\_soldiers](https://en.wikipedia.org/wiki/Rehabilitation_and_reintegration_of_child_soldiers)

<sup>60</sup> Colombia ceasefire agreement needs to stop recruitment of child soldiers – Save the Children. (2023, August 4). Save the Children International. <https://www.savethechildren.net/news/colombia-ceasefire-agreement-needs-stop-recruitment-child-soldiers-save-children>

<sup>61</sup> Children and armed conflict in Colombia - Report of the Secretary-General (S/2021/1022). (2022, January 12). In Reliefweb. UN. Retrieved November 14, 2023, from <https://reliefweb.int/report/colombia/children-and-armed-conflict-colombia-report-secretary-general-s20211022>

Child soldiers are of all ages with an average age of recruitment at 13 years old (66% between ages 6-14). 70% of child soldiers are boys and 30% are girls, in the whole population of recruited children 35% are indigenous. 30% of the Colombian population had to be displaced due to the threat of recruitment.<sup>62</sup>

During the reporting period, the reintegration of children released from armed groups continued, with 323 children enrolled in specialized programmes according to the Colombian Family Welfare Institute. Furthermore, the Office of the High Commissioner for Peace recognized an additional 232 former FARC-EP combatants as having been children at the time of the laying down of weapons and provided them with reintegration services.<sup>63</sup>

The Special Representative further welcomes the progress made on accountability by the Government and transitional justice mechanisms, particularly the Special Jurisdiction for Peace, as well as additional and new policy measures adopted to strengthen the protection of children and the prevention of violations.<sup>64</sup>

### 2.1.2 Legal framework and policies

Colombia has continuously improved its legislation to alleviate the issue of child soldiers; however, there is still a series of changes that must be made in order to uphold the Human Rights of children. The country ratified the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the involvement of children in armed conflict. National legislation includes a wide range of norms with the purpose of protecting children's rights.<sup>65</sup> The Law 418 of 1997, established eighteen as the age limit for military recruitment, and the Law 548 of 1999 extended its effectiveness.<sup>66</sup> However, the Colombian Declaration on adherence to the Optional Protocol on the involvement of children in armed conflict states that under aged persons can be recruited with the

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<sup>62</sup> Bjørkhaug, I. (2010). Child Soldiers in Colombia: The Recruitment of Children into Non-State Violent Armed Groups. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.1650250>

<sup>63</sup> Bjørkhaug, I. (2010). Child Soldiers in Colombia: The Recruitment of Children into Non-State Violent Armed Groups. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.1650250>

<sup>64</sup> Bjørkhaug, I. (2010). Child Soldiers in Colombia: The Recruitment of Children into Non-State Violent Armed Groups. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.1650250>

<sup>65</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>66</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

“consent of the parents”<sup>67</sup>. The article 19.2 of the Law 782 adopted in 2002 admitted pardon for minors stating that they can reap the benefit of indults like adults and thus they are held responsible for their crimes; however, this raises the question of constitutionality in holding conscripted children liable for their criminal offences.<sup>68</sup> Child soldiers must be considered victims of forced and illicit recruitment according to article 162 of the Colombian criminal code (Law 599, 2000), therefore they could not be considered liable for the crimes they were obliged to commit.<sup>69</sup>

### 2.1.3 Government initiatives

In the decision C-203 of 2005, the Colombian Constitutional Court sustained that minors who are no longer in armed groups must be subject to a judicial process in front of the juvenile court (“Juez de Menores” or “Promiscuo de Familia”) for the violation of criminal laws committed during the internal conflict. Minors may receive pardon for violations specifically dismissed by the law.<sup>70</sup> The Law 782, developed by Decree 128, established the conditions for demobilization of different armed groups.<sup>71</sup> Nevertheless, Colombian Government, ignoring Its international obligations, passed Law Justicia y Paz stating that those who commit Gross Violations of Human Rights during the conflict will receive a maximum sentence of eight years in prison.<sup>72</sup> These laws do not protect children enough which lead to children demobilizing informally, as a consequence they do not get counted in official reports, denying them certain benefits of the DDR program. Numbers of demobilized children if official reports show that there is a flaw in the Colombian legislation that made government efforts to discontinue the recruitment and to demobilize child soldiers counterproductive.<sup>73</sup> To maximize the demobilization of recruited children, Colombia should render the liberation from armed groups universal rather than selective

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<sup>67</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>68</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>69</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>70</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>71</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>72</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>73</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

through the establishment of legislation for the demobilization of children that would keep into consideration the fact that child soldiers are captives of the armed groups and they cannot abandon the faction voluntarily.<sup>74</sup> Another significant problem with former child soldier regards their criminal liability for crimes committed during their status as conscripted soldiers. It must be remembered that they are “primarily” victims of the crime of forced recruitment (article 162 of the Colombian criminal code Law 599, 2000).<sup>75</sup> In 2006 Colombia approved Law 1098 (2006) also known as Infancy and Adolescence Code.<sup>76</sup> The new legislation, inspired from the Convention on the Rights of the Child, introduces the complete protection system. The article 175 of the new Code establishes the rules for child soldiers in conflict with law stating when “La Fiscalía General de la Nación” could renounce to their criminal prosecution.<sup>77</sup>

The Colombian Family Welfare Institute, a governmental organization, states that 83.7 percent of child combatants are labelled as “voluntary” recruits.<sup>78</sup> The voluntary recruitment of child soldiers is in fact difficult to consider. It does not depend on a conscious choice made by the child; rather, it is the socio-economic condition of rural Colombians, which renders the decision inevitable.<sup>79</sup> Internal displacement, malnutrition, lack of education, lack of government control, and abuse within families have created problematic environments, forcing the decision to enlist into armed groups.<sup>80</sup> For example, “Erika, an 18 year old girl joined the FARC at 16. The socio-economic conditions she lived in left her with two choices, become an internally displaced person, or join an armed guerrilla group. At first her father was hesitant, however he eventually accepted as it would provide her with a higher quality of life.”<sup>81</sup> In a table made by the Colombian Family Welfare Institute analyzing reasons for “voluntary” enlistment according to sex, 19.4 percent of females and 36 percent of males said they enlisted because they “liked weapons and uniforms”; 25.2 percent of females, and 24.3 percent of

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<sup>74</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>75</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>76</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>77</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>78</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>79</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>80</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>81</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

males liked the idea of the paramilitary or guerrilla way of life.<sup>82</sup> These popular ways of reasoning amongst children indicate that it is unlikely for a child to make a consciously responsible voluntary decision to enlist. According to Garry Leech, victims of child soldiery are in fact forced by their poor socio economic conditions to join these groups, and for this reason Colombia should “extend the definition of forced recruitment”.<sup>83</sup> He went on to cite an interview with Manuel Marulanda Vélez (former commander in chief of the FARC) saying that it does not make sense for the FARC to force recruitment as many people willingly join in order to escape the mass poverty in rural Colombia.<sup>84</sup> In Colombia, 2,224,931 people were internally displaced as a result of violent conflict between rightist paramilitaries and leftist guerrillas from 1999 to October 30, 2007, and 133,664 in the first six months of 2008 alone.<sup>85</sup> The mass displacement of the Colombian population due to the armed conflict has been a catalyst for rapid growth of poverty and malnutrition which has rendered the enlistment of child soldiers always forced, making the two categories of recruitment indistinguishable as the socio-economic conditions in Colombia and particularly in certain rural regions do not leave an alternative to child soldiers. The circumstances surrounding them force these victims to seek out a better life. Thus, they cannot be held responsible for their decision, especially when considering lack of education and familial instability.<sup>86</sup> The Decree 128 states that ex child soldiers must stay with the government for up to 36 hours before being taken to the Colombian Family Welfare Institute for treatment.<sup>87</sup> During this interim period children are often used by Government armed forces for intelligence purposes, as also stated by Secretary General in his December 2007 report on Children and Armed Conflict.<sup>88</sup> Through this policy the Colombian government is violating its own laws and its international obligations. In turn it is endangering its children who are at risk of retribution from militant factions.<sup>89</sup> The Colombian government has not created sufficient programs for release and rehabilitation as seen in the statistics on the total individual demobilization of children in

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<sup>82</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>83</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>84</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>85</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>86</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>87</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>88</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>89</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

the particularly in the past four years. The nearly exponentially decreasing number demonstrates that there is a problem on two levels: rehabilitation programs and legislation.<sup>90</sup> The Infancy and Adolescence Code introduces clear rules on children penal liability, but it is not enough focused on child soldiers.<sup>91</sup>

Vides International believes that children living in rural areas are option-less and the decision to join the armed group is often the only choice they have.<sup>92</sup> They are victims and the State, in contrast with Its International obligations (ex art. 4.2 Optional Protocol to the CRC on the Involvement of Children in Armed Conflict), is not capable of protecting them and to provide appropriate legislation to help them in abandoning the armed groups.<sup>93</sup> In order to avoid the recruitment of children into armed groups, it is the Government's responsibility to create alternative educational and cultural programs. These programs should promote social change and offer an alternative to child soldiery. New programs should also be created for reintegration into society in order to avoid reenlistment.<sup>94</sup>

With the Sentence C-069/16 issued in February 2016, the Constitutional Court ruled that all child soldiers who left the ranks before they reached the age of 18 years old, regardless of which group they belonged to, should be considered victims of the armed conflict and must receive assistance, compensation and local reintegration in accordance with Law 1448 of 2011, known as the Law of Victims and Restitution of Lands (Ley de Víctimas y Restitución de Tierras). This Law classifies victims according to its article 3 as people who individually or collectively have suffered damage for events occurring since 1 January 1985, because of violations of international humanitarian law or of serious and manifest violations of human rights during the internal armed conflict.<sup>95</sup>

The Colombia's Basic Military Manual (1995) provides, with respect to non-international armed conflicts in particular, that it is prohibited to "recruit and allow direct participation

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<sup>90</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>91</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 14, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>92</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>93</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>94</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>95</sup> Accepted version: Child soldiers as peace-builders in Colombian peace talks between the government and the FARC-EP . (n.d.). Retrieved November 13, 2023, from [https://discovery.ucl.ac.uk/id/eprint/10127052/1/Martuscelli\\_Duarte\\_Villa\\_Child\\_Soldiers.pdf](https://discovery.ucl.ac.uk/id/eprint/10127052/1/Martuscelli_Duarte_Villa_Child_Soldiers.pdf)

in hostilities of children under the age of 15”.<sup>96</sup> Colombia’s Law on Judicial Cooperation (1997) states that children under 18 may not be recruited into the armed forces, unless their parents give their consent.<sup>97</sup> Colombia’s Penal Code (2000) imposes a criminal sanction on “anyone, who, in period of armed conflict, recruits minors under 18 years of age”.<sup>98</sup> Colombia’s Code on Children and Adolescents (2006) states: “Children and adolescents shall be protected against: wars and internal armed conflicts; the recruitment and use of children by organized armed groups outside the law.; the worst forms of child labour which includes the “forced or compulsory recruitment of children for use in armed conflict”<sup>99</sup>.

Colombia’s Decree on Reparation to Victims of Armed Groups (2008) states that the State shall recognize and pay directly to victims, or to the beneficiaries mentioned in this decree, ... compensation in the form of the following sums depending on the fundamental rights violated such as the illegal recruitment of minors, thirty legal monthly minimum wages.<sup>100</sup>

Upon ratification of the 1989 Convention on the Rights of the Child, Colombia stated: The age [for recruitment] shall be understood to be 18 years, given the fact that, under Colombian law, the minimum age for recruitment into the armed forces of personnel called for military service is 18 years.<sup>101</sup>

In 2004, in its third periodic report to the Committee on the Rights of the Child, Colombia stated: “Act No. 418 of 1997, amended by Acts No. 548 of 1999, No. 642 of 2001 and No. 782 of 2002 and implemented through Decree No. 128 of 2003, prohibits the enlistment of persons under 18 years for military service.”<sup>102</sup>

In 2006, in its written replies to the issues raised by the Committee on the Rights of the Child with regard to Colombia’s third periodic report, Colombia stated: [T]he national security forces do not enlist in their ranks anyone under the age of 18. Concerning

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<sup>96</sup> Colombia, *Derecho Internacional Humanitario – Manual Básico para las Personerías y las Fuerzas Armadas de Colombia*, Ministerio de Defensa Nacional, 1995, p. 75.

<sup>97</sup> Colombia, *Law on Judicial Cooperation*, 1997, Articles 13–14.

<sup>98</sup> Colombia, *Penal Code*, 2000, Article 162.

<sup>99</sup> Colombia, *Code on Children and Adolescents*, 2006, Article 20.

<sup>100</sup> Colombia, *Decree on Reparation to Victims of Armed Groups*, 2008, Article 5.

<sup>101</sup> Colombia, *Declaration made upon ratification of the 1989 Convention on the Rights of the Child*, 28 January 1991, reprinted in UN Doc. CRC/C/2/Rev.4, 28 July 1995, p. 15.

<sup>102</sup> Colombia, *Third periodic report to the Committee on the Rights of the Child*, 24 August 2005, UN Doc. CRC/C/Add.129, submitted 28 June 2004, § 581.

children and adolescents having links with outlawed armed groups, it must be pointed out that, in compliance with article 162 of the Colombian Criminal Code, the recruitment of minors is an offence.<sup>103</sup> Moreover, In 2006, during the consideration of the third periodic report of Colombia before the Committee on the Rights of the Child, a representative of Colombia stated: “The recruitment of minors to the armed forces ... [is] banned.”<sup>104</sup>

The military forces of Colombia, in application of the norms of international humanitarian law for the protection of the best interests of the child and in application of domestic legislation, do not recruit minors in age into their ranks, even if they have the consent of their parents.

To continue, the Decree No. 3043 creates the HCR (high counsellor in the administrative department of the presidency of the republic) and sets out its functions as follows: “to support and advise the Colombian Family Welfare Institute in the formulation of policies and strategies related to preventing the recruitment ... of minors from organized armed groups outside the law”. The Decree No. 4690 of 2007, created the Intersectoral Commission for the Prevention of the Recruitment and Use of Children, Adolescents and Youths by Organized Groups Outside the Law, to “articulate and guide the execution of actions to prevent the recruitment and use of children, adolescents and youths by organized armed groups outside the law”.

The country has also had an important jurisprudential development with regard to the protection of the rights of children and adolescents. The government stated in 2010: “Legally, any recruitment and use of children and adolescents is a crime and violates their rights. Moreover, it is [considered to be] forced even if the victims wanted to be involved with armed groups.”<sup>105</sup>

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<sup>103</sup> Colombia, Written replies by the Government of Colombia to the Committee on the Rights of the Child concerning the list of issues formulated by the Committee on the Rights of the Child in connection with its consideration of the third periodic report of Colombia, UN Doc. CRC/COL/Q/3/Add.1, 26 April 2006, p. 46.

<sup>104</sup> Colombia, Statement before the Committee on the Rights of the Child during the consideration of the third periodic report of Colombia, 4 July 2006, UN Doc. CRC/C/SR.1148, § 38.

<sup>105</sup> Colombia, National Planning Department, National Council for Social and Economic Policy, Policy for the Prevention of Recruitment and Use of Children and Adolescents by Organized Armed Groups Outside the Law and Organized Criminal Groups, CONPES Document No. 3673, 19 July 2010, p. 81.



## 2.2 Democratic Republic of Congo

### 2.2.1 Historical context of recruitment

Approximately 2.8 million children are experiencing the worst effects of violent conflict, including being taken in by armed groups, losing their homes and families, and being subjected to increasing amounts of gender- and sexual-based violence<sup>106</sup>. In the Democratic Republic of the Congo (DRC), armed groups were responsible for 94% of all grave violations against children between 2014 and 2017.<sup>107</sup> Of these, 62% involved the recruitment of children, making armed group recruitment and use the biggest threat to children within the framework of the conflict<sup>108</sup>. Under international law, it is a war crime that more than a third (2,171) of the children recruited since 2014 were younger than 15 years old.<sup>109</sup> The UN certified in 2017 that the Forces Armées du République Démocratique du Congo (FARDC) had stopped recruiting children into its ranks and had been "de-listed" from the Annexes of the Secretary-General's Annual Report on Children and Armed Conflict, which was a list of people on the blacklist for violating the rights of children. This remarkable accomplishment required years of arduous labor and unwavering dedication on the part of the Democratic Republic of the Congo (DRC) government. In light of this accomplishment, MONUSCO is now focusing on armed groups in an effort to encourage a similar mental shift that will prevent child recruitment by all parties operating in the DRC.<sup>110</sup> Securing the sincere commitment of armed group commanders to release children and never recruit again is now the primary goal of

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<sup>106</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>107</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>108</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>109</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>110</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](http://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

MONUSCO's Child Protection Section (CPS).<sup>111</sup> National and local awareness-raising campaigns, interactions with armed group commanders, and holding offenders accountable have all contributed to a decrease in child recruitment; however, to completely eradicate child recruitment in the Democratic Republic of the Congo, the government, the UN, civil society, and donors must work together in concert.<sup>112</sup> The DRC boasts one of the highest rates of child recruiting in the world. The United Nations said that between 2014 and 2017, 49 distinct armed groups or militias recruited 6,168 children (549 girls and 5,619 boys).<sup>113</sup> Only ten armed organizations were responsible for 72% of all child recruitment, despite the fact that many other groups were part-time recruiters.<sup>114</sup> The top seven of these offenders are FDLR FOCA, Nyatura, Kamuina Nsapu, Rayia Mutomboki, Mayi Mayi Mazembe, FRPI, and NDC-Réno<sup>115</sup>. Over the last four years, there has been a 50% decline in child recruitment nationally; nevertheless, a regional analysis revealed an exponential spike in child recruitment in the Kasais, where war erupted in 2016 and 2017.<sup>116</sup> Still, North Kivu continued to be the focus of child

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<sup>111</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>112</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>113</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>114</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>115</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>116</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

recruitment, accounting for 75% of all cases reported between 2014 and 2017.<sup>117</sup> 99% of the children recruited by armed organizations were Congolese, 9% were girls, and 30% of all the children were under the age of fifteen.<sup>118</sup> With borders on eight countries' land and a ninth across Lake Tanganyika, the Democratic Republic of the Congo (DRC) saw a modest but consistent rate of cross-border child recruitment from South Sudan, Rwanda, Burundi, Uganda, Tanzania, the Central African Republic, and Kenya. Roughly 25% of the kids enlisted by the top seven offenders did so willingly. But these kids often took what was the only practical course of action at the moment since they were under contextual duress.<sup>119</sup> On average, 31% of kids, mostly boys but not only, served on the front lines. Due in large part to Kamuina Nsapu's deployment of female militants, the proportion of girls on the front lines increased over the past few years, from 1% in 2014 to 34% in 2017.<sup>120</sup> In fact, Kamuina Nsapu's use of 88% of its children as fighters had a significant impact on the nationwide surge in the use of children as combatants from 18% of all children recruited in 2014 to 51% of those in 2017.<sup>121</sup> In the Democratic Republic of the Congo, 69% of children recruited and utilized by armed groups since 2014 have never seen combat, despite gendered tropes of the child soldier as a male with a pistol.<sup>122</sup>

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<sup>117</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>118</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>119</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>120</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>121</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>122</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

They carried out the unseen work of transferring guns and belongings from camp to camp, registering ammunition supply and new recruits with care, "marrying" commanders, guarding checkpoints, gathering water and wood, cooking, cleaning, and plundering food.<sup>123</sup> In the same way that kidnapping made it easier to recruit kids, kidnapping kids also made it easier to commit other crimes. At least 56% of the girls recruited since 2014 said they had been the victims of forced marriage, sexual slavery, or rape at the hands of their recruiters and allies.<sup>124</sup> For females recruited by the top offenders, which included 92% of all girls recruited by FRPI, these percentages were significantly higher. Although girls made up 95% of sexual violence survivors, 5% of boys also reported comparable experiences.<sup>125</sup> This number is thought to significantly underestimate the true extent of sexual violence against boys due to stigma and cultural views of gender roles. In tandem with the prevalence of juvenile fighters, there was a chance of casualties and damage during hostilities. Children's accounts indicate massive kid casualties, especially in the Kasais, even though numbers are still elusive. The major categories of methods used to separate children from armed groups include voluntary release, surrender or demobilization, arrest or detention by state authorities, and flight.<sup>126</sup> At least 10% of the children who were recruited by the most prominent offenders were apprehended or detained by the authorities due to their affiliation with armed groups; children connected to openly anti-government armed groups such as FRPI, Kamuina Nsapu, or FDLR FOCA

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<sup>123</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO.

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<sup>124</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO.

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<sup>125</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO.

Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>126</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO.

Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

had higher documented rates of detention. Males were more than twice as likely to be in custody as females. Both the treatment of incarcerated children and the conditions of imprisonment were often appalling.<sup>127</sup> Commanders freely released only 9 percent of all minors recruited by the top seven offenders. With 16% of all girls freed, this scenario was more likely to occur for girls than for boys. Fewer still 8% of all recruited children surrendered to the FARDC or underwent demobilization with MONUSCO's assistance; rates for males and girls were essentially similar<sup>128</sup>. The majority of surrenders were associated with political processes; for example, children in Kamuina Nsapu demobilized in large numbers following coordinated outreach, while children from the FRPI surrendered during periods of progress in talks with the government. Ultimately, targeted engagement, prevention, and response may only significantly effect the cessation of child recruitment by identifying and addressing the micro-patterns in child recruitment rather than blatant nationwide trends<sup>129</sup>. The exact number of kids being utilized as troops in the DRC is unknown.<sup>130</sup> UNICEF and its partners put the number of children linked to the militias at 5,000–10,000 in the Kasai region alone.<sup>131</sup> Dr. Tajudeen Oyewale, the UNICEF Representative a.i. in the DRC, emphasizes, "Children who have fled the militias and whom we have taken into our care, tell us about the horrors of the bloodshed and the war."<sup>132</sup> These kids have seen murders take place. Numerous individuals have

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<sup>127</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>128</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>129</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>130</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](https://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>131</sup> Thousands of children continue to be used as child soldiers. (n.d.). <https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

<sup>132</sup> Thousands of children continue to be used as child soldiers. (n.d.). <https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

had to commit murder themselves. They lost their childhood to theft. Children are not only used in the Kasai region.<sup>133</sup> UNICEF reports that around 3,000 children have been employed by the militias in the Tanganyika and South-Kivu regions, where fighting has been ongoing for several months.<sup>134</sup> The employment of child soldiers is still a fairly common occurrence in the provinces of Ituri and North Kivu, where the number of armed organizations is rising. “Instead of being made to fight on the front lines, children ought to feel protected in their homes and classrooms”. Dr. Oyewale continues, “Children who are utilized by militias and armed groups are victims and must be treated as such”<sup>135</sup>. UNICEF urges the DRC's security forces to release all detained child soldiers right away to child protection agencies that are qualified to look after them. Over the course of a few years, UNICEF and its partners have worked to keep children out of armed groups and militias, prevent child recruitment, and reintegrate them into their communities. In 2017, UNICEF assisted in the care and release of around 3,000 children from armed groups in the country's east and over 1,000 children in the Kasai region<sup>136</sup>.

Due to their constant recruitment as combatants, porters, and escorts by armed groups and the Congolese army—sometimes through coercion—Congolese children are the main victims of war<sup>137</sup> Long-term, illegal detention of child soldiers occurs in harsh conditions with no access to food, clean water, or medical attention. In certain areas of the Democratic Republic of the Congo, armed conflict is a recurring problem. Children are particularly susceptible in these circumstances since they are helpless to stop the violence of extremist organizations.<sup>138</sup> From 2001 onwards, armed political groups have employed the technique of using and recruiting child soldiers, with up to 40% of their forces consisting of minors<sup>139</sup>. Recruited child soldiers are frequently younger than fifteen years

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<sup>133</sup> Thousands of children continue to be used as child soldiers. (n.d.).

<https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

<sup>134</sup> Thousands of children continue to be used as child soldiers. (n.d.).

<https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

<sup>135</sup> Thousands of children continue to be used as child soldiers. (n.d.).

<https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

<sup>136</sup> Thousands of children continue to be used as child soldiers. (n.d.).

<https://www.unicef.org/drcongo/en/press-releases/thousands-children-continue-be-used-child-soldiers>

<sup>137</sup> Children of the Democratic Republic of the Congo - Humanium. (2021, July 13). Humanium.

<https://www.humanium.org/en/democratic-republic-congo/>

<sup>138</sup> Children of the Democratic Republic of the Congo - Humanium. (2021, July 13). Humanium.

<https://www.humanium.org/en/democratic-republic-congo/>

<sup>139</sup> Children of the Democratic Republic of the Congo - Humanium. (2021, July 13). Humanium.

<https://www.humanium.org/en/democratic-republic-congo/>

old.<sup>140</sup> The Office of the Special Representative of the Secretary-General for Children of Armed Conflict identified 631 cases of child recruitment and usage in armed conflict in 2018 alone.<sup>141</sup> Due to the rising number of conflicts in the DRC's many regions, armed organizations are recruiting kids to act as spies, fighters, and transportation. As members of the militia, children witness killings and other atrocities, are trained to handle weapons in camps, and are eventually coerced into grave human rights violations against neighbors and even members of their own families. These situations result in a child being thrust into a violent and traumatized life, preventing them from experiencing childhood, going to school, or receiving an education<sup>142</sup>.

### 2.2.2 Legal framework and policies

The Democratic Republic of the Congo's Law on Child Protection (2009) states in its article 71 that "The enlistment and use of children in armed forces and groups, as well as in the police, are prohibited. The State ensures the demobilization of children enlisted or used in armed forces and groups, as well as in the police". It added with the article 187 that : " [T]he enlistment or use of children under the age of 18 years in armed forces and groups, as well as in the police, is punishable by between ten to twenty years' imprisonment."<sup>143</sup>

In 2008, the armed groups party to the DRC Pledge of Commitment, made a commitment to strictly observe "rules of international humanitarian law and human rights law, notably ... [t]he prohibition of all recruitment [of children] in conflict (or post-conflict) zones."<sup>144</sup>

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<sup>140</sup> Children of the Democratic Republic of the Congo - Humanium. (2021, July 13). Humanium. <https://www.humanium.org/en/democratic-republic-congo/>

<sup>141</sup> Children of the Democratic Republic of the Congo - Humanium. (2021, July 13). Humanium. <https://www.humanium.org/en/democratic-republic-congo/>

<sup>142</sup> Children of the Democratic Republic of the Congo - Humanium. (2021, July 13). Humanium. <https://www.humanium.org/en/democratic-republic-congo/>

<sup>143</sup> Democratic Republic of the Congo, Law on Child Protection, 2009, Articles 71 and 187. <https://ihl-databases.icrc.org/fr/customary-ihl/v2/rule136>

<sup>144</sup> Acte d'engagement signé par le CNDP-Mouvement Politico-Militaire, la PARECO/FAP, les Mai-Mai Kasindien, les Mai-Mai Kifuafula, les Mai-Mai Vurondo, les Mai-Mai Mongol, l'UJPS, les Mai-Mai Rwenzori et le Simba avec l'engagement solennel des Représentants de la Communauté Internationale, facilitateurs du présent acte d'engagement – les Nations-Unies, la Conférence Internationale sur la Région des Grands Lacs, les Etats-Unis d'Amérique, l'Union Africaine, l'Union Européenne et le Gouvernement (Pledge of Commitment signed by the CNDP-Mouvement Politico-Militaire, PARECO/FAP, Mai-Mai Kasindien, Mai-Mai Kifuafula, Mai-Mai Vurondo, Mai-Mai Mongol, UJPS, Mai-Mai Rwenzori and Simba with the solemn commitment of the representatives of the international community, facilitators of

## 2.3 Iraq

### 2.3.1 Historical perspective on recruitment

The practice of using child soldiers is widespread in Iraq and dates back to Saddam Hussein's Ba'ath party plan in 1975, which aimed to form a paramilitary group for children as young as 14.<sup>145</sup> By 1988, thousands of child soldiers had volunteered, many of them with the intention of fighting Iran from 1983 to 1985.<sup>146</sup> As a result of child fatalities and labor shortages, drafting lost some of its appeal. In the ensuing years, when ISIS marched across nations like Syria and Iraq, it also discovered the practice of enlisting minors as troops.<sup>147</sup>

In conjunction with resolutions engendered by the Revolutionary Command Council (RCC), the 1969 Military Service Act established that the RCC would have the final say over conscription decisions made during times of war.<sup>148</sup> Human Rights Watch states that enlisting children under the age of 15 is illegal under international law, and that enlisting children under the age of 18 is a violation of that law.<sup>149</sup> After an investigation revealed 29 verified incidents of child conscription, Human Rights Watch denounced the People's Defense Forces (HPG), which function as the military branch of the Kurdistan Workers' Party, or PKK, and the Shingal Resistance Units (YBS), which have ties to the PKK. Human Rights Watch's director of children's rights, Zama Coursen-Neff, argues that "the PKK should explicitly repudiate the recruitment and use of child soldiers and commanders of linked armed organizations should realize that the recruitment and use of children younger than 15 constitute war crimes."<sup>150</sup>

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this pledge of commitment – the United Nations, the International Conference on the Great Lakes Region, the United States of America, the European Union and the Government), Goma, 23 January 2008, Preamble and Article III, §§ 1–5.

<sup>145</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>146</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>147</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>148</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>149</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>150</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>



For a limited period, COVID-19 made poverty in Iraq worse, with children and teenagers bearing the brunt of the hardship. With 4.5 million more Iraqis falling below the poverty line, the country's share of the destitute population rose from 20% in 2018 to 11.7%. But since the government decided to loosen health rules, the 20% figure has dropped to 24.8%, somewhat boosting the economy.<sup>151</sup> Among other things, a focus on eradicating poverty is necessary to eliminate child soldiers in Iraq and elsewhere. By helping Syrian and Iraqi refugees start over and rebuild their lives, non-governmental organizations (NGOs) like the Iraq Child Rights Network and the International Rescue Committee (IRC) are making a significant contribution to the struggle. Additionally, these NGOs support healthy childhood development by collaborating with government organizations such as UNICEF to pass policies that will benefit children in Iraq, for example.<sup>152</sup>

Poverty and manipulation are very common, but there are other circumstances that force children to support or prematurely participate with armed warriors, such as abduction, threat, survival, and protection. Refugee camps have proliferated as a response to conflict, particularly explosive ones. This has left a large number of children without sufficient direction due to the loss of family or legal guardianship, leaving them at the whim of ruthless and manipulative fighters to fill the hole. For whatever reason, it is a grave violation of both international humanitarian law and children's rights when a kid is involved in armed conflict..<sup>153</sup>

Following the overthrow of Saddam Hussein, a number of fighters fought for control of the region, which ultimately led to the emergence of ISIS, an Iraqi Sunni insurgency that wreaked havoc on the world. ISIS started to imagine a long-lasting caliphate that could not and would not exist, save for an entering generation of duly indoctrinated followers, as the group captured sections of Iraq and Syria and declared a caliphate in 2014. Due to ISIS's recent victories, which prevented some 700,000 students from receiving an education, the terrorist organization now has a large pool of potential recruits.<sup>154</sup>

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<sup>151</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>152</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>153</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>154</sup> Philipp, J. (2021, September 13). *The Situation Regarding Child Soldiers in Iraq*. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

The Child Soldiers Prevention Act of 2008, which has used the tactic of publicly identifying countries involved with child soldiers and restricting security assistance to such countries under the condition that the call to cease child involvement in war goes unheeded, represents some progress in the fight against the conscription of child soldiers in Iraq.<sup>155</sup> Target countries have been targeted by the implementation of laws prohibiting licenses for direct commercial sales of military paraphernalia, foreign military financing, international military schooling, peacekeeping operations, and superfluous military equipment.<sup>156</sup> However, these countries may be granted a full or partial waiver in exchange for their cooperation in responding to active restrictions. The Trump administration fully waived Iraq's restrictions in 2020, despite the fact that the nation has taken steps to demobilize, reintegrate, and rehabilitate young soldiers. This indicates that Iraq has taken steps to achieve these goals.<sup>157</sup>

Non-state organizations are typically the ones who carry out child conscription, even though states usually face consequences for it. Although the limits force these states to combat the problem domestically, non-state actors continue to be visible to groups like Geneva Call, a nongovernmental organization (NGO) founded in March 2000. Geneva Call's mission is to inform the impacted public of their rights and educate war combatants about their obligations as soldiers. Geneva Call closely examined the HPG and YBS after a Human Rights Watch study revealed their role in the recruitment of minors for the Iraqi military.<sup>158</sup> 31 armed movement leaders, commanders, and advisors from many nation, including Iraq, participated in seminars and conversations about child safety in armed conflict in November 2016.<sup>159</sup> The opportunity sought to find practical ways to achieve and uphold respect to these criteria while educating people on international norms. The use of minors in the military arises from poverty, which is a precursor to war. There is

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<sup>155</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>156</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>157</sup> Philipp, J. (2021, September 13). *The Situation Regarding Child Soldiers in Iraq*. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>158</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>159</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

value in legislation, advocacy, education, and related fields; however, countries must first make a commitment to end extreme poverty within their borders before they can completely eradicate the use of child soldiers.<sup>160</sup>

### 2.3.2 Legal framework and policies

"conscripting or enlisting children under the age of fifteen years" is defined as a major breach of the laws and customs of war applicable in both international and non-international armed conflicts by the Iraqi Supreme Iraqi Criminal Tribunal Law of 2005.<sup>161</sup>

The Coalition Provisional Authority Order No. 2 of May 23, 2003, abolished the previous Iraqi army and several other organizations, and freed all army personnel.<sup>162</sup> Furthermore, on August 7, 2003, the Coalition Provisional Authority Order No. 22, which established the New Iraqi Army (a national defense force), was released. Section 6 of Order No. 22 stipulates that membership in the New Iraqi Army is open to everyone who is at least eighteen years old and that military duty is voluntary.<sup>163</sup> As of April 9, 2003, there was no longer mandatory duty in the New Iraqi Army. Under the terms of Iraq's statement upon its accession to the Optional Protocol, applicants must provide credible proof of age prior to acceptance; the minimum age for voluntary recruitment is eighteen years old.<sup>164</sup> The Iraqi High Tribunal Act No. 10 of 2005, for example, states in article 13 (2) (z) that it is a war crime to conscript or enlist minors under the age of 15 into the national armed forces or to use them as active participants in hostilities.<sup>165</sup> Article 13 (4) (g) further states that it is a war crime to subjugate minors under the age of 15 into armed forces or groups or to use them as active participants in hostilities.<sup>166</sup> Even though the Act punishes these

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<sup>160</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>161</sup> Iraq, Law of the Supreme Iraqi Criminal Tribunal, 2005, Article 13(2)(Z) and (4)(G).

<sup>162</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>163</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>164</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>165</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>166</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

offenses, it only applies to offenses that were committed between July 17, 1968, and May 1, 2003; offenses committed after that date are not covered.<sup>167</sup>

### 2.3.3 Interventions by Iraqi authorities

Although the Iraqi government makes an effort to uphold its commitments under international human rights law, the country's legal system does not contain any provisions making it illegal for children to participate in armed conflict or outlining consequences for doing so. Drafted legislation on children's rights will encompass the pertinent sections of international humanitarian law, the Convention on the Rights of the Child and its Protocols, and child protection laws. The report's drafting committee will bring up this crucial issue in light of national discussions surrounding the completion of the report by Iraqi government agencies. The Ministry of Human Rights will provide a number of concepts and proposals regarding the provision of suitable protection to prevent the involvement of minors in armed conflict. The Ministry of Human Rights will use its legislative competence to create human rights legislation.<sup>168</sup> The Ministry of Labour and Social Affairs' Child Welfare Authority is currently working on developing an Iraqi plan for child protection. The Child Welfare Authority is currently developing a child protection strategy that incorporates armed conflict; the current policy went into effect in 2009.<sup>169</sup>

Noteworthy is the fact that, in accordance with Act No. 85 of 2001, the Government of the Republic of Iraq adopted the Protocol Additional to the Geneva Conventions of August 12, 1949, related to the protection of victims of international armed conflicts. Furthermore, on July 9, 2001, Iraq became a party to the Worst Forms of Child Labour Convention 1999 (No. 182) of the International Labour Organization (ILO).<sup>170</sup>

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<sup>167</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>168</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>169</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>170</sup> Iraq, Initial report to the Committee on the Rights of the Child under the Optional Protocol on the Involvement of Children in Armed Conflict, 18 October 2013, UN Doc. CAT/C/OPAC/IRQ/1, submitted 9 May 2012, §§ 9, 19, 20–25 and 39–40.

### 3. Causes leading to the recruitment of child soldiers and solutions

#### 3.1 Causes and impacts

The recruitment and employment of children during an armed conflict can occur for a variety of causes, most of which are a result of factors related to the children's upbringing and surroundings. The techniques employed by armed forces are contingent upon the specific circumstances of the conflict; hence, efforts to avoid and address child recruitment and use must be tailored to each individual instance.<sup>171</sup>

An armed organization may recruit a child using violence, threats, compulsion, or manipulation. Forcible recruitment of children may occur, for instance, in the event of their kidnapping. Large-scale kidnappings by armed forces, known as "press-ganging," can take place in places where there is a high concentration of children, like refugee camps, schools, and care facilities.<sup>172</sup> For social and financial reasons, families and communities may encourage their children to join armed groups. The growth of social media has also led to the creation of widespread internet recruitment campaigns for kids abroad. Nonetheless, it is never acceptable under international law for children to associate with armed groups voluntarily.<sup>173</sup>

In order to prevent and respond to child recruitment more effectively, it is essential to identify and comprehend the factors that motivate each individual child as well as the environment in which they reside. A child may become a child soldier for a variety of reasons, including: power, empathy for a cause, lack of access to necessities, or the necessity for protection from maltreatment at home.<sup>174</sup> In societies where there is protracted armed conflict, joining the military might be viewed favorably as a means of defending one's family and society. Furthermore, a kid's enrollment as a child soldier may be their only means of meeting necessities like food, shelter, and security. From a

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<sup>171</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>172</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>173</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>174</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

gendered standpoint, it is shown that whereas girls see enrollment as a chance for empowerment and emancipation, guys may be expected or urged to enroll as a sign of manliness and maturity.<sup>175</sup>

Children are more readily controlled and are less likely to raise suspicions, which are two reasons why armed forces and other groups choose to recruit them. Children who are involved in military forces or groups can take part in combat, patrol with weapons drawn, gather intelligence, carry supplies, plant mines or other improvised explosive devices, guard prisoners, gather supplies, and prepare meals. Child soldiers may also serve as bodyguards, suicide bombers, sexual slaves, human shields, messengers, recruiters, and medical assistants.<sup>176</sup>

### 3.1.1 Colombia

It's crucial to remember that armed groups recruit children because they need new members to help them expand their control over territory. Armed organizations recruit kids using a variety of strategies. There have been instances where armed groups have abducted children from isolated areas like Carurú and Tumaco by harassing and threatening local authorities and families, leaving them powerless to defend themselves. Another example is that they host parties in these small rural villages, pick their targets, inebriate adults, and enchant children with tales of guns and battle. Because these places are so remote, it is improbable that family members will choose to travel great distances in order to report that their children have been coerced into becoming recruits.<sup>177</sup>

Numerous causes influence young people to join armed groups, and many of these children voluntarily become child soldiers. According to Human Rights Watch's investigations into the problem of child soldiers in Colombia, "the majority of minors in

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<sup>175</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>176</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>177</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

Colombia were voluntarily recruited into irregular armed groups."<sup>178</sup> In a similar vein, eight distinct departments participated in a field study by InSight Crime that uncovered a range of criminal, psychological, emotional, and environmental factors that may encourage an adolescent to voluntarily join an armed group. Instead of feeling the pessimism that comes with poverty, inequality, and a lack of possibilities, it is quite likely that many of these young soldiers choose to join gangs in order to find a sense of belonging and direction. Furthermore, since the bulk of the kids originate from impoverished and crime-ridden areas, offering them a wage or a hot meal may be sufficient to persuade them to join the organization. It's very likely that a large number of young kids join these armed gangs because they believe it will help them provide for their family financially. They believe that joining would afford them a means of escaping their oppressive poverty.<sup>179</sup> For example, paramilitary organizations pay the youths they recruit two million pesos to further their illegal activities in Bajo Cauca. Another strategy involves older boys and girls constantly wooing their younger friends and eventually persuading them to join the guerrillas by providing companionship.<sup>180</sup> Children are generally motivated to join armed groups by emotional variables like love and seduction as well as structural ones like economic hardship and a lack of viable options in life<sup>181</sup>. Owing to the negative social and economic effects, the COVID-19 epidemic has made it more difficult to stop child recruitment. In fact, the number of kids and teenagers who are purportedly members of armed groups that have joined in the first half of 2020 is equal to the number that joined in all of 2019. Additionally, the shutdown of schools made

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<sup>178</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>179</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>180</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>181</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

children and teenagers particularly vulnerable to recruitment, especially those from remote and rural areas.<sup>182</sup>

"I go to the river to play, swim, and dream, but it gets risky when the bad guys (armed persons) show up, and it gets much riskier when the water level rises. "We flee to our homes," Pedrito, an 8-year-old from Colombia's Nariño area, says<sup>183</sup>. This brutal reality is what people in Nariño and other parts of Colombia have to deal with. In the regions of Norte de Santander, Nariño, and Arauca, Save the Children documented at least two occurrences of child recruitment every month in 2021<sup>184</sup>. This is in line with the increasing trend of incidents reported by civil society organizations, which saw an 11% rise in the previous year.<sup>185</sup> Located on the country's Pacific Coast, Nariño is one of Colombia's thirty departments. Armed group violence has been on the rise since January 2022, affecting communities in departments such as Arauca, Cauca, Valle del Cauca, and Nariño.<sup>186</sup> They restricted 18,000 people, including children, in Nariño from receiving essential services. A growing worry of child recruitment also led them to impose the closing of commercial stores and schools and to halt transportation via rivers.<sup>187</sup>

Save the Children has helped 31,659 children and over 2,000 adults who were impacted by forced relocation, massacres, incarceration, mobility restrictions, and socio-emotional impacts in Valle del Cauca, Nariño, Arauca, and Norte de Santander. In order for people all across the world to properly address the important work in the areas afflicted by this kind of war crime, they also hope to elevate the voices of children and encourage them to share their tales.<sup>188</sup> The authors of "Once upon a time: a story for everybody" have

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<sup>182</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>183</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>184</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>185</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>186</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>187</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>188</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>



compiled the voices of children (speaking in Spanish) who describe what it's like to live in areas of Colombia where there is armed violence.<sup>189</sup>

Another example is the case of Edalid Carrillo who had no choice but to take her 13-year-old kid from his homeland. She did so to shield him from illegal armed groups, after the February 2022 murder of her child's father, Herman Naranjo Quintero, a social leader in Corocito, a community in the municipality of Tame (Arauca), Colombia.<sup>190</sup> The recent murder of four indigenous minors from Putumayo on the border between Caquetá and Amazonas, after being recruited by the Carolina Ramírez Front from the disbanded Revolutionary Armed Forces of Colombia (FARC) once again highlighted the gravity of the problem in Colombia.<sup>191</sup> Parents endure silence and threats and uproot themselves in an effort to prevent unlawful groups from taking their children and teenagers away from them. In places as exposed to the armed conflict as Tame, in eastern Colombia, the families of high-risk children have sacrificed proximity to their children in order to keep them safe. The local ombudsman, Juan Carlos Villate, has spearheaded attempts to protect some of them, removing them from their houses after an urgent call from their families, once they manage to break the hush imposed by the dispute. "During these interventions, the communities feel empowered, and they talk; they say: "look, they are about to take my child away, please help us."<sup>192</sup> We began to activate channels for removing children from the territory with international organizations' cooperation, but we only recognize them when we are in the village," explains Villate in an interview with EL PAÍS.<sup>193</sup> Early last year, one such operation was carried together with other organizations in Caranal, a hamlet in the Fortul municipality, where seven children were at risk of falling into the hands of illegal groups. According to the Ombudsman's Office's statistics, since 2022, 11 Makaguán indigenous girls have been recruited from the La Esperanza reservation, in the Siberia I area, including two this year. The Ombudsman's Office has registered 23 cases of the recruitment of minors between 13 and 17 years of age in the first quarter of

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<sup>189</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>190</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>191</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>192</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>193</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

this year, in the departments of Cauca, Amazonas, Antioquia and Arauca. That is eight more children than the number reported in the same period previous year.<sup>194</sup> But the data, which demonstrate an increase of almost 50%, do not necessarily reflect the depth of the problem. “If they speak out, families are at risk in their territory. That is why it is not easy to detect cases,” the ombudsman argues<sup>195</sup>. According to data collected by the Truth Commission, between 1990 and 2017, armed groups recruited 16,238 adolescents in Colombia. The Commission's final report highlights that “they were girls and boys without the ability to chose, for themselves, because of their age and social conditions; they didn't have the possibility to escape the war.”<sup>196</sup>

A UNICEF study on the children who have been freed from organized armed groups in Colombia between 2013 and 2022 shows that, of the 2,181 children and teenagers served by the specialized care program of the Colombian Institute of Family Welfare (ICBF), 40% were recruited by the defunct FARC and about 27% by the ELN. The rest were recruited by other groups such as the Clan del Golfo [Gulf Clan] and Gaitanist Self-Defense Forces (AGC).<sup>197</sup> Nearly four out of every 10 demobilized children belong to indigenous or Afro-Colombian communities, demonstrating that this crime impacts particularly vulnerable populations who have historically faced discrimination. Although the recruitment of minors diminished during the peace process between the government and the FARC from 2012 to 2016, the armed groups’ drive to rebuild their organizations and dominate territory has generated a fresh cycle of warfare that once again threatens children.<sup>198</sup> “Little girls, little boys and teenagers who are at risk of recruitment already live in a permanent environment of rights breaches in their territories,” the UNICEF report adds.<sup>199</sup> Although doing so is considered a war crime, armed groups deploy a number of strategies to lure kids to join their ranks. The dissidents take advantage of the structures of weak households, children out of school, indigenous groups and Venezuelan

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<sup>194</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>195</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>196</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>197</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>198</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>199</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

immigration.<sup>200</sup> For its part, the ELN resorts to deceptive promises. The kids end up joining the ELN after they manipulate them into falling in love, telling them it will be an adrenaline rush, that nothing bad will happen to them, and that they will receive money, a motorcycle, power, and ladies. When they understand that life is not what they were promised and try to leave, they are not allowed to do so. The ones who have tried to flee have been killed,”<sup>201</sup> says Tame’s ombudsman, Juan Carlos Villate. “There are incidents of children being used as cannon fodder in the fighting,” he continues.<sup>202</sup> He gives the example of the fighting on March 19 in the rural part of his municipality between the Colombian army and the National Liberation Army (ELN), which resulted in the death of a 17-year-old child who had been involved in recruitment by this illegal organization.<sup>203</sup> In locations where forced recruitment is a constant worry, minors are likewise subject to detention to keep them safe. Mayerly Briceño, a young social leader from Arauca who currently lives in Bogotá, experienced that as a child. “I grew up in a space where conflict defined daily life. I never got the opportunity to know what it was like to go play with friends outside. Today, I understand my mother’s concern and why she didn’t want my sisters and me to go outside, so that we wouldn’t be exposed,”<sup>204</sup> she recounts. Briceño is currently the mother of a 10-year-old son. She bemoans the fact that this reality keeps happening. “When you grow up and have a child, you start to look back, and you look for methods to protect him. He just goes from home to school and from school to home. He doesn’t go into town...because we don’t know when there might be a confrontation,”<sup>205</sup> she says. She aims to remove her kid from the territory. Some of the juveniles saved from recruitment receive sanctuary from groups like Benposta, an NGO that aims to assist children affected by the violence. Project coordinator Juan Sebastián Campo thinks that expulsion should be the final resort. The most effective preventative, he believes, is offering children rights and opportunity.

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<sup>200</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>201</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>202</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>203</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>204</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>205</sup> *Child recruitment in Colombia: fear in the river*. (2022, March 3). Save the Children International. <https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

“There is ample knowledge regarding the reasons that adolescents get involved in the war. Many are children who are literally exhausted of home violence, economic precarity or [having] nothing to feed, and end up escaping and joining armed groups,” says Campo<sup>206</sup>. “What else can they do when everything is closed to them? There are always the armed groups trying to see how they can get them involved in the fight, and sadly that is what happens. I know of many, many situations of young individuals who can’t find any other alternative in life. It is tragic, but that’s the reality of this country, and we are still facing it today,” adds Mayerly Briceño.<sup>207</sup>

After the Carolina Ramírez Front murdered the four recruited children, President Gustavo Petro suspended the ceasefire in the departments of Meta, Caquetá, Guaviare and Putumayo. “Killing indigenous children is an abhorrent crime against humanity. Forcibly recruiting kids is the same,”<sup>208</sup> the Colombian president remarked. With or without a ceasefire, families in conflict-stricken countries confront a lonely endeavor to protect their children from harm. Some screams for aid are wedged between a rock and a hard place. Others, like Edalid Carrillo’s, are not usually heard.<sup>209</sup>

Numerous factors, including age, gender, disability status, degree of resilience in the individual, length of affiliation with the armed group, distance from home, type of involvement, treatment, involvement in violent acts or witnessing violent ones, life circumstances prior to association, and amount of support for reintegration, influence the range and severity of the effects on children.<sup>210</sup> Let's start by discussing the effects that affiliation with the armed forces or similar organizations has on the physical and mental

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<sup>206</sup> Child recruitment in Colombia: fear in the river. (2022, March 3). Save the Children International.

<https://www.savethechildren.net/blog/child-recruitment-colombia-fear-river>

<sup>207</sup> Vanegas, G., Vanegas, G., & Vanegas, G. (2023, May 27). The forced recruitment of child soldiers in Colombia: Families are uprooted, isolated and threatened. EL PAÍS English.

<https://english.elpais.com/international/2023-05-27/the-forced-recruitment-of-child-soldiers-in-colombia-families-are-uprooted-isolated-and-threatened.html>

<sup>208</sup> Vanegas, G., Vanegas, G., & Vanegas, G. (2023, May 27). The forced recruitment of child soldiers in Colombia: Families are uprooted, isolated and threatened. EL PAÍS English.

<https://english.elpais.com/international/2023-05-27/the-forced-recruitment-of-child-soldiers-in-colombia-families-are-uprooted-isolated-and-threatened.html>

<sup>209</sup> Vanegas, G., Vanegas, G., & Vanegas, G. (2023, May 27). The forced recruitment of child soldiers in Colombia: Families are uprooted, isolated and threatened. EL PAÍS English.

<https://english.elpais.com/international/2023-05-27/the-forced-recruitment-of-child-soldiers-in-colombia-families-are-uprooted-isolated-and-threatened.html>

<sup>210</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

health of child soldiers. In fact, because of their substandard living conditions, exposure to violence and abuse, exploitation, and battle experience, the majority of child soldiers suffer both physical and psychological injury.<sup>211</sup> The physical health of juvenile soldiers may suffer major short- and long-term effects. The work completed and living circumstances have the potential to cause disease, chronic injury, disability, decreased mobility, hearing, or loss of sight, in addition to death. Addiction to substances, substandard living arrangements, and inadequate diet can all contribute to illness and poor health. Micronutrient deficits, acute respiratory problems, stunting, or lack of physical growth are examples of long-term effects. Furthermore, even preventable diseases may have long-term effects since military forces and armed groups may not be able to offer or have access to necessary medical care for children who become ill, maimed, crippled, or pregnant. Sometimes the military forces or other groups will punish, abandon, or even kill sick or injured children. For both girls and boys, sexual abuse can lead to concerns about their reproductive health that could last a lifetime.<sup>212</sup>

Regarding the effects on child soldiers' sexual and reproductive health, let's continue. Sexual violence can affect both boys and girls, and it can result in genital injury, fistulas, incontinence, HIV and AIDS infections, and sterility, among other reproductive health issues. It can also lead to pregnancy, which frequently occurs with little to no medical supervision. This can cause females to give birth in unhygienic and harsh circumstances, which can increase the risk of maternal death. Unhygienic circumstances and lack of medical care are also present during forced or voluntary abortions. Child soldiers' future relationships may suffer as a result of the psychological stress. Furthermore, child soldiers may experience rejection from their friends, family, and community in certain instances as a result of the stigmatization and shame attached to this type of abuse. Given this, it stands to reason that underreporting of sexual assault on young soldiers occurs.<sup>213</sup>

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<sup>211</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>212</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>213</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

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On top of that, exposure to armed warfare may have long-term effects on the psychological and mental health of child soldiers. A child's past, the amount of help they received following their connection, and their degree of reintegration into their family and community are some of the variables that influence how they process their experience of being associated with an armed force or group. Following their release, some kids may deal with significant psychological traumas, persistent anxiety, guilt, shame, disorientation, or sadness. which may show up in children as high-risk or aggressive behavior, eating disorders, nightmares, stress, social disengagement, flashbacks, relationship problems, or drug or alcohol addiction. It is well known that armed groups use the indoctrination of their young recruits as a form of control. In addition to educational and livelihood initiatives, family, community, and peer support, as well as mental health and psychosocial support services, are crucial for the recovery of child soldiers.<sup>214</sup>

Because they may lose out on possibilities for both official and informal schooling as well as personal growth, child soldiers' involvement in armed conflict also has a significant negative influence on their access to education, means of subsistence, and social development. Rarely do children connected to the military and armed organizations get the chance to continue their regular schooling. Following their release, it could be challenging for them to reintegrate into official educational systems because of the stigmatization and resistance of other students and teachers to allow them back into the lecture hall. Additionally, it can be difficult for former child soldiers to focus, stay motivated, and behave appropriately. Insufficient life and employment skills might pose a threat to a person's reintegration, especially for teenagers.<sup>215</sup>

Lastly, it's critical to take into account the potential effects of child soldiers' experiences on their relationships with their families and communities. The factors that initially led to the kid association may have an impact on these linkages. In fact, the release of young soldiers may cause various reactions in their communities and families. When it is

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<sup>214</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>215</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

socially and culturally expected that children will enlist in the military or other groups in order to defend and support the family, for instance, they may respond adversely. As a result of their inability to stop the recruiting, families and communities may, on the other hand, feel guilty, helpless, or ashamed about the forced enlistment of infant soldiers<sup>216</sup>. Simultaneously, ex-child soldiers may experience feelings of resentment and disillusionment towards their relatives, accusing them of failing to safeguard them. It can be difficult for some child soldiers to reintegrate into their families and communities following their release because they had a newfound sense of independence during their association, away from the usual expectations of behavior and duties within the family and community. One major obstacle to the reintegration of child soldiers is the lack of understanding from families and communities.<sup>217</sup> Additionally, if a child has shown violent behavior, committed acts of violence against their community, or disregarded authority, some families and communities may view the child as dangerous or fear possible retaliation by the armed forces or other groups. Due to the stigma associated with psychological distress or fear of the reactions of their families, children may also be afraid to communicate their feelings or narrate their experiences. Families may view crippled former child soldiers as a burden when they return home.<sup>218</sup>

Finally, for a number of reasons, including as the death of a family member, a break in communication with the family, or the possibility of physical harm from family members, some children may not be able to return to their families or communities or may not want to. Consider additional possibilities in these situations, such as long-term family mediation, alternate long-term care and support options, and community inclusion.<sup>219</sup>

### 3.1.2 Democratic Republic of Congo

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<sup>216</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>217</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>218</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>219</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

A recent report by UNICEF details the liberation of over 20,000 child soldiers from the Democratic Republic of the Congo (DRC) armed forces and organizations during the past ten years. Former child soldier Obedi tells his story. At the age of 11, he began going with regular army soldiers that were stationed in his hamlet in Nyamilima, in the North Kivu province. Following the deaths of his parents, he was forced to drop out of school at a young age due to the National Congress for the Defence of the People (CNDP) insurrection, which started in the eastern Democratic Republic of the Congo (DRC) around 2007. He also joined the Mai-Mai rebel organization of the Shetani warriors during the early years of the fight.<sup>220</sup>

The national program for demobilization, disarmament, and reinsertion (PNDDR-child) only moved these child soldiers from North Kivu to Kamina, in the former province of Katanga, during the conflict against the M23 insurgency towards the end of 2013. Thus, Obedi was among the kids whom this government program in the Congo aimed to rehabilitate for a normal life. He was a fighter for both the government and the opposition, having served time in Uganda and the Democratic Republic of the Congo. This young adolescent experienced horrific wartime images, which may have contributed to his psychiatric issues. Obedi: "On occasion, I had to stay with the military during the rebel attacks in my community. Not to mention the grenade explosion or the rebels' cries, I shivered with horror at the sound of bullets zipping over our heads. It was terrifying, sometimes to the point where I experienced sleep terrors"<sup>221</sup>. Following their demobilization, juvenile soldiers participate in a social reintegration program. "Education is crucial for social reintegration," says Katembo Malekani, leader of the project for the demobilization, reintegration, and prevention of recruiting child soldiers. But there are other ways to receive technical training if you don't want to follow the typical curriculum, he continues<sup>222</sup>.

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<sup>220</sup> Child soldier in DRC, Obedi has come far - Democratic Republic of the Congo. (2017, May 1). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/child-soldier-drc-obedi-has-come-far>

<sup>221</sup> Child soldier in DRC, Obedi has come far - Democratic Republic of the Congo. (2017, May 1). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/child-soldier-drc-obedi-has-come-far>

<sup>222</sup> Child soldier in DRC, Obedi has come far - Democratic Republic of the Congo. (2017, May 1). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/child-soldier-drc-obedi-has-come-far>



## Chapter 2 - Prevention, Rehabilitation, and Reintegration Solutions at the International Level and Their Implementation

### 1. Prevention

#### 1.1 International solutions

##### 1.1.1 Monitoring mechanisms

Monitoring and reporting of rights violations against children in armed conflict poses many risks which can include: risks to the victims of stigmatization and reprisal from their communities or the armed forces or groups, risks of sharing self-incriminating evidences, risks for humanitarian organizations and operations to be denied in the country. When humanitarian access is limited due to insecurity, community-based child protection mechanisms can play an important role in the Monitoring and Reporting Mechanisms (MRM) as they may be able to obtain information that would otherwise not be recorded.<sup>223</sup>

##### 1.1.2 Community-level approaches

Families, community members, and community-based groups are some of the most effective agents for preventing child recruitment. Community-level monitors can also capture information about the frequency and nature of child recruitment itself. Also, direct dialogue with armed actors to end the practice of forced recruitment “stands a good chance of success in situations where the armed groups depend on local people’s moral or material support”<sup>224</sup>, but these negotiations can also be dangerous for family and community members. Community-based child protection groups can identify children most at risk of choosing to join an armed force or group and they can try to reduce the risk by mentoring, also they can promote positive parenting and non-violent discipline as

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<sup>223</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>224</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

well as conducting awareness dialogue and mediation with family and community members.<sup>225</sup>

### 1.1.3 Role of national legal frameworks

National laws that prohibit the recruitment and use of children by armed forces and groups are a significant prevention measure. Preventing child recruitment and use requires States to have a strong legal framework which requires political will and investment in systems and personnel for enforcement, including providing judicial, military, national police and border control personnel with the necessary resources and capacity. It also requires well-resourced child protection systems. The African Union Child DDR Guidelines stated : “National authorities can help to prevent recruitment by investing in social protection schemes, education systems and the creation of jobs, thereby reducing vulnerability and providing meaningful alternatives to joining armed struggles. Equally, there is a need to document recruitment, sensitize communities on the risk of children being recruited, sensitize members of armed forces and groups, assist communities to establish child protection mechanisms, and educate them on the importance of not stigmatising returned children associated with armed forces and armed groups.”<sup>226</sup>

Also States can implement proof of age policy and establish dedicated Child Protection Units (CPUs) within armed forces and groups to identify children within their ranks and to receive released children, but also to receive complaints about underage recruitment and monitor child rights violations. Ensuring that laws and policies relating to child recruitment are understood is a key first step in preventing child recruitment.<sup>227</sup>

### 1.1.4 Advocacy efforts

Advocacy can help people understand the risks and consequences of child recruitment and can raise awareness of alternative options and promote supportive services. It can

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<sup>225</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>226</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>227</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

generate empathy for and acceptance of children who have been associated with armed forces and armed groups and can motivate communities to support prevention and reintegration efforts. It can inform people on the law as well. Successful advocacy can lead to preventing the participation of children in armed conflict, addressing underlying causes by supporting educational or vocational opportunities for children, encourage and support children's exit from armed groups and even suggest direct preventive measures such as accompanying children on their route to or from school.<sup>228</sup>

### 1.1.5 Child participation

To prevent and respond to child recruitment and use children should participate in peacebuilding activities as they represent a large percentage of the population in countries affected by conflict and are the adult population of the near future. Moreover, working to end or reduce the likelihood of armed conflict will reduce the risk of future violations of children's rights, including recruitment and use by armed forces and groups. Furthermore, as marginalized children are susceptible to recruitment by armed forces and groups, peacebuilding activities can contribute towards decreasing this risk by bringing together children from diverse backgrounds. As an example, Colombian children participated in the peace talks of 2012-2016 and were involved in the peace process.<sup>229</sup>

## 1.2 Solutions in Colombia

With 33 regional headquarters and 215 zonal centers across the nation, the Colombian Institute of Family Welfare (ICBF) is the entity of the Colombian State that works for the prevention and comprehensive protection of early childhood, childhood, and adolescence, the strengthening of young people and families in Colombia, and providing care especially to those in conditions that pose a threat to, disregard for, or violate their rights. With its programs, strategies, and care services, the ICBF has reached nearly 3 million Colombians. At the national, departmental, district, and municipal levels, the National

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<sup>228</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 14, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>229</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

Family Welfare System (SNBF) is the collection of agents, coordination, and articulation instances to adhere to the comprehensive protection of children and adolescents and the strengthening of youth and families.<sup>230</sup>

The Colombian government has implemented preventive programs to combat child recruitment and use. One such program is *Súmate por mí*, which aims to deter child soldier recruitment in rural areas by offering socio-economic programs and recreational opportunities to youth. However, the program's implementation has been banned by organizations such as the ELN, making it largely ineffective. The Institute for the Well-Being of Families (ICBF) in Colombia oversees demobilization camps for ex-child soldiers, fostering intimate relationships and mentorship with the parents of these kids. It hasn't, however, been particularly successful. Because of the armed organizations' strength and influence in Colombia's rural and indigenous communities—where the majority of recruiting occurs—locals are afraid to take part in government efforts and programs, which renders them ineffective.<sup>231</sup>

### 1.3 Solutions in Iraq

The Ministry of Labour and Social Affairs (MoLSA), the government of Iraq's authorized agency, and the United Nations agreed an action plan today, March 30, 2023, to stop the recruitment and use of children by the Population Mobilization Forces (PMF). The Action Plan binds MoLSA and the National Committee for the Monitoring and Reporting Mechanism on Children and Armed Conflict (CAAC) to fortify the current framework for child protection by establishing reaction and preventive mechanisms inside the Popular Mobilization Forces (PMF). The Action Plan includes initiatives to tighten age verification in addition to awareness raising campaigns to avoid child recruitment, among other actions to prevent the PMF from recruiting and using children. The plan also supports the development of the required legislation and administrative steps to prohibit

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<sup>230</sup> Colombia ceasefire agreement needs to stop recruitment of child soldiers – Save the Children. (2023, August 4). Save the Children International. <https://www.savethechildren.net/news/colombia-ceasefire-agreement-needs-stop-recruitment-child-soldiers-save-children>

<sup>231</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

the recruitment and use of children and swiftly investigate any accusation of recruitment and use of minors<sup>232</sup>

## 2. Rehabilitation

### 2.1 International solutions

#### 2.1.1 Engaging with armed groups

Over the past few decades, conflicts have become increasingly more complex and changing dynamics involving multiple state and non-state actors. Since 2017, the number of non-state armed groups (NSAGs) far exceeded the number of government security forces in the lists of perpetrators of grave violations against children in the annexes of the Annual Report of the Secretary-General on Children and Armed Conflict. Many of the children involved in armed conflict today are found within the ranks of NSAGs. Engaging with NSAGs is essential in these contexts to address the issue of child recruitment and use.<sup>233</sup>

The article 7.13 of the Paris Principles declared : “The transition of the child from a military environment and the first step towards reintegration into civilian life begins with their release from armed forces or armed groups.”<sup>234</sup> The formal release of children from armed forces or armed groups involves the planned formal transfer of children to a designated third party for their care and protection. Such processes should be available to all children associated with armed forces and armed groups, irrespective of their role(s) during their association.<sup>235</sup>

The Specific standard on ‘Children and DDR’ within the Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) is based on relevant provisions of

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<sup>232</sup> The Government of Iraq, supported by the United Nations, strengthens its commitment to prevent the recruitment and use of children by armed forces [EN/AR/KU] - Iraq. (2023, March 30). ReliefWeb. <https://reliefweb.int/report/iraq/government-iraq-supported-united-nations-strengthens-its-commitment-prevent-recruitment-and-use-children-armed-forces-enarku>

<sup>233</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>234</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>235</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

international law and three decades of field experience and lessons learned by UNICEF and its partners. It provides guidance on how to prepare for and respond to the specific needs of children during formal DDR processes. However, some children may not be able or willing to participate in formal release processes and therefore won't access the protection and care they needed to assist in their transition to civilian life.<sup>236</sup>

The preparation to support the release of child soldiers from armed must begin as early as possible, regardless of the type of release, and be guided by a thorough analysis of the context and conflict dynamics. Also, early preparation for release can also help prevent and manage the resentment and aggression towards former child soldiers from their communities. Where national law allows recruitment by armed forces between the ages of 15 and 18, release processes should include verification of children's age and determine if their association was truly voluntary. After the release, former child soldiers should have access to medical and psychological support, as well as being interviewed to assess their individual needs. Former child soldiers should be informed about the full release and reintegration process, their rights relating to the process, anticipated timelines, available services, and the daily routine within interim care settings.<sup>237</sup>

Children whose family and community are associated with an armed force or group may face additional challenges through formal release processes and may be better served by more informal processes. An example of such community-based militia groups is in the Democratic Republic of Congo.<sup>238</sup>

### 2.1.2 Alternative care options

Usually child soldiers are separated from their families or caregivers when they are released or when they escaped. Former child soldiers might need time before being reunited with their families and therefore might need temporary alternative care until

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<sup>236</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>237</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>238</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

reunification can take place or until a long-term care option is found such as a permanent alternative care arrangement.<sup>239</sup>

Temporary alternative care can give some children time to process their experience as child soldiers before establishing contact with their families. Not all released children require alternative care; some are able to return directly home.<sup>240</sup>

Children may stay in interim care for 3 months, or in long-term care which is between 3 to 24 months, or in permanent care. Permanent alternative care is the chosen solution when former child soldiers cannot be reunited with their families or caregivers or because it is not in the best interest of the child. The framework for providing alternative care for children is set out in The Guidelines for the Alternative Care of Children, adopted by the General Assembly of the United Nations in 2010.<sup>241</sup>

All care placements must be registered, and monitored on a regular basis, paying particular attention to children's physical safety and emotional wellbeing. Children living in alternative care arrangements, may face risks, including being attacked or re-recruitment.<sup>242</sup>

## 2.2 Solutions in the Democratic Republic of Congo

The involvement of numerous actors and institutions is essential for the rehabilitation and reintegration of child soldiers in the Democratic Republic of the Congo. Several organizations were active in the DRC; these ranged from foreign humanitarian groups to the national agency, Commission Nationale de la Demobilization et Reinsertion (CONADER), which was in charge of the DDR process. Unfortunately, a lack of coordination, inefficiency, poor management, institutional rivalry, and corruption have

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<sup>239</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>240</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>241</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>242</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

dogged all of these players.<sup>243</sup> The continued hostilities and impunity for human rights abuses, such as sexual assault, have compromised the CONADER programs and made it more difficult for former child soldiers in North and South Kivu to successfully reintegrate into society. Persistent violence, poverty, and the lack or weakness of state institutions and infrastructures impeded the efforts of the government, the international community, donors, and non-governmental organizations. Additionally, CONADER's inability to establish sub-regional organizations throughout the DRC accounts for the absence of local ownership in its initiatives. Established in December 2003, the Commission Nationale de Désarmement, Démobilisation et Réinsertion, or CONADER, is responsible for managing a Demobilization and Reintegration program for around 30,000 children and 150,000 adult fighters.<sup>244</sup> The primary government organization in charge of coordinating all of the DRC's DDR initiatives is CONADER. Its primary responsibilities include organizing and carrying out community awareness campaigns, capacity-building initiatives, and the rehabilitation and reintegration of former combatants.<sup>245</sup>

A regional framework to aid in the demobilization and reintegration of former combatants in the African Great Lakes region was the multi-country Demobilization and Reintegration Program (MDRP). In terms of the number of participating nations, the number of demobilized people, and the amount of World Bank finance, it was by far the largest DDR initiative in the world.<sup>246</sup>

MONUSCO was able to raise awareness among armed groups about the need to disarm and demobilize young soldiers through its radio station, Radio Okapi. This tactic showed how useful the media can be, particularly during ongoing hostilities when it might be challenging to reach child soldiers. The Disarmament, Demobilization, Repatriation and Reintegration (DDRR) and the Child Protection Section (CPS) of MONUSCO are the

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<sup>243</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>244</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>245</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>246</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)



two divisions that deal with child soldiers. In order to weed out civilians hoping to benefit from the DDRR program, the DDRR department screens the ex-combatants. This screening process involves practical military skills assessments to determine whether the individuals participating were indeed combatants. Prior to the reintegration phase, they are demobilized and sent to an assembly point if they meet the qualifying requirements. Foreign juvenile fighters are then sent to their home nations at that moment.<sup>247</sup>

Boys and girls escaped at about equal rates, with 67% of all the children recruited by the top seven abusers ultimately fleeing. In other words, 2,836 boys and girls put their lives at danger in order to escape these armed gangs.<sup>248</sup> In the East, escape was the number one route of children's separation. For example, 87% of children recruited by FDLR FOCA and 90% of all children recruited by Nyatura escaped. Notably, when FARDC activities put FDLR FOCA under extreme pressure and approximately 500 children took advantage of the opportunity to escape, the number of children who left FDLR FOCA increased dramatically in 2015<sup>249</sup>. Commanders freely released only 9 percent of all minors recruited by the top seven offenders. Remarkably, 16% of all recruited girls were eventually released, making them more likely to be freed than boys. Eight percent of all minors recruited by the top perpetrators either surrendered to the FARDC or were demobilized with the cooperation of MONUSCO CPS and DDR, with boys and girls surrendering at almost equal percentages. Notably, children who turn themselves in to the FARDC are then given to MONUSCO for record-keeping and participation in child DDR programs; yet, some turn themselves in and are then taken into custody or arrested. Whether they were captured on the battlefield, arrested shortly after escaping from an armed group, or apprehended once they arrived home, frequently after being identified by other community members, at least one in ten children who were recruited by the top

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<sup>247</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>248</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](http://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>249</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](http://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

perpetrators in the DRC were arrested and detained by authorities for their association with armed groups.<sup>250</sup> More than 8,000 children, according to UNICEF, were in need of such assistance by the end of 2017, placing them at serious risk of re-recruitment and issuing a clear call to action for the donor community.<sup>251</sup> Reestablishing family ties and reuniting child ex-combatants with their families has been the ICRC's primary responsibility in the reintegration process. Following their arrival at the rehabilitation facility, the ICRC pays each child a visit and conducts an interview with them in an effort to start family tracing efforts and promote communication between the two<sup>252</sup>.

Due to the mandate's limitations on its interventions, the UNHCR's involvement in the DRC's reintegration process in North and South Kivu has been minimal. Although the UNHCR does not directly address concerns of child recruitment in armed situations, its conventions and regulations play a significant role in preventing refugee camps from becoming hubs for youth recruitment. One of UNHCR's responsibilities in the DRC was to house refugees and former fighters in separate quarters at the Bukavu Transit Camp. This clause could only be used for a maximum of two days, after which the former fighters would be moved to different locations.<sup>253</sup> In general, UNICEF has significant obligations for safeguarding the weak, including children, especially during times of violence. UNICEF's duty under the DDRR is to oversee the application of the CRC, which serves as the benchmark by which UNICEF assesses the effectiveness of its initiatives to protect children's best interests. In all of its country programs, UNICEF promotes parental

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<sup>250</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>251</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In childrenandarmedconflict.un.org. MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

<sup>252</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>253</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

education and psycho-social counseling initiatives to support child development and create the capacity necessary to support re-attachment to families and communities.<sup>254</sup> With a special focus on child soldiers, UNICEF has been an active collaborator since 2001, offering NGOs and the government financial and technical help to undertake demobilization, rehabilitation, and reintegration initiatives. But because of the ongoing violence in the area, UNICEF's engagement in rehabilitation and reintegration efforts has drastically decreased. Its primary objectives are to promote children's rights and teach Congolese military officers about those rights. UNICEF continues to work in the domains of follow-up, reintegration of child soldiers who have self-demobilized, and psychological treatment. The majority of the former child soldiers who had been reintegrated into their villages were re-enlisted by the local armed organizations, so the DDDR program in that region—particularly the reintegration component—was unsuccessful<sup>255</sup>.

### 2.2.1 Transit centers and alternatives

Save the Children helped DIVAS North Kivu establish a transit center in advance of the Mushaki demobilization, modeling it after the DIVAS center in Bukavu. UNICEF provided temporary support to two regional NGOs to establish centers in Goma. The Bukavu Save the Children-DIVAS center highlights the importance of family and Community reintegration allows for flexibility in a child's stay duration in the center based on their unique circumstances.<sup>256</sup> Family tracing has been very easy because many children have been able to keep in touch with their families in some way. Save the Children has discovered that, with rare exceptions, it was frequently essential to give eight to ten weeks' notice in order to make sure the community and family were ready to welcome the kid. One aspect of this preparedness is handling any situations in which neighbors could have doubts about the child's military involvement. During this initial

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<sup>254</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>255</sup> Legrand, J. C., Lessons Learned from UNICEF Field Programs For the Prevention of Recruitment, Demobilization and Reintegration of Child Soldiers, 1999.

<sup>256</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

period, some local and international organizations criticized the program and suggested that transit centers should require a minimum stay of three months. They suggested that this time frame would be necessary for the psychosocial rehabilitation of demobilized juvenile soldiers<sup>257</sup>. On the other hand, the Save the Children-DIVAS centers have repeatedly discovered that the children's primary concerns were reconnection with their families and communities, and that the restoration of these relationships was the most crucial step in promoting the children's psychosocial welfare.<sup>258</sup> Finally, prominent DRC program partners are adamant that community-based approaches are the best way to address socioeconomic reintegration and that transit centers are not suitable for vocational training. Various external parties suggested that special centers were necessary for child soldiers and that it would be hazardous to combine them with other children in temporary care settings, street children, or separated children. The practice of combining child soldiers from various racial or military backgrounds has also raised a lot of concerns.<sup>259</sup> In addition to providing basic necessities like food, clothing, and health care, the centers have incorporated a variety of social, cultural, educational, and psychosocial activities. There is general consensus that the centers should prioritize social, cultural, or "life skills" activities. Staff members emphasized the need for training and activities on the subjects of conflict management, peace education, cohabitation, and respect for human rights during talks for this evaluation.<sup>260</sup> Staff and children alike also recognized the significance of sports, cultural and recreational pursuits, such as walks and trips to nearby sites of interest, as well as opportunities to participate in religious services. For the necessity of education and outreach for sexual health and relationships (including HIV/AIDS awareness), as well as deterring drug use, the subject of self-respect was mentioned. Rather than providing all of the activities themselves, some centers have been able to leverage valuable connections with other nearby organizations for these kinds of events.

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<sup>257</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>258</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>259</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>260</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

It is necessary to have an informal timetable that incorporates social and cultural events with a focus on literacy in educational activities.<sup>261</sup> The vast majority of former child soldiers have very poor levels of schooling or are illiterate. Classes cover fundamental arithmetic, writing, and reading and have had the benefit of using pedagogy and resources that are quite well-established. Sadly, the centers have only sometimes offered didactic materials for literacy or non-formal education, although they have been able to photocopy a variety of resources. Most centers offer literacy instruction as well as catch-up classes for kids who might be able to get back into the regular school system. In addition, the majority of centers have been able to utilize nearby, qualified teachers to assist in meeting their educational needs.<sup>262</sup> The majority of program participants concur that any kind of reintegration support, whether material or not, need to be customized for each child and his community. Still, a number of partners and municipal authorities are calling for the adoption of a minimal, standardized kit. Put another way, some local partners think that every child should receive a "kit" that includes supplies for school, farm equipment, or livestock. Some, such as the outcomes of the focus groups conducted with families and communities for this article, feel that all assistance need to be directed toward neighborhood initiatives that prioritize family livelihoods and encompass a range of vulnerable child categories.<sup>263</sup>

Additional investigation and program development for alternatives to transit center care are necessary in two scenarios. The first, and possibly most significant, deals with situations where children are temporarily unable to return to their family or community.<sup>264</sup> These scenarios can have to do with finding family members, a specific protection need, or issues with access and security. Several instances in North and South Kivu have really needed care in the transit center for more than three months, and some people had to return there because of fears about their safety in their hometown. For instance, in cases

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<sup>261</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>262</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>263</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>264</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

of separated children in Bukavu and Goma, the Save the Children program's broader child safety initiative has successfully built a network of "transit families."<sup>265</sup> The "transit families" are a part of an official program in which, like foster families in the West, they consent to the child's ultimate family reunification in exchange for a brief period of time of family-based care.<sup>266</sup>

The second circumstance that calls for substitutes for transit hubs relates to the geographic distribution of the child soldier program's activities. A local commander has agreed to demobilize a small group of children on several occasions, but logistical problems with their immediate care and transfer to the transit centers have frequently arisen. Another instance is when children are demobilized locally, their home towns are close by, and there are no issues with family or community reintegration. In such cases, rather than being sent to the provincial capital, they need local interim care that improves the effectiveness of family reunification.<sup>267</sup>

### 2.3 Solutions in Iraq

In order to provide housing for Iraqi refugees, the Syrian government and the UN High Commissioner for Refugees collaborated to create the Al-Hol Camp in northeastern Syria in 1991. Reopened as one of three camps along the Iraqi-Syrian border following the 2003 invasion, the camp operated until its closure in 2010.<sup>268</sup>

Due to the circumstances in northeastern Syria, the Iraqi government authorized voluntary returns in the past but halted them in 2018 and 2019. The government notified the UN in early 2021 that it planned to start allowing voluntary returns, and in May of the same year, it brought back the first set of 94 families, or 381 individuals. Iraq repatriated the second group of 487 individuals, comprising 117 families, from Al-Hol in October of that

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<sup>265</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>266</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>267</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>268</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

same year.<sup>269</sup> In December 2021 and January 2022, two more groups a total of 239 families with 928 individuals returned. Nineveh's Al-Jada 1 Camp was home to all of the returnees.<sup>270</sup> For families returning from Al-Hol, this camp serves as a stopover location before they finally return to their hometowns or integrate into other Iraqi communities. It is plausible that families connected to ISIS and impacted by its radical ideology, families targeted for division within Al-Hol, and families impacted by extended periods of seclusion within the camp may be among the Al-Hol returnees, both now and in the future. Programs for disengagement, reintegration, and rehabilitation must take these into account various issues. They need a well-defined goal and a thorough, long-term plan that starts with intense rehabilitation either after they return to their third regions or communities of origin after transitioning to Al-Jada 1 Camp. Building their self-confidence in their national identity and social ties should be part of the efforts to ensure their return to a normal life<sup>271</sup>.

The rehabilitation and assimilation of Al-Hol returnees necessitate case-by-case analysis. Reintegrating some could be low risk.<sup>272</sup> Others need mental health and rehabilitation services. Extremist ideology can even permeate the lives of some people who choose not to engage in violence. These individuals require specialized interventions focused on theological and psychological healing as well as exposure to violent disengagement programs.<sup>273</sup> It will take communication and involvement from a wide range of players, including clan elders, community members and leaders, religious leaders, teachers, local authorities, police, and intelligence agencies, to adopt an effective policy in handling returning families. A comprehensive procedure for handling returned families within a

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<sup>269</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>270</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>271</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>272</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>273</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

framework of collaboration and openness should be part of this multifaceted strategy. Along with increasing awareness of gender issues, strengthening the capacities of the various actors in rehabilitation and reintegration programs is also essential<sup>274</sup>.

### 3. Reintegration

#### 3.1 International solutions

##### 3.1.1 Comprehensive reintegration programs

According to the article 2.8 of the Paris Principles :“Child reintegration is the process through which children transition into civil society and enter meaningful roles and identities as civilians who are accepted by their families and communities in a context of local and national reconciliation. Sustainable reintegration is achieved when the political, legal, economic and social conditions needed for children to maintain life, livelihood and dignity have been secured. This process aims to ensure that children can access their rights, including formal and non-formal education, family unity, dignified livelihoods and safety from harm.”<sup>275</sup> Reintegration programming can be defined as: “Any activities that support children to make what is anticipated to be a permanent transition back to his or her family and community (usually of origin), in order to receive protection and care and to find a sense of belonging and purpose in all spheres of life.”<sup>276</sup>

Reintegration is a complex process that usually last years and goes beyond the reintegration of child soldiers into their families and communities and is not only the transition from the military to the civilian life. For most child soldiers, the reintegration process is not returning to their previous life but the integration into a new environment. This reintegration should be understood as a multi-directional dynamic where the family and members of the child’s community are also adjusting. Strategies that can be

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<sup>274</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>275</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>276</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>



developed with family such as psychosocial support and support network for caregivers, communicating and problem-solving with children and financial strategies.<sup>277</sup>

It is important to remember that children may be returning to a situation that led to their original recruitment. Unless these underlying factors, as well as any new or emerging risk factors, are addressed, children will continue to be at a risk of re-recruitment. That is why reintegration programs must offer children safe, viable and attractive alternatives to life with an armed force or armed group. This mean for example to have access to employment opportunities, access to education, psychosocial support from friends, family and community. Furthermore, where there is a risk of forcible recruitment, action should be taken at multiple levels to protect children. In addition, reintegration programs should also consider income and livelihood opportunities for other family members of the former child soldier where poverty had been the main factor leading to child recruitment or use.<sup>278</sup>

### 3.1.2 Mental health and psychosocial support

The term ‘mental health and psychosocial support’ describes “any type of local or outside support that aims to protect or promote psychosocial well-being and/or prevent or treat mental disorder”<sup>279</sup>. The 2007 Inter-Agency Standing Committee Guidelines on Mental Health and Psychosocial Support in Emergency Settings are an important resource for planning and coordinating activities to address the most urgent mental health and psychosocial issues in emergencies. Standard 10 of the Minimum Standards for Child Protection in Humanitarian Action, on Mental Health and Psychosocial Distress, provides

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<sup>277</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>278</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>279</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

more child-focused guidance.<sup>280</sup> Child soldiers are likely to have been exposed to particularly disturbing experiences during their association with armed forces or groups which can impact their mental health as I explained in the first chapter. <sup>281</sup>

Parents' and caregivers' own mental health and psychosocial well-being negatively impacted by the armed conflict can affect their ability to welcome former child soldiers back into the community and to understand and support their needs, which could lead to the re-recruitment of these child soldiers. Therefore, programs should also take into account the mental health and psychosocial wellbeing of the parents and others stakeholders such as teachers. The Interagency Guidelines on Mental Health and Psychosocial Support in Emergency Settings identify four layers of support going from the basic services such providing access to food, health, shelter and security to the specialized services. <sup>282</sup>

Additionally, life skills training can help former child soldiers to develop personal and social skills. Parents, caregivers as well as teachers, vocational trainers and other community stakeholders can be offered training on the mental health and psychosocial difficulties that former child soldiers may experience. <sup>283</sup>

### 3.1.3 Economic empowerment and education

The aim to economic reintegration is to ensure that children, who have reached the minimum age for employment set by national legislation, are able to sustain themselves and their families. For this economic reintegration to be successful, it should be focused on finding work for these children that is a better alternative than joining or re-joining armed forces or groups. Such work must also be safe and must not put children at risk of harm, harassment or violence in the workplace, and should be fairly remunerated. The

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<sup>280</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>281</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>282</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>283</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

disruption of child soldiers' education due to their association with armed groups or forces may lead them to grow up with greater limitations and due to that they might have less attractive job opportunities. Economic reintegration support can break the poverty cycle and give children access to a dignified life and a more positive future. Former child soldiers who are too young to work can participate in orientation and vocational training programs to prepare them to enter the labour market when they reach the minimum working age. There is a range of options for economic strengthening activities, such as vocational skills training, but also it can be through the provision of cash, capital goods, or livestock.<sup>284</sup>

The longer child soldiers are out of school the less likely they will return. Access to safe education is an important factor in preventing recruitment because schools provide a protective environment for children. Access to education can contribute to the effective reintegration of children formerly associated with armed forces and groups into their families and communities, and brings better opportunities for their future. Children at risk of recruitment can get some protection in school, for example teachers can monitor their attendance and their attitudes towards armed forces and groups, and take appropriate action if needed. In some contexts, schools can even educate children about armed forces and groups to enable them to recognize attempts to recruit them or to understand the risks of association.<sup>285</sup> Moreover, access to education can contribute to a child soldier's reintegration into civilian life by allowing them to engage socially with their peers in the educational setting, which can increase community acceptance and reduce vulnerability to re-recruitment. Teachers can also become a positive alternative role models to their former commanders. A catch-up education program can help former child soldiers to get back to their formal education. Another option is accelerated education program (AEP), which are flexible programs for children whose education was interrupted to get an age-appropriate education in an accelerated format. Basic literacy and numeracy classes can be a good alternative for children aiming to transition to employment or self-employment

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<sup>284</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>285</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

with a basic educational background.<sup>286</sup> To continue, life skills training, enables children to acquire the skills to deal with the challenges of everyday life, such as communication, problem solving, and peer relationship building.<sup>287</sup> Finally, communities-based education can be a solution to grant access to education to children when the government is unable or unwilling to provide access to education.<sup>288</sup>

Formerly associated children can encounter challenges to access safe, appropriate and quality educational opportunities. The most common challenges are including : the lack of availability and access to education due to the armed conflict, which can turn schools into unsafe places for them as armed groups can come recruit children there as it happened for example in Colombia and DRC. Indeed, some recruitment methods can go from indoctrination programmes at school, threats and abductions of groups of students at schools. To continue, the economic situation of the families of child soldiers can limit their possibility to pursue their education. Also, the physical and mental health conditions of former child soldiers can be an obstacle to access education. Finally, child soldiers' relationship with their teachers can be complicated as teachers might be afraid of them and not understanding their behavior. Also, it may be hard for former child soldiers to accept their teachers' authority.<sup>289</sup>

### 3.2 Solutions in Colombia

According to the Colombian Family Welfare Institute, 323 children were enrolled in specialized programs during the most recent reporting period, indicating that the reintegration of children released from armed groups continued in Colombia. In addition, 232 former FARC-EP fighters were acknowledged by the Office of the High

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<sup>286</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>287</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>288</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>289</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

Commissioner for Peace as having been minors at the time of the weapons laydown, and they were given reintegration services.<sup>290</sup>

"Reintegration" refers to the sustained and nonviolent reintegration of children who were formerly involved in armed groups or the military forces into society. Reintegration services address other essential requirements and provide long-term psychosocial support, career training, high-quality education, and health care. Long-term, multi-year financial sources should be in place to support reintegration initiatives. Although it is a necessary first step, releasing minors from the ranks of armed groups is crucial. It is a monumental undertaking to reach out to children who have escaped or been released informally, as well as to provide necessary care to those who have been formally released. Reintegration opportunities for ex-child soldiers are a crucial component in establishing long-lasting peace. Emergency funding requests are usually granted quickly, but children's reintegration is frequently left between life-saving emergency aid and long-term development support.<sup>291</sup>

In Colombia, DDR for Children is also known as "La Desvinculación." Due to their status as victims, child soldiers are "unlinked" from armed groups rather than demobilized. Between 1985 and 2019, there have been 7,744 documented cases of children being recruited by armed groups.<sup>292</sup> The International Committee of the Blind (ICBF), which has been in charge of demobilizing child soldiers since 1999, has taken care of 5,730 disabled children between 1999 and 2016.<sup>293</sup> The ICBF considers the family and community circumstances while designing their DDR method, as well as the requirements and preferences of each individual child soldier. Since 2002, the ICBF has employed two

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<sup>290</sup> Children and armed conflict in Colombia - Report of the Secretary-General (S/2021/1022) - Colombia. (2022, January 12). ReliefWeb. <https://reliefweb.int/report/colombia/children-and-armed-conflict-colombia-report-secretary-general-s20211022>

<sup>291</sup> ACAPS Thematic Report: Colombia - Key crises to watch: the unintended impact of the Total Peace policy on armed violence (26 July 2023) - Colombia. (2023, July 27). ReliefWeb. <https://reliefweb.int/report/colombia/acaps-thematic-report-colombia-key-crises-watch-unintended-impact-total-peace-policy-armed-violence-26-july-2023>

<sup>292</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>293</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

care modalities: family care, which includes foster homes, accounts for 40% of cases, and institutional care, which accounts for 60% of DDR cases.<sup>294</sup>

The first stage of institutional care is the one- to three-month rehabilitation of the demobilized children in transition homes. The second stage is to send former child soldiers to specialized care centers (SCCs), where they get institutional care as they get ready for their eventual reintegration into society, which typically takes nine to twelve months. Youth homes are the third step in the process, and youth protection facilities are the last option for kids with extra protection needs.<sup>295</sup> There are several steps in the ICBF technical process, including identification, intervention, projection, program exit planning, and follow-up. After completing the ACR/ARN Reintegration Program, which lasts seven years, former child soldiers will move on. As stated in article 2 of Decree 1117 of 2023, a historic truce between the Colombian government and the ELN—the largest rebel group still operating in the nation—on August 4, 2023, permits the recruitment of girls and boys over the age of fifteen. "Save the Children rejects this protocol as well as any act that puts the lives and rights of children living throughout Colombia at risk,"<sup>296</sup> stated María Paula Martínez, Executive Director of Save the Children in Colombia. The defense of children had to be the first priority in any peace talks and cannot be negotiable.<sup>297</sup>

### 3.3 Solutions in the Democratic Republic of Congo

Over the course of 17 years, 51,000 children were taken away from military forces and armed organizations by the UN. 49 armed groups recruited 5,619 boys and 549 girls

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<sup>294</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>295</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>296</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>297</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

between 2014 and 2017.<sup>298</sup> Reintegrating the tens of thousands of released children and demobilized adult fighters is one of the most difficult problems facing the international community, NGOs, and the newly elected DRC government. Based on its findings, Amnesty International thinks that most freed children who have been reunited with their families are not receiving assistance in community-based reintegration programs.<sup>299</sup> To provide one instance, Gabrielle (name changed) saw tremendous violence during conflicts and was a member of an armed organization. At a Kananga reintegration center, she is still recuperating.<sup>300</sup> Lea, 16, was given the opportunity to enroll in a vocational training program to aid with her readjustment after being freed from an armed group in North Kivu. She was the only girl out of 250 kids to select the motorcycle mechanic program, which she finished in six months with success<sup>301</sup>. 1,600 children were reportedly recruited and utilized by armed organizations between January and December of 2022, according to the Secretary-General's report on children and armed conflict, which was released in June 2023.<sup>302</sup> 358 children who have left armed groups have received protection and assistance with reintegration from UNICEF and its partners<sup>303</sup>. These encompass a variety of crafts, including welding, carpentry, information technology, beauty and hairdressing, cutting and sewing, mechanical, and hospitality in hotels and restaurants. The objective is to impart abilities that may ultimately lead to revenue-generating pursuits, hence reducing the likelihood that these kids will be recruited once

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<sup>298</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>299</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>300</sup> Former Child Soldier Describes Forced Recruitment during Security Council Debate, Urges International Community to Aid Other Children Released by Armed Groups | UN Press. (2015, March 25). <https://press.un.org/en/2015/sc11832.doc.htm>

<sup>301</sup> Children and armed conflict - Report of the Secretary-General (A/77/895-S/2023/363) [EN/AR/RU/ZH] - Afghanistan. (2023, June 27). ReliefWeb.

<https://reliefweb.int/report/afghanistan/children-and-armed-conflict-report-secretary-general-a77895-s2023363-enarruzh>

<sup>302</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>303</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

more<sup>304</sup>. North Kivu, in the Eastern Democratic Republic of the Congo (DRC), is home to more than forty children who have just left armed non-State actors. The majority originate from the three armed non-state actors with whom Geneva Call has been working for over a year to end the use of child soldiers. Following their release, the kids went to a Congolese organization that specialized in kid safety and demobilization for help. Children who wanted to take part in the government's demobilization program were subsequently transported to Goma by the United Nations force in the Democratic Republic of the Congo, or MONUSCO. They will enroll in a professional course for the next three months in order to get ready for their reintegration into society.<sup>305</sup>

In North Kivu, where hundreds of armed actors operate, the recruiting of young soldiers—whether forced or voluntary—is a typical occurrence, according to Marie Lequin Coutin, the acting Head of the Geneva Call's Africa division. Positive signs like these releases indicate that other actors will hopefully follow.<sup>306</sup>

According to the United Nations monitoring mechanism, the number of child soldiers recruited by armed non-State actors has decreased over the last few years.

The number of child soldiers reinserted into educational and vocational programs is extremely difficult to measure. According to CONADER, 19,054 minors had been demobilized from the armed services by the end of June 2006; 12,471 of these had been reunited with their families, and 16,029 had been assigned to programs for education or vocational training. However, while the children are in CTOs or hosting families (familles d'acceuil), these figures also include transitory educational or vocational help.<sup>307</sup>

### 3.3.1 Education, economic activities and vocational training

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<sup>304</sup> *Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo.* (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>305</sup> *Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo.* (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>306</sup> Sion, N. (2023, June 21). *DR Congo: child soldiers leave armed groups following Geneva Call's awareness-raising efforts.* Geneva Call. <https://www.genevacall.org/news/dr-congo-child-soldiers-leave-armed-actors-following-geneva-calls-awareness-raising-efforts/>

<sup>307</sup> Sion, N. (2023, June 21). *DR Congo: child soldiers leave armed groups following Geneva Call's awareness-raising efforts.* Geneva Call. <https://www.genevacall.org/news/dr-congo-child-soldiers-leave-armed-actors-following-geneva-calls-awareness-raising-efforts/>



Demobilized children and their families have a strong desire for education, but there are formidable barriers in the way. The fighting and development failures in the DRC have led to a dramatic decline in both the quality and accessibility of education in recent years. Enrollment rates fell from 94% in 1978 to 60% in 1998, according to government statistics.<sup>308</sup>

Given these circumstances, literacy and other non-formal learning options are of utmost importance. The DRC has a pretty well-established literacy curriculum and accreditation system under DIVAS, not the Ministry of Education. The Save the Children initiative has helped a variety of local partners, including demobilized children, to establish literacy classes as part of their work with vulnerable children, despite its infancy and limited resources. Save the Children and regional partners have integrated literacy or non-formal education with vocational training programs in South Kivu.<sup>309</sup>

The majority of micro-projects focus on small-scale trade abilities like sewing and carpentry. However, because they enable the most direct and palpable impact on family livelihood, the evaluation conducted for this research determined that agriculture and livestock operations are the most effective. Reintegration activities for those who were too old to attend school focused on improving their ability to sustain themselves financially. There were three stages to these efforts. Securing their immediate survival until they could support themselves or rebuild the family network was the first phase's goal. An interim phase ensued, with the aim of equipping the former child soldiers with the necessary abilities, information, and understanding to become self-sufficient. Achieving economic self-sufficiency through production or gainful employment was the last step<sup>310</sup>.

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<sup>308</sup> Digital, S. (n.d.). *Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo* | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>309</sup> Digital, S. (n.d.). *Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo* | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>310</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

Individual vocational training programs, according to many military or civil authority actors and some local organizations, are the answer to reintegrating demobilized children; however, communities, families, and the majority of children themselves prefer more adaptable and varied, community-based approaches. Small-scale vocational skills micro-projects have centered on tailoring and carpentry. Programs for vocational training demand an educational background higher than that of most demobilized child soldiers. The current micro-projects for vocational training make up for this by adding literacy sessions and emphasizing more hands-on learning. Sadly, enrolling demobilized kids in a six-month course gives them a temporary chance to be "occupied," but it is insufficient for their reintegration. Demobilized children in one neighborhood opposed a local organization's attempts to enroll them in a sewing class because they believed prior experiences had shown that this kind of instruction was ineffective.<sup>311</sup>

Save the Children is discovering that vocational skill projects are less effective than expected, even in more metropolitan settings. For instance, an outside assessment of these initiatives in Kinshasa concluded that the projects aimed at girls' tailoring and hairstyling were the least successful, mainly because of oversaturated marketplaces. A small-scale rabbit initiative and a community baking enterprise showed signs of promise. In a different instance, Save the Children provided financial support to a fish and pig farming enterprise in Kinshasa with the aim of allocating a segment of the earnings towards the education costs of one hundred susceptible children from affiliated households. Although the external examination indicated that sustainability was doubtful and that the possible revenues and necessary budget for the school fees and materials had not been examined, this is still a worthwhile proposal. A cooperative gardening effort turned out to be the only one that was especially successful. The degree of group organization in this microproject prior to receiving funding was a significant distinction.<sup>312</sup>

Even Don Bosco in Goma, which has extensive experience working with street children and providing vocational training, stated that gradually including children in meaningful,

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<sup>311</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>312</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

productive activities should take precedence over vocational training. Since many vocational skills require a minimum training period, more practical, hands-on activities (like raising cattle) are more successful on a smaller scale.<sup>313</sup>

Nonetheless, certain children could benefit from participating in specific vocational training programs. An example that serves as context is an embroidery class that SACD, one of Save the Children's local partners, offers in Bukavu. Complementing the stitching lesson are literacy classes for out-of-school girls from low-income households. Because the needlework project is self-financing and guarantees the girls' ability to sell their goods, it serves as an example.<sup>314</sup>

With the exception of those who were able to enroll in school, the majority of demobilized child soldiers had an interest in technical and vocational programs like welding, carpentry, and agropastoral work. Because they produced the greatest immediate and palpable effects, agropastoral operations were determined to be the most effective. However, given the numerous obstacles encountered during the reintegration process, it's possible that the outcomes or significance of these micro-projects were not immediately apparent. The primary obstacles were a lack of funding, corruption, and disruption caused by armed factions that were not signatories to the ceasefire or peace agreements<sup>315</sup>.

A constant follow-up role from the child's family, extended family, and important community members is one of the social aspects of reintegration. In the end, their ability to assist and counsel demobilized children is more crucial to their reintegration than that of neighborhood organizations or the personnel of organizations such as Save the children.<sup>316</sup>

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<sup>313</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>314</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>315</sup> *Democratic Republic of Congo: Disarmament, Demobilization and Reintegration (DDR) and Reform of the Army - Amnesty International*. (2021, August 11). Amnesty International. <https://www.amnesty.org/en/documents/afr62/001/2007/en/>

<sup>316</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

Some non-governmental organizations asked their local partners to provide them with follow-up reports on demobilized children every three months, although the partners received no payment for their labor. The triennial reports provided by families and members of the local community served as a monitoring and assessment instrument. Social reintegration encouraged interactions between former child soldiers and civilian society. A few of the activities that helped demobilized child soldiers reintegrate into society were religious groups, athletics, cultural events, and youth theater or dance companies. The two primary methods used to carry out the social rehabilitation and reintegration of young soldiers were: reunion of the family and education<sup>317</sup>.

#### 4. Challenges to these solutions

##### 4.1 Challenges in Colombia

Proactive initiatives that will prevent child soldiers and reactive programs that will demobilize and reintegrate child soldiers into civil life are the recommendations for countermeasures against the recruitment and usage of children in Colombia. Programs that fall under both of these categories do exist, such as the ICBF demobilization camp and *Súmate por mí*, but they lack the financing and assistance to accomplish adequate work.<sup>318</sup>

The Colombian government and other international responses to the recruitment of child soldiers have historically placed a greater emphasis on reactionary measures than on addressing the root causes of the problem. This is frequently a very surface-level fix that has no real impact on stopping the recruitment of children. Rather, it is important to comprehend the relationship between the use of child soldiers and recruitment, as well as the possibility of developing more effective early warning systems. This tactic might result in initiatives that bolster the security sector's advancements, neighborhood sensitization campaigns, and educational initiatives aimed at protecting young people.<sup>319</sup>

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<sup>317</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>318</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>319</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

Furthermore, preventive initiatives in Colombia have typically lacked sufficient funding and scale. The best way to boost their effectiveness would be to greatly expand them. Recruiters often look for children with limited options in life, which is why most child soldiers originate from poor, marginalized neighborhoods. Expanding job training and mentoring programs for kids in underprivileged areas where armed group and gang recruiters are known to be active is something Colombia should aim to do. Though NGOs or the government could administer these initiatives, public-private partnerships would be ideal.<sup>320</sup> Initiatives to stop the enlistment of minors are helpful, but systemic changes that improve life satisfaction, economic mobility, and quality of life are more effective at discouraging the enlistment of minors. The Colombian government might endeavor to accomplish this goal by decreasing poverty and increasing access to education, which would provide disenfranchised youth in Colombia with alternatives to resorting to violence. While these remedies won't work right away, they might eventually prevent young people from being drawn into armed organizations.<sup>321</sup>

Given the quantity of juvenile soldiers that are still in the field, Colombia still needs to take reactive steps. It is important to make every effort to persuade child soldiers to disarm, including negotiating with armed groups to have them remove their young soldiers. Demobilization camps do exist and have shown some success, but there are worries about former child soldiers turning back to violence and crime later on. While some recidivism is regrettably unavoidable, these camps should constantly assess their offerings to make sure they're offering the highest caliber.<sup>322</sup>

There is no denying the severity of the issue of armed groups in Colombia recruiting children as soldiers. A major contributing factor to this issue has been the government's incapacity to adequately care for its citizens, coupled with the children's lack of socioeconomic possibilities. The COVID-19 pandemic has simply made the system's already-existing flaws worse and encouraged more kids to join these armed organizations.

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<sup>320</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>321</sup> *Child Soldiers In Colombia: The Latest Threat To Colombian Peace.* (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>322</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

Because of this, it is quite possible that child soldier recruiting will go on for some time to come, which would probably lead to increased levels of violence and insecurity in the nation.<sup>323</sup> Groups proven to be using child soldiers should face harsher punishments in order to deter other groups and demonstrate the consequences of recruiting children, even if no rebel or criminal group should be dealt lightly. In an effort to get them to sign commitments committing to limiting the recruitment of child soldiers, the Colombian government should also make contact with armed gangs and FARC offshoot organizations. Notwithstanding the possibility of rejection, there is enough incentive to try despite the high likelihood of failure. Expanding the scope of early warning systems to recognize, rank, and oppose the employment of minors as combatants may be a practical measure that results in long-term structural transformation.<sup>324</sup>

#### 4.2 Challenges in the Democratic Republic of Congo

The primary complaint was that there was not enough follow-up with the kids after family reunification. The fear that the demobilized children will re-join a military group if they are not sufficiently "economically independent" is the source of this complaint.<sup>325</sup>

One of the concerns raised in the criticism of the children's lack of follow-up is that, as a result of their family's poverty, the kids will rejoin an armed group. Analysis of follow-up data and community conversations shows that local military authorities' harassment and use of force rather than the child's free will are the main causes of re-recruitment. The child protection team at Save the Children believes that, on average, just 5% of re-recruitment instances are voluntarily, whereas 85% occur through coercion and 10% are the result of harassment or provocation.<sup>326</sup> Furthermore, the occurrence of re-recruitment

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<sup>323</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>324</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>325</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre. <https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>326</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre.

is highly dependent on particular geographic areas: two South Kivu localities where violent warfare has resumed account for 69% of all re-recruitment incidents.<sup>327</sup>

The child's age complicates matters when it comes to following up on re-recruitment instances. According to an analysis of the data, 62% of those who were re-recruited were older than 18.<sup>328</sup> Although forced recruiting ought to be condemned at any age, child protection organizations are not equipped to investigate such incidents for practical reasons. Certain military authorities may entice demobilized children with promises that discourage them from pursuing their dreams, as they witness the poverty in their town and family. Indeed, the idea that armed groups pay salaries of \$100 per month has helped recruit throughout the fight.<sup>329</sup> The AFDL first promoted this idea during their recruitment campaigns in 1996 and 1997. In fact, a few kids claim to have received this \$100 payment once or twice. Demobilized minors, however, uniformly allege that they were harassed on a regular basis and that their superiors seldom kept their pledges. According to the initiative, most demobilized children would much rather go back to their hometown and family than endure life in the military. The issue of re-recruitment also pertains to the community's social follow-up function. That has received special attention in Save the Children's work with community networks, with a focus on developing a framework for advocacy to stop child recruitment and a method for resolving such situations. The Coalition and CCPN have established a structure for effective case monitoring, reporting, and action.<sup>330</sup>

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<https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>327</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre.

<https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>328</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre.

<https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>329</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre.

<https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

<sup>330</sup> Digital, S. (n.d.). Going home: Demobilising and reintegrating child soldiers in the Democratic Republic of Congo | Save the Children's Resource Centre. Save the Children's Resource Centre.

<https://resourcecentre.savethechildren.net/document/going-home-demobilising-and-reintegrating-child-soldiers-democratic-republic-congo/>

In general, re-recruitment rates in the eastern Democratic Republic of Congo are considered high. Out of all child soldiers currently serving, almost 60% have ties to one or two armed groups<sup>331</sup>. Due to the reintegration program's lack of attention, former child soldiers were readily available and prepared to re-join militias. Despite the fact that abduction and coercion were the primary methods of re-recruitment, their prior involvement with armed groups has made them the most desirable prospects.<sup>332</sup>

In addition to armed groups causing disruption and corruption, there was inadequate money for the education of former child soldiers, with the program lasting no longer than two years. The children were demotivated by this, especially after learning that they would have to rely on family who had been displaced or impacted by conflict and were unable to pay for their education when they returned home. One of the main causes of the failure of reintegrating former child soldiers was a lack of long-term planning. It is advisable to take into account stable and enduring funding options for these kinds of initiatives<sup>333</sup>.

Fighting in the eastern Democratic Republic of the Congo prevented the reintegration process from being successful. Beginning in 2011, a number of armed groups, including the M23 rebel group, conducted many attacks within the region. Ethnicity, minerals, disputed citizenship, security, and grievances were among the factors that fueled the violent war that resulted to several massacres, huge displacements, and breaches of human rights. Even with the M23 rebels' recent defeat, these issues remain pertinent. Numerous peace agreements haven't stopped the daily deaths of thousands of civilians. Armed groups and regular Congolese military (FARDC) have been using violence in this area for years in an effort to seize control of natural resources, mostly in the country's eastern regions<sup>334</sup>.

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<sup>331</sup> The hidden crisis: armed conflict and education. (2023, March 13). Global Education Monitoring Report. <https://www.unesco.org/gem-report/en/hidden-crisis-armed-conflict-and-education>

<sup>332</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>333</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>334</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)



One of the first nations to ratify the Optional Protocol on the Involvement of Children in Armed Conflict and establish the minimum age of 18 for recruiting was the Democratic Republic of the Congo. It's also critical to note that numerous peace and cease-fire accords have repeatedly emphasized that armed groups have a responsibility to guarantee children's demobilization and refrain from recruiting or using them<sup>335</sup>. Nonetheless, the DRC has seen some progress in response to international pressure about child recruiting. Several armed factions and the government have promised to cease child recruitment and release recruited children to UNICEF and the Special Representative of the Secretary General for Children in Armed Conflict. Convincing numerous armed groups not to recruit young soldiers has been a goal of Save the Children and its allies<sup>336</sup>.

### 4.3 Challenges in Iraq

The Iraqi government formally launched the war against ISIS in December, and since then, local efforts have shifted to reconstructing the lives of the Iraqi people. The rehabilitation and reintegration of juvenile soldiers the young "cubs of the caliphate" who were trained by ISIS and brainwashed with its extreme ideology in Iraq is a matter of great concern. It is believed that throughout the previous four years, at least 2,000 children received military training in ISIS camps, where they learned how to operate light and medium weapons and become useful cogs in the organization.<sup>337</sup> The ideological indoctrination these kids underwent, rather than the academic instruction they received, may be the most upsetting thing. The radical views implanted in these children during their indoctrination in ISIS-sponsored schools and training camps aimed to legitimize acts of violence and murder. ISIS thought that this would produce future jihadists, a group of militants immersed in the organization's ultraviolent doctrine and equipped to carry on a generation-long holy war. Experts worry that this pervasive radicalization may be a serious danger to Iraq's stability in the future. Many believe that the violent brainwashing

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<sup>335</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>336</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>337</sup> Thelwell, K. (2019, October 7). *Reintegrating Child Soldiers in Iraq for a Peaceful Future*. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

of ISIS will keep these kids from reintegrating into society and leading regular lives after the war ends and things return to normal<sup>338</sup>. Many child soldiers may return to their communities greatly politicized, unable to cope with the discomfort of a reality that does not align with their deliberately aggressive and extreme worldview. Many of these former child soldiers in Iraq have psychological damage as a result of growing up in a violent and combative environment, in addition to radicalization. Many people only know violence, and their tendency toward it is something that has no place in everyday life and may drive them away from their friends, families, and classmates. Their incapacity to fully reintegrate may lead to isolation, which in turn may increase their susceptibility to crime or other acts of extremism.<sup>339</sup>

How to welcome back the former child soldiers in Iraq is a challenge facing cities, families, and non-governmental organizations now that many Iraqis are starting the process of normalizing their lives. There is no denying the enormity of the challenge, given the dearth of experts required for psychological rehabilitation and the fact that jobs are unavailable in many areas.<sup>340</sup> Another risk to successful reintegration is the intricacy of the situation in Iraq. Families sympathetic to the Caliphate freely gave up their children in certain previously ISIS-held territory, and the children may get more indoctrination when they go back home. It's also no secret that a lot of Iraqis would rather deny treatment and reconciliation to former ISIS members out of resentment.<sup>341</sup> However, there is genuine hope for a better future for these former child soldiers in Iraq now that peace is starting to materialize. There have been effective demobilization and reintegration programs for juvenile soldiers in nations like Afghanistan and Sierra Leone. These programs started by removing all weapons from the area before identifying ex-child soldiers who required further attention<sup>342</sup>. The next step in reintegrating these kids was to

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<sup>338</sup> Thelwell, K. (2019, October 7). *Reintegrating Child Soldiers in Iraq for a Peaceful Future*. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

<sup>339</sup> Thelwell, K. (2019, October 7). *Reintegrating Child Soldiers in Iraq for a Peaceful Future*. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

<sup>340</sup> Thelwell, K. (2019, October 7). *Reintegrating Child Soldiers in Iraq for a Peaceful Future*. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

<sup>341</sup> Thelwell, K. (2019, October 7). *Reintegrating Child Soldiers in Iraq for a Peaceful Future*. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

<sup>342</sup> Thelwell, K. (2019, October 7). *Reintegrating Child Soldiers in Iraq for a Peaceful Future*. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

give them a sense of empowerment and to rebuild family and social ties. Rehabilitating former child soldiers in Iraq is another initiative that locals are taking on on their own. For example, a group of Muslim legal experts in Mosul have started teaching a moderate interpretation of Islam in an effort to foster harmony and peace. What is still evident is that reintegrating child soldiers into formerly ISIS-held area will be a challenging, protracted process requiring the attention of the highest levels of government both inside and outside of Iraq. Iraq must face this issue and prioritize the reconciliation and reintegration of child soldiers in order to break the cycle of violence if it is ever to be free of conflict and enjoy peace.<sup>343</sup>

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<sup>343</sup> Thelwell, K. (2019, October 7). Reintegrating Child Soldiers in Iraq for a Peaceful Future. The Borgen Project. <https://borgenproject.org/child-soldiers-in-iraq/>

## Chapter 3 - Child Soldiers in the Justice System at the International and National Levels

### 1. International justice decision

#### 1.1 Analysis of legal proceedings

First, about the protection from prosecution, the Additional Protocols to the Geneva Convention state that individuals shall not be subject to the death penalty for crimes committed when they were under 18 years old, to which the UN Convention on the Rights of the Child, in its General Comment 24, added that the minimum age of criminal responsibility is 14 years old.<sup>344</sup> Also, the article 37 of the same convention stated that children under 14 years should not be prosecuted and that State Parties should not impose capital punishment or life imprisonment without possibility of release on a child.<sup>345</sup> The article 40 added that the treatment of children within the justice system should take into account their age and level of development as well as promoting solutions of rehabilitation. Also, according to the Rome Statute of the International Criminal Court, children should not be prosecuted by an international court or tribunal. To continue, the article 8.8 of the Paris Principles stipulates that children accused of crimes under international law supposedly committed while they were associated with armed groups or forces should be treated in accordance to international juvenile justice standards.<sup>346</sup>

Secondly, concerning the detention of child soldiers, the UN Convention on the Rights of the Child states that States Parties should protect children from arbitrary or unlawful detention, including in times of armed conflict. Furthermore, the International Covenant on Civil and Political Rights protects against arbitrary detention, it states that children should only be arrested, detained or held in prison as a measure of last resort and for the shortest possible period of time and that governments should ensure that children's cases are "determined without delay by a competent, independent and impartial authority in a

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<sup>344</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>345</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>346</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

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fair hearing according to law....” (Art. 37; see also, General Comment No. 24, §§ 19, 55).<sup>347</sup>

Additionally, when arrested or detained, children are entitled to certain minimum conditions of detention, including separation from adults (except where families are accommodated as family units), separation of girls and boys, contact with their family, access to legal aid, medical and other assistance and access to mechanisms for lodging complaints in case of torture, cruel treatment or punishment.<sup>348</sup>

However, due to counter-terrorism law, child soldiers associated with armed groups designated as terrorist have a risk to have their fundamental rights denied and to be treated as terrorists rather than victims. Children recruited by armed groups that use terrorist tactics may commit serious offences and might be perceived as a threat to national security.<sup>349</sup> The anti-terrorism legislations of some countries do not make a difference between adults and children. The best interests of the child should be the primary consideration in counter-terrorism laws and policies and law enforcement should exercise maximum restraint in any use of force against children. Child soldiers being victims of the crime of recruitment and use, should not face criminal charges for their association with a designated terrorist group. States should investigate and prosecute adults who recruit children or order them to commit terrorist acts. In accordance with legal framework, children associated with an armed group that uses terrorist tactics should be primarily considered as victims and the focus should be on their rehabilitation and reintegration. Moreover, when child soldiers are held accountable or criminally liable for the offences they may have committed, international juvenile justice rules and standards should be applied.<sup>350</sup>

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<sup>347</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>348</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 14, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>349</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>350</sup> *Paris Principles Operational Handbook*. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

The Paris Principles state that children accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims (Art 3.6) and should not be punished for their association with the armed group or force (Art. 8.7).<sup>351</sup>

The Geneva Conventions Additional Protocol II (Art. 6), The Beijing Rules and The Havana Rules provide further details on obligations to support and protect boys and girls within justice processes. According to these instruments, if a child is prosecuted for criminal acts committed during their association with an armed force or group, they may be criminally liable for certain actions if they have reached the age of liability, but should be prosecuted with consideration to child-specific due process and to the coercive environment under which the child was living or forced to act. The Additional Protocol (II) to the Geneva Convention (Art. 6) declared that the authorities should grant amnesty to persons who have participated in armed conflict.<sup>352</sup>

National judicial systems have the primary responsibility for investigating cases of child recruitment and to prosecute those responsible. However, a challenge regarding national judicial mechanisms is if those implicated in child recruitment and use have been granted amnesties from prosecution. Also, national judicial systems may be weak, disrupted or under-resourced and are often vulnerable to politicization, especially if the government is or was a party to the conflict.<sup>353</sup>

The international community has worked to establish a system of international justice that can offer an alternative when national judicial mechanisms are unable or unwilling to hold the perpetrators accountable. Such mechanisms include : the International Criminal Court (ICC), Ad hoc tribunals and special courts and regional court such as the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and Peoples' Rights. However, as international mechanisms are far removed from local communities and may not have the ability to reach some victims or witnesses.

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<sup>351</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>352</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>353</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

Another solution for accountability could be the use of non-judicial national mechanisms such as the truth commissions and other community-based mechanisms. These kinds of mechanisms can have challenges for children's protection as it might increase stigmatization or hostility towards them.<sup>354</sup>

Children who have been recruited and used in armed conflict are entitled to reparations. The article 39 of the United Nations Convention of the Rights of the Child provides a legal right for children to obtain reparations. Finally, it is a rule of customary international humanitarian law that a State which violated international humanitarian law is required to give reparation to individuals or a group. Reparations can have a positive impact, offering symbolic restitution and practical compensation, but it might be difficult to quantify and restore.<sup>355</sup>

## 1.2 Examination of international tribunals

A justice system includes criminal and civil justice systems, but also informal systems which have a "range of traditional, customary, religious and informal mechanisms that deal with disputes at community levels."<sup>356</sup> Children may be at risk of biased or discriminatory treatment by the justice system due to their association with an armed force or armed group. They also risk during their detention to be tortured or subjected to other ill-treatment or coercion during their interrogation. However, children's testimonies are essential in the prosecution of perpetrators of child recruitment and use, so having access to a legal representative who can advise them and protect their rights should be a priority.<sup>357</sup>

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<sup>354</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>355</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>356</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>357</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 14, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

The article 26 of the International Criminal Court stated that “the decision on whether to prosecute should be left to States”.<sup>358</sup> Children may be prosecuted by national courts for serious crimes committed while associated with armed forces and groups, such as rape, murder and some forms of significant theft. The age of criminal responsibility is determined by States individually, ranging from 7 to 18 years. In some countries, differing ages of criminal responsibility are established for severe crimes. The article 40 of the UNCRC says that, wherever possible, children in conflict with the law should not be dealt with through formal judicial proceedings, and that alternatives to formal judicial proceedings should be found, an approach known as ‘diversion’<sup>359</sup>. As an example, instead of prison and a criminal record, children might be invited to participate in truth commissions or community service. Moreover, the article 24.1 and 26.2 of the Beijing Rules declared that any form of deprivation of liberty should include the provision of education, vocational, or other rehabilitative services that are age and gender sensitive.<sup>360</sup>

## 2. National justice decision

### 2.1 Treatment of child soldiers

#### 2.1.1 Colombia

The first-ever indictments against ten former FARC rebels for recruiting child soldiers were made on March 8, 2023.<sup>361</sup> After the FARC disarmed in accordance with a peace agreement reached the year before, the majority of children were recruited again in the late 1990s and again between 2011 and 2017<sup>362</sup>. In the course of five decades of armed

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<sup>358</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>359</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>360</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children’s Fund. Retrieved November 14, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>361</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)

<sup>362</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)



rebellion, the Special Jurisdiction for Peace (JEP) has been looking into almost 18,600 cases of child soldier recruiting since August 2021<sup>363</sup>. Five high-ranking officers faced charges in January 2021 for allegedly abducting over 21,300 individuals from 1990 to 2016.<sup>364</sup> The five are awaiting punishment after entering guilty pleas. The 2016 peace agreement allows the JEP to provide alternatives to prison terms to those who admit their wrongdoing and compensate their victims. Most likely this year, the tribunal will impose its first punishments.<sup>365</sup>

The Criminal Chamber of Colombia's Constitutional Court declared in 2004 in Constitutional Case No. C-172/04 that recruiting boys, girls, and teenagers [for the purpose of participating in] the armed confrontations violate their rights to life, liberty, free development of their personalities, freedom of expression, education, health, family, and recreation, among other things.<sup>366</sup> The Plenary Chamber of Colombia's Constitutional Court declared in the 2005 Constitutional Case No. C-203/05: "There is no question that children and adolescent combatants are victims of the crime of unlawful recruitment of minors since they were recruited by unlawful armed groups – many of them by force or allegedly 'voluntarily'."<sup>367</sup>

The sentencing of armed terrorists who were recruited as minors but are now older than eighteen is one possible problem in Colombia. At the moment, the judicial system treats a child soldier who gives up their weapons while still a minor more leniently. The fact that adult child soldiers are now receiving very little sympathy from the legal system for their recruitment practices has drawn some criticism. This relates to the broader general debate about whether child soldiers belong to the category of victims or of violent

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<sup>363</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)

<sup>364</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)

<sup>365</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)

<sup>366</sup> Colombia, Constitutional Court, Constitutional Case No. C-172/04, Judgment of 2 March 2004, § 4.1.

<sup>367</sup> Colombia, Constitutional Court, Constitutional Case No. C-203/05, Judgment of 8 March 2005, § 6.4.1.

offenders. A concern of their treatment by the government could discourage fully grown troops from demobilization, given the rise in the recruitment of child soldiers. In order to establish a strategy that encourages former child soldiers to resign, Colombia should think about updating its legal framework. For example, the possibility of prosecution and charging minors and teenagers who have committed serious crimes for the same crime in which they are victims may cause some of them to abdicate. Under these circumstances, the goal of rehabilitating and reintegrating the kid into society should be the only consideration before pursuing prosecution of the minor.<sup>368</sup>

### 2.1.2 Iraq

In June 2019, Human Rights Watch conducted interviews with children who spoke of beatings while in detention, intense heat, and an overpowering smell coming from hundreds of prisoners using one open toilet. Many reported that inmate fatalities were frequent and that they frequently went without food or water. Authorities in Iraq and the Kurdistan Regional Government (KRG) have imprisoned thousands of children on suspicion of having ties to the Islamic State (IS), forced confessions out of them through torture, and unfairly found hundreds of minors guilty of terrorism in hurried trials. Any association by a child with IS, including driving, cooking, or participating in religious training, may result in prosecution. Interviewed in late 2018, detained children recounted being tortured with plastic pipes, electric cables, and rods during questioning. Despite having little or nothing to do with IS, several claimed they only admitted to being involved with the group in order to end the torture.<sup>369</sup>

An example case: When the Islamic State of Iraq and al-Sham (ISIS) seized control of Mosul, a city in northern Iraq, he was just 14 years old. His school closed shortly after. He claimed he had little choice but to join ISIS in order to gain money. After completing twenty days of instruction, he claimed to have worked as a cook for around \$50 per

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<sup>368</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>369</sup> Military Detention of Children in Armed Conflict: The Role of Handover Protocols in Protecting Children's Rights - World. (2019, December 19). ReliefWeb. <https://reliefweb.int/report/world/military-detention-children-armed-conflict-role-handover-protocols-protecting-children>

month. He declared, "I never wanted to fight." "I stayed a cook because of this."<sup>370</sup> During a military operation in the fall of 2016, he was apprehended by Kurdish security forces in northern Iraq, where he was held and questioned. A Kurdish court found him guilty of terrorism last year. He had been behind bars for over two years when I first met him in November at an Erbil reformatory with a colleague.<sup>371</sup>

Many nations have implemented far more stringent counterterrorism measures in response to the growth of violent extremist groups like ISIS, al Qaeda, al-Shabab, and Boko Haram. This includes a notable increase in the arrest and prosecution of minors. From 2012 to the present, the number of minors held in the context of armed conflict has increased five times, according to data provided by the UN. A hazardous and unfair double standard has been developed by these practices: in "traditional" armed conflicts, child soldiers are viewed primarily as victims in need of rehabilitation and assistance reintegrating into society. Children are, nonetheless, charged as criminals and given prison sentences as terrorists in cases involving disputes with purported terrorist organizations.<sup>372</sup>

The Mosul child may be back in school or receiving vocational training if he had been involved in armed conflict in Colombia, the Democratic Republic of the Congo, or any number of other conflict-ridden nations across the globe. Tens of thousands of former child soldiers have profited from rehabilitation programs intended to assist them in reintegrating into society over the course of the last 20 years. These initiatives acknowledge that it is against international law to enlist minors in armed conflict and that it is the adult recruiters, not the minors, who are primarily breaking the law.<sup>373</sup>

But when it comes to ISIS, kids who have had any kind of involvement with the organization are increasingly being prosecuted for terrorism and punished like criminals. The Kurdistan Regional Government (KRG) and the Iraqi government are presently

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<sup>370</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>371</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>372</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>373</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

holding some 1,500 minors for suspected ISIS connection, making the situation extremely grave there. Simply because a villager falsely or correctly reported a child as affiliated with ISIS may result in their incarceration. One father informed us of his 14-year-old son's arrest, saying, "People reported they had seen him with ISIS." He was only hanging out with them because they were his cousins and pals.<sup>374</sup>

In an interview with twenty-nine adolescents jailed in Iraqi Kurdistan on suspicion of belonging to ISIS. Nineteen of them talked about torture-like abuse. They claimed that, occasionally for hours at a period, interrogators hit them with plastic pipes, electric cables, or rods. Some claimed they were strapped into uncomfortable postures or shocked with electricity.<sup>375</sup>

Whether they were actually members of ISIS or not seemed to matter to their interrogators. According to one 17-year-old, his interrogators told him, "You have to admit that you were part of ISIS."<sup>376</sup> Saying it is necessary, even if you weren't. Just one child out of the total examined stated that he did not think he had an option but to confess to being associated with ISIS. "My confession indicates that I joined ISIS for sixteen days, but honestly, I didn't join at all," a sixteen-year-old lad informed us. I said that the pain will end in sixteen days.<sup>377</sup>

Contrary to popular belief, the United Nations University's multi-country research indicates that ideology is not always the driving cause behind children's affiliation with violent extremist groups. UNICEF and child-focused organizations like Save the Children and War Child have extensive experience assisting children connected to armed groups in returning to school and receiving the necessary rehabilitative support. Authorities in

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<sup>374</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>375</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>376</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>377</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

the KRG and Iraq should collaborate with these organizations to establish rehabilitation initiatives that aid in the reintegration of ISIS-affiliated children into society.<sup>378</sup>

A large portion of the roles that child soldiers play is associated with active involvement in conflicts, which leads to the commission of crimes against communities that violate their human rights. Because of these acts, there is a great divide between the children and their communities, many of which view them as criminals and either forbid the children's reintegration into society or even demand that they be kept apart and locked away. Furthermore, the lack of a particular plan from Arab governments regarding child soldiers has forced these states to punish the children using the criminal justice system for their crimes.<sup>379</sup>

Due to accusations pertaining to national security, Iraqi security forces detained 1,091 or more children, a significant rise that raises major concerns for their protection. "Children under the age of eighteen who are genuinely or purportedly affiliated with armed groups, even those that the United Nations has classified as terrorists, like Da'esh, should be viewed and handled primarily as victims."<sup>380</sup> The prompt release of children detained for such reasons and their transfer to non-governmental organizations is imperative. Only in extreme cases and for the smallest amount of time can their custody be necessary. According to the Special Representative, it is important to actively pursue alternatives to incarceration that are in the best interests of the child, such as long-term and sustainable reintegration.<sup>381</sup> A total of 627 children were returned to their country of origin during the reporting period as part of the ongoing process of repatriating foreign children from Iraq. Additionally, the Iraqi government carried out the first round of family repatriations

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<sup>378</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>379</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022 <https://www.tandfonline.com/doi/full/10.1080/10282580.2022.2028142>

<sup>380</sup> Iraq: Important Decrease in Grave Violations against Children, Crucial to Protect Children in Detention, 15 February 2022, Children and armed conflict. <https://childrenandarmedconflict.un.org/2022/02/iraq-important-decrease-in-grave-violations-against-children-crucial-to-protect-children-in-detention/>

<sup>381</sup> Iraq: Important Decrease in Grave Violations against Children, Crucial to Protect Children in Detention, 15 February 2022, Children and armed conflict. <https://childrenandarmedconflict.un.org/2022/02/iraq-important-decrease-in-grave-violations-against-children-crucial-to-protect-children-in-detention/>

from the Hawl camp in Syria, which involved 245 children. The Special Representative applauds the Iraqi government's efforts in this area and urges all other relevant nations to follow suit. They should also promptly enable the voluntary return of all their citizen children and offer them specialized child protection services to guarantee their successful reintegration into society.<sup>382</sup> Furthermore, the Special Representative encourages the Iraqi Government to expedite the finalization and signature of the Action Plan in order to strengthen child protection and prevent the PMF from recruiting and using children. She also welcomes the government's involvement in this process.<sup>383</sup>

The Kurdistan Regional Government Authority (KRG) and the Iraqi government have detained and arrested about 1,500 minors on suspicion of belonging to ISIS since taking back control of their respective states from ISIS in 2017. An estimated 185 of the minors in custody have been found guilty of terrorism and given prison sentences in Iraq. It is unfair to punish young kids for being child soldiers when many of them were not willing members of ISIS.<sup>384</sup>

ISIS has been enslaving, purchasing, and kidnapping children since 2014 in order to support its terrorist activities. ISIS has enlisted children by means of aggressive promotion, which convinces parents that their children will be wealthy, respected, and prosperous if they join ISIS. Students at high schools and universities in parts of the ISIS-controlled areas of Syria had to swear allegiance to the group in order to graduate. Many of these kids are sent to religious camps after being successfully recruited by ISIS, where they are taught the organization's ideologies and goals. After being recruited, kids older than 10 are sent to military school. Any child who tries to rebel or flee is frequently killed or severely punished. The organization that has used child soldiers the most extensively

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<sup>382</sup> Iraq: Important Decrease in Grave Violations against Children, Crucial to Protect Children in Detention, 15 February 2022, Children and armed conflict.  
<https://childrenandarmedconflict.un.org/2022/02/iraq-important-decrease-in-grave-violations-against-children-crucial-to-protect-children-in-detention/>

<sup>383</sup> Iraq: Important Decrease in Grave Violations against Children, Crucial to Protect Children in Detention, 15 February 2022, Children and armed conflict.  
<https://childrenandarmedconflict.un.org/2022/02/iraq-important-decrease-in-grave-violations-against-children-crucial-to-protect-children-in-detention/>

<sup>384</sup> Iraq: Important Decrease in Grave Violations against Children, Crucial to Protect Children in Detention, 15 February 2022, Children and armed conflict.  
<https://childrenandarmedconflict.un.org/2022/02/iraq-important-decrease-in-grave-violations-against-children-crucial-to-protect-children-in-detention/>

in contemporary history is ISIS, and they are still in use today. The KRG's prosecution of minors for their forced labor as child soldiers for ISIS is against international law.<sup>385</sup>

In light of the KRG's recent treatment of child soldiers who were freed from ISIS's grip, the international community has the right and the obligation to use the 2000 Optional Protocol to stop the punishment of child soldiers from occurring in the future. KRG is abusing the fundamental human rights of ISIS child soldiers by keeping them apart from their families and torturing them in order to get confessions. In contrast, KRG is breaking international law by holding, finding guilty, and imprisoning juvenile soldiers for their unintentional association with ISIS. International law mandates the reintegration and rehabilitation of child soldiers.<sup>386</sup>

Rarely does the literature discuss how to deal with the criminal responsibility of child soldiers and mend their relationships with their communities through an integrated process that ensures everyone is included. Retributive justice alone cannot heal these broken relationships. Therefore, a process like restorative justice may be a more successful strategy for achieving these goals. One established method of addressing criminality in communities is restorative justice.<sup>387</sup>

The way that Arab governments have addressed child soldiers in the Arab Spring nations in general and in Iraq and Yemen in particular is through retributive justice, which is unable to address the problem of the criminal responsibility of child soldiers. As a result, restorative justice might offer an alternate strategy that can handle the criminal responsibility of child soldiers, evaluate and alleviate the suffering of the victims, and assist in mending the children's connections with the victims and the communities.<sup>388</sup>

Children had a significant role in the conflicts in the Arab Spring countries, and many of them committed crimes that could be classified as war crimes, crimes against humanity,

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<sup>385</sup> Iraq: Important Decrease in Grave Violations against Children, Crucial to Protect Children in Detention, 15 February 2022, Children and armed conflict.

<https://childrenandarmedconflict.un.org/2022/02/iraq-important-decrease-in-grave-violations-against-children-crucial-to-protect-children-in-detention/>

<sup>386</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
<https://www.tandfonline.com/doi/full/10.1080/10282580.2022.2028142>

<sup>387</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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<sup>388</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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or crimes under national law. For example, a large number of the kids that ISIS recruited were employed as spies and security personnel. They were, nevertheless, also employed as executioners; some assisted adults in the executions, while others carried out the deed directly. ISIS disseminated numerous movies on its media channels showing kids carrying out prisoner executions, one of which depicted 25 kids shooting Syrian army troops in the head. ISIS showed kids killing their detainees in other films.<sup>389</sup>

Consequently, a lot of communities insist that these kids face criminal charges. When examining the criminal responsibility of child soldiers, there are two schools of thought. While the second approach considers each case on its own merits and means that child soldiers may in some circumstances be prosecuted for their activities, the first necessitates that they be recognized as victims and, therefore, not be prosecuted. ISIS-affiliated children in Iraq faced rejection from their communities, who frequently forbade them from returning to society. People see them with hatred, distrust, and fear. These groups, like with several other locations across Iraq, believe that young soldiers are monsters deserving only of imprisonment and seclusion.<sup>390</sup>

The various issues that Arab nations deal with are a reflection of how they handle the problem of child soldiers. The majority of nations, such as Yemen, Syria, Iraq, Sudan, and others, lack disarmament, demobilization, and reintegration policies. The governments' only option in this scenario is to use the criminal justice system and the courts to prosecute people. In other words, rather than being rehabilitated and reintegrated, young soldiers are being arrested. According to the UN Secretary-General's report, 902 Iraqi children were in detention on national security charges in relation to their affiliation with armed groups like ISIS.<sup>391</sup>

Child soldiers' prosecution in criminal courts is still a contentious issue. The international Convention on the Rights of the Child defers to national legislators for determining the appropriate age for criminal liability. There are two primary methods that dominate this

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<sup>389</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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question. The first views child soldiers as victims and advocates for rehabilitation and reintegration initiatives in place of prosecution. This method contends that while child soldiers had prior intent to conduct the act and knowledge that it was illegal, they were not criminally responsible.; Furthermore, a large number of the offenses were carried out under duress.<sup>392</sup>

On the other hand, the second strategy takes into account the surrounding conditions and acknowledges the possibility of prosecuting child soldiers in certain cases. This is due to the fact that there are instances in which young people willingly enlist in armed forces and participate in atrocities while maintaining complete cognitive control over their conduct.<sup>393</sup>

For example, juvenile soldiers connected to ISIS in Iraq were detained. But these jails and isolation camps were unable to assist in the rehabilitation of these kids or offer them a reintegration program that would have equipped them for life outside of any type of prison. It is not necessary for child soldiers to face criminal charges in order to hold them accountable for their acts.<sup>394</sup> The first step toward rehabilitation, reintegration, and ultimately reconciliation with their communities is accepting responsibility. Arab nations must take a fresh stance on the issue of juvenile soldiers. It is unlikely that young soldiers will be able to mend their relationships with their communities, even in the event that they face criminal charges. Years spent behind bars will not help the community or the children; rather, they will widen the divide between them. Given that the main goal of restorative justice is to mend the relationships between the people involved in the conflict, under these circumstances it may be the best course of action for everyone. It may not always be easy to obtain voluntary cooperation, particularly in the wake of mass crimes<sup>395</sup>. Many communities declined to participate in any kind of reconciliation with ISIS families in situations such as Iraq and Syria following the group's defeat. In this case,

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encouraging individuals to participate in the process required the intervention of the tribes. Even though the idea was controversial, many people finally joined in for the good of the group.<sup>396</sup>

Restoring connections and mending sorrow are the goals of restorative justice. These results could be anything from an apology to compensatory payments to community service to a signed written agreement amongst all parties at the conclusion of the procedure. It mostly depends on the demands of the victims, the type of crime, and the ratio of the harm caused by the crime to the crime. Regardless of their active participation and acceptance of the process and its results, some of these consequences might be unpleasant and painful for the offender, which makes it look like a sort of punishment.<sup>397</sup>

Arab societies like Yemen, Iraq, Libya, and Sudan, for example have early conflict resolution procedures in place to stop hostilities from getting worse between the parties by enlisting the help of their respected and unbiased Sheikhs. In accordance with the tribe's customs and traditions, during the procedure, instruments such as Wasata (mediation) and Mofawadat (negotiating) may be utilized to reach the final agreement, which will include compensations and be formalized in writing. Sulh is a customary practice, but in order to lessen the burden on the courts, certain Arab legislators have reinstated it under criminal law.<sup>398</sup>

In minor and infraction cases, the victim and the offender may agree to settle their dispute through Sulh. These legislatures have designated certain crimes. According to article 194–198 of the Iraqi Criminal Procedures Law No. (23) of 1971, as a result, the courts will only consider issues pertaining to public rights.<sup>399</sup> Sulh is not a novel concept in Arab legal systems; nevertheless, its use to young soldiers is new. To address the crimes that child soldiers committed after being recruited, special laws based on Sulh might be drafted, with the community's need for peace and stability and the children's welfare

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<sup>396</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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coming before the state's security concerns and counterterrorism agenda. For example, in Iraq, tribes sometimes found it impossible to leave their ISIS-affiliated children behind, particularly if the father belonged to the tribe. Furthermore, several tribes paid the money to safeguard their offspring and reintegrate them into the group in order to help them undergo rehabilitation. As such, it is difficult to overlook the significance of tribes in the aftermath of conflict. They have the power to either facilitate the resurgence of violence in communities or contribute to their development. Therefore, when working with juvenile soldiers, whether through a formal or informal system based on the practice of Al-Sulh, tribes, local leaders, and Sheikhs can be a powerful party.<sup>400</sup>

Tribes in the northeastern Iraqi province of Kirkuk had been working on the process of reunifying with child soldiers and minors associated with ISIS, particularly those not charged with murder. One of the sheikhs of the Al-Abedd tribe, Sheikh Raad Al-Ase, contends that in order to prevent the emergence of a new ISIS, efforts must be made to assist the child soldiers and ISIS children detained in isolation camps. Otherwise, these children could serve as the catalyst for animosity and resentment toward the community. He states that whether the child is residing in the camps or the prison, reintegration will be possible provided the mother is not associated with ISIS and the father is a member of the tribe. But it is hard for individuals to accept and agree to work with a child who is still in the hands of ISIS forces.<sup>401</sup>

According to his observations, a significant obstacle to the reconciliation process is the victims' reluctance to communicate or engage with ISIS or former child soldiers. Here, as part of the larger interest, the Sheikhs are crucial in motivating victims and community people to engage in the process. Initially, the victims turned down the opportunity to take part in Al-Sulh and refused to interact with anyone associated with ISIS. The tribes had a different perspective; to them, the stability and well-being of the entire community came first. Thus, the tribes came to the conclusion that the top priority is to eradicate any chance of a new ISIS emerging, and that Sulh with the first wave of child soldiers would be

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<sup>400</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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required to accomplish this in order to contain these kids, reintegrate them into the community, and keep them from becoming the next generation of fighters.<sup>402</sup>

The Sheikhs of the tribe typically begin the procedure by speaking with the victims' families and trying to persuade them to pardon the children and accept them back into society. Presenting the compensation to the victims will be the next step. It might be material in the form of money paid by the entire tribe, or moral in the form of an apology and admission of guilt by the child. Signing the pact under the Sheikhs of the tribe will be the final step in preventing any retreat or withdrawal. To give the resolution an official form, the Sheikhs will also notify the relevant authorities in the area of the agreements, particularly the police and the court in situations where the child is incarcerated. This leads to the loss of one's individual right to appear in court under the criminal justice system, and many judges will see this as a sign.<sup>403</sup>

Given that many tribes wish to put ISIS in the past and bolster their security and stability, Sheikh Al-Ase believes Sulh can offer a workable solution to the problems of child soldiers and ISIS children in Iraq. Regarding child soldiers, a lot of individuals have started to have second thoughts and are willing to deal with them immediately. But because of how widespread the situation is, the government must step in. Sadly, its involvement is minimal and occurs only after the tribes have completed all of their work. In the Salah ad Din Province of Iraq, there was an additional effort to address the issue of juvenile soldiers and ISIS youth. For three years (2017–2020), sheikhs from the Al-Jboor and Al-Jmelat tribes attempted to make peace with certain ISIS families, including those that included both child soldiers and ISIS offspring. The attempt started when the sheikhs intervened to put an end to the violence against these families that was reoccurring and endangering peace and security. As they acted as middlemen to establish a common ground to ease tensions and put an end to the violence between the families of the victims and ISIS, the majority of the sheikhs were unbiased and neutral. They first encountered strong opposition from the neighborhood, gun and bomb attacks on the families, and

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<sup>402</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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<sup>403</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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repeated calls to halt and then restart the procedure. The villages successfully assured the sheikhs that they would not harm women and children.<sup>404</sup>

With governmental intervention, the first step of the procedure was more official and broad, while the second stage was more private and confidential. In order for people to start reintegrating the families and the children into the society and accepting them again, both phases sought to lessen the social rejection of them as well as to alter the local opinion of them. By addressing the values of honor, family, the blood bond, the collective value of mercy, passion, and forgiveness, the sheikhs attempted to appeal to the community's sentiments throughout the process—especially in the second stage—and inspire people to put their hatred and the past behind them in favor of a new, peaceful, and more stable future.<sup>405</sup>

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<sup>404</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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<sup>405</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022  
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## Chapter 4 - Comparative analysis of solutions for prevention, rehabilitation and reintegration

### 1. Comparative analysis on national implementation

#### 1.1 Review of international framework

Now, let's analyze the effectiveness of the solutions proposed by the international community regarding the prevention, rehabilitation and reintegration of child soldiers by seeing how these solutions are implemented in Colombia, the Democratic Republic of Congo and Iraq depending on their own geopolitical context relating to armed conflicts in their country.

First, I will review the most important international normative and legal framework and the national framework of the governments of Colombia, DRC and Iraq to analyze how the international framework on this issue is implemented nationally. As seen in the first chapter of this study, since 2005, the United Nations has documented 266,000 grave violations against children committed by parties involved in armed conflicts, including 93,000 cases of recruitment and use of children, though it is believed that the actual number may be higher. This issue has gained unprecedented importance, with 7,622 children reported recruited in 2022 alone, constituting one of the six grave violations against children's rights during armed conflicts and a clear violation of international law. The international community has responded by progressively establishing normative and legal frameworks to safeguard children's rights in armed conflicts. From Graça Machel's 1996 report to the UN Security Council Resolution 2601 in 2021, the aim has been twofold: preventing the recruitment and use of children by armed forces or groups and facilitating their rehabilitation and reintegration into civil society.<sup>406</sup> Key international frameworks related to child soldiers include the Geneva Convention IV, prohibiting the enlistment of children<sup>407</sup>; Additional Protocol I and II, specifying a minimum recruitment

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<sup>406</sup> 25 Years of children in armed conflict : taking action to protect children in war. (2022, June). United Nations Children's Fund (UNICEF). Retrieved November 10, 2023, from <https://www.unicef.org/reports/25-years-children-armed-conflict>

<sup>407</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

age of fifteen years<sup>408</sup>; the Convention on the Rights of the Child<sup>409</sup>, criminalizing the recruitment and use of children; the Rome Statute of the International Criminal Court<sup>410</sup>, declaring enlisting children under 15 as a war crime; the Convention on the Worst Forms of Child Labour, designating forced recruitment and use of children under 18 as a severe form of child labor<sup>411</sup>; and the Optional Protocol on the Involvement of Children in Armed Conflict, emphasizing non-compulsory recruitment for those under 18, with enlistment requiring voluntary consent from parents or legal guardians.<sup>412</sup> Importantly, it underscores demobilizing child soldiers in armed groups and providing them with appropriate assistance for physical and psychological recovery, along with social reintegration (article 6.3)<sup>413</sup>. The UNSC Resolution 2427 (2018) focuses on protection, asserting that children associated with parties to conflicts must be treated as victims. At the regional level, the African Union, through the African Charter on the Rights and Welfare of the Child, explicitly prohibits the recruitment and use of children by armed groups.<sup>414</sup> The Monitoring and Reporting Mechanism (MRM) was established to hold accountable parties in armed conflicts that violate children's rights, particularly regarding the recruitment and use of children as child soldiers.<sup>415</sup> Turning to solutions, the Paris Principles and Commitments advocate for countries to offer training on legal standards and obligations to prevent the recruitment and use of children<sup>416</sup>. For the release and reintegration of child soldiers, Article 7(2)(b)(c) of the ILO Convention 182 mandates states to provide necessary and appropriate direct assistance for rehabilitation and social integration, including access to free basic education and, when possible, vocational

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<sup>408</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>409</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>410</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>411</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>412</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>413</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>414</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>415</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>416</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

training. Articles 1.5 and 7.1 to 7.84 of the Paris Principles underscore the unconditional release of child soldiers and establish standards for their reintegration.<sup>417</sup>

## 1.2 Colombia, Democratic Republic of Congo, Iraq

In Colombia, the harrowing issue of child soldier recruitment has persisted for the past 60 years, with children as young as 8 being forcibly conscripted. Between 1990 and 2017, a staggering 16,238 children were officially reported as recruited, though the actual number is believed to be around 40,000.<sup>418</sup> Despite efforts, including a national action plan implemented in 2019 and legal measures like Case No. 07 by the Special Jurisdiction for Peace, paramilitary groups like FARC continue to forcibly enlist child soldiers. Shockingly, between July 1st, 2019, and June 30th, 2021, 220 children were reported recruited by groups like FARC-EP and the Ejército de Liberación Nacional (ELN).<sup>419</sup> The age of recruited children spans a wide spectrum, with an average age of 13 (66% between 6-14 years old).<sup>420</sup> Boys constitute 70% of child soldiers, while 30% are girls, and indigenous children make up 35% of the total recruited population.<sup>421</sup> The threat of recruitment has forced 30% of the Colombian population into displacement. Current Disarmament, Demobilization, and Reintegration (DDR) programs, led by the Colombian Family Welfare Institute (ICBF), focus on a post-conflict framework, with 323 children enrolled in specialized programs during the reporting period.<sup>422</sup> The Colombian government has continually refined its legislation, including laws such as Law 418 of 1997 setting the age limit for recruitment at 18, and the more recent Law 1098 (2006),

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<sup>417</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>418</sup> Colombian Armed Conflict - justice for colombia. (2018, February 18). Justice for Colombia. <https://justiceforcolombia.org/about-colombia/colombian-armed-conflict/>

<sup>419</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>420</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>421</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>422</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>



known as the Infancy and Adolescence Code, inspired by the Convention on the Rights of the Child.<sup>423</sup>

In the Democratic Republic of the Congo (DRC), particularly in its eastern region, a complex and long-standing crisis unfolds, affecting approximately 2.8 million children.<sup>424</sup> From 2014 to 2017, armed groups were responsible for 94% of all grave violations against children, with child recruitment constituting 62% of these violations.<sup>425</sup> Although progress has been made, the Forces Armées du République Démocratique du Congo (FARDC) stopped recruiting children in 2017<sup>426</sup>. The central goal of the UN's Child Protection Section is to secure armed group commanders' commitment to releasing and refraining from recruiting children. While national child recruitment has decreased by 50% in the past four years, regional analysis reveals a surge in the Kasais. The UN documented 6,168 children recruited between 2014 and 2017, with North Kivu being the epicenter. Notably, the Democratic Republic of the Congo's Law on Child Protection (2009) explicitly prohibits the recruitment and use of children in armed forces or armed groups.<sup>427</sup>

In Iraq, the use of child soldiers traces back to 1975, with Saddam Hussein's Ba'ath party enlisting children as young as 14<sup>428</sup>. Despite challenges, progress was made with the enactment of the Child Soldier's Prevention Act of 2008 and Coalition Provisional Authority Order No. 22 (2003), which set the minimum enlistment age at 18.<sup>429</sup> However, the absence of a national legal provision on child involvement in armed conflict poses a challenge. Efforts are underway, with a draft code on the rights of the child and a child

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<sup>423</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>424</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>425</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>426</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>427</sup> Eastern DRC: One of the worst places to be a child (September 2023) - Democratic Republic of the Congo. (2023, October 13). ReliefWeb. <https://reliefweb.int/report/democratic-republic-congo/eastern-drc-one-worst-places-be-child-september-2023>

<sup>428</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>429</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

protection strategy being formulated by the Child Welfare Authority.<sup>430</sup> The strategy aims to address armed conflict issues, with the current one dating back to 2009. Economic challenges, amplified by COVID-19, have further complicated the situation, requiring a holistic approach to end child soldier conscription, including addressing poverty.<sup>431</sup>

### 1.3 Comparative analysis of challenges

While reviewing the different implementation of the international framework relating to the solutions for the prevention, rehabilitation and reintegration of child soldiers in Colombia, the Democratic Republic of Congo and Iraq, some distance patterns can be seen.

Indeed, the duration of the recruitment of child soldiers has been persistent for the past 60 years with an estimated number of 40,000 children recruited between 1990 and 2017<sup>432</sup>. The evolution of the Colombian framework regarding child soldiers is noticeable with the Law 418 of 1997 and the Law 1098 of 2006.<sup>433</sup> Moreover, the government took measures regarding this issue with the National Action Plan of 2019 and the creation of the Special Jurisdiction for Peace.<sup>434</sup> However, it is reported that paramilitary groups such like the FRAC still recruit and use children, with an average recruitment age of 13, and composed of 70% boys, 30% girls, 35% indigenous. Due to the recruitment threats, 30% of the Colombian population had to be displaced.<sup>435</sup>

Regarding the situation in the Democratic Republic of Congo, the armed conflict affected 2.8 million children, in the grave violations on children by armed groups reported between 2014 and 2017, 62% were child recruitment. An improvement can be noticed thanks to

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<sup>430</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>431</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>432</sup> Colombian Armed Conflict - justice for colombia. (2018, February 18). Justice for Colombia. <https://justiceforcolombia.org/about-colombia/colombian-armed-conflict/>

<sup>433</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>434</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

<sup>435</sup> Philipp, J. (2022, January 27). The Struggle of Child Soldiers in Colombia. The Borgen Project. <https://borgenproject.org/child-soldiers-in-colombia/#:~:text=Statistics%20estimate%20there%20are%20up,for%20more%20than%2060%20years>

the government actions supported by the United Nations.<sup>436</sup> Indeed, the Law on Child Protection of 2009 prohibits the recruitment and use of children and ensure their demobilization. Moreover, the MONUSCO's Child Protection Section worked with armed groups to obtain their commitments to stop the recruitment of children, which led to the cessation of the recruitment of child soldiers by the FARC in 2017<sup>437</sup>.

Concerning Iraq, child soldier were used since 1975 and intensified during the rule of Saddam Hussein and then with the creation of ISIS. Moreover, the impact on poverty on child recruitment, which was exacerbated by the COVID-19 pandemic, became an issue that is crucial to be solved due to its impact on the recruitment of child soldiers. Some legal measures were taken by the Iraqi government such as the Coalition Provisional Authority Order No. 22 in 2003 and the Child Soldier's Prevention Act of 2008, and the government set the enlistment age at 18 for the New Iraqi Army.<sup>438</sup> However, the limited provisions on child involvement in armed conflict within national legal system is a problem for the protection of child soldiers' rights, because due to this gap there are not really protected and are without real solutions for prevention and their rehabilitation and reintegration into the Iraqi civil society. Through, we can note that ongoing efforts are being made by the Iraqi government with the drafting of a child protection strategy including armed conflict by the Child Welfare Authority.<sup>439</sup>

By analyzing the national framework of each country regarding child soldiers, it is notable that each country faces unique challenges. Also, there are some common elements in the situation of these countries related to child soldiers such as the persistence of child recruitment, but also ongoing governmental and international efforts, and all of them need for sustained action to fully eliminate the recruitment and use of children by parties to armed conflict.

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<sup>436</sup>Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>437</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>438</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>439</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

## 2. Analysis of causes and impacts

### 2.1 Causes in Colombia, Democratic Republic of Congo and Iraq

Various reasons lead to the recruitment and use of children by parties to the armed conflict in Colombia. During this study, I could see that the socio-economic conditions such as poverty, internal displacement, malnutrition, and lack of education, is one of the factors leading children into armed groups. Indeed, 83.7% of child combatants labeled as "voluntary," but socio-economic conditions made the recruitment of these children involuntary.<sup>440</sup> Moreover, the coercion coming from families and communities is another major factors as some families, sometimes involved with armed groups, may coerce children for financial support or to protect family interests. It is important to note the gender perspective leading to child recruitment in Colombia, indeed it was reported that boys can join to demonstrate strength and girls for seeking freedom and empowerment. Also, it was reported that some children enlisted in armed forces or groups because they liked weapons and uniforms, because they had admiration for the paramilitary and guerrilla lifestyle, and to protect their community<sup>441</sup>.

The major factor leading to recruitment in DRC is the forced recruitment by armed groups due to socio-economic conditions and cross-border influences. Moreover, many child soldiers are recruited to perform non-combat roles, serving as porters, cooks, or guards, with 69% never engaging in battle.<sup>442</sup>

The historical context in Iraq's history including Saddam Hussein's initiative and the rise of ISIS, contributes to the pervasive use of child soldiers. Also, poverty, manipulation, and the power vacuum post-Saddam contribute to the enlistment of child soldiers. Finally, another factor leading to the enlistment of children is the economic incentives, indeed the offered salaries or meals becomes an enticing factor, particularly in crime-ridden and low-income communities. Other factors leading to the recruitment of children in Iraq are due to the abduction and threats,. They might join as their only mean for survival. They might

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<sup>440</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>441</sup> Bjørkhaug, I. (2010). Child Soldiers in Colombia: The Recruitment of Children into Non-State Violent Armed Groups. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.1650250>

<sup>442</sup> Birnbaum. (n.d.). "Our Strength Is In Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014 – 2017. In [childrenandarmedconflict.un.org](http://childrenandarmedconflict.un.org). MONUSCO. Retrieved November 13, 2023, from [https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128\\_monusco\\_our\\_strength\\_is\\_in\\_our\\_youth\\_child\\_recruitment\\_and\\_use\\_by\\_armed\\_groups\\_in\\_the\\_drc\\_2014-2017\\_final\\_english\\_0.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf)

also join to protect their families and communities. Another cause is the vulnerabilities of refugee camps.<sup>443</sup>

## 2.2 Comparative analysis of impacts

Child soldiers in Colombia, DRC and Iraq are impacted by their experiences during their association with armed forces or armed groups on a multi-dimensional level. Indeed, the physical health of child soldiers is impacted as they may face death, injuries, disabilities, illness, malnutrition, and inadequate medical care, with the risk of punishment for illness or injury. Also, both boys and girls child soldiers can suffer from sexual violence, leading to severe reproductive health concerns, pregnancies, and forced or voluntary abortions. Child soldiers experiences lead to psychological traumas as they endure ongoing fear, confusion, guilt, shame, anxiety, depression, and aggression, with potential long-term psychological wounds. Also, their traumas are due to the crimes and human rights violations they witness or were even forced to participate in. The lack of access to education during and after association, lead to difficulties for child soldiers to return to formal education systems, and they face challenges with concentration and behavior. Finally, child soldiers face difficulties when reintegrated into their family and community due to stigmatization, fear of retribution, or perceived danger, and the impact on their relationships.<sup>444</sup>

## 3. Comparative analysis of solutions from international level to national levels

In exploring the challenges and potential solutions for the prevention, rehabilitation, and reintegration of child soldiers, this study focused on the implementation of the international normative and legal framework within the unique socio-political dynamics of Colombia, the Democratic Republic of the Congo (DRC), and Iraq. The complexity of these contexts presents obstacles to effective implementation, including issues like insufficient funding and corruption. For this reason, I will analyze proposed solutions

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<sup>443</sup> Philipp, J. (2021, September 13). The Situation Regarding Child Soldiers in Iraq. The Borgen Project. <https://borgenproject.org/situation-regarding-child-soldiers-in-iraq/>

<sup>444</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

proposed by the International Community and the effectiveness of their implementation and challenges in Colombia, the Democratic Republic of Congo and Iraq.

### 3.1 International Community Proposals

#### 3.1.1 Prevention, rehabilitation, reintegration

Various solutions are proposed for prevention solutions by the International Community such as the Monitoring and Reporting Mechanisms (MRM) to monitor and report on the recruitment and use of children in armed conflict<sup>445</sup>. Also other solutions are proposed like the community-level approached to involve local communities in prevention efforts, and establishing robust national legal frameworks to prohibit and address child recruitment<sup>446</sup>. Another solutions is advocacy campaigns to raise awareness and promote adherence to child protection norms. Lastly, involving children in peace-building activities to empower them against recruitment.<sup>447</sup>

First, engaging with armed groups is essential for the release and rehabilitation of child soldiers found within non-state armed groups (NSAGs). The article 7.13 of the Paris Principles declared that the transition of a child from a military to civilian life begins with their formal release. Moreover the International Community promote the implementation if the Integrated Disarmament, Demobilization, and Reintegration Standards (IDDRS), which are specific standards for children in DDR processes. Finally, providing temporary or permanent alternative care arrangements for rescued child soldiers should be implemented.

Multiple solutions for the reintegration of child soldiers into civil society are proposed at the international level such as tailored reintegration programs addressing the specific needs of former child soldiers. Also, mental health and psychological support, economic empowerment and access to education and skills-building.

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<sup>445</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>446</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>447</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

### 3.1.2 Challenges

However, these solutions present challenges, for example there are risks for child soldiers during the MRM process such as risks of stigmatization and reprisals against victims, potential self-incrimination, and denial of humanitarian operations.<sup>448</sup> Also, some children may be unwilling or unable to engage in formal release processes, hindering access to necessary protection and care<sup>449</sup>.

Due to community dynamics, children associated with armed groups where family and community ties are strong may face challenges during formal release processes, potentially requiring more informal approaches.<sup>450</sup> In the DRC, for instance, community-based militia groups present a unique challenge, requiring tailored approaches.<sup>451</sup>

Addressing these challenges necessitates a nuanced understanding of each context and continuous efforts to adapt international solutions to the specific socio-political dynamics of the regions under consideration. That is why now I will analyze the implementation of these solutions in Colombia, DRC and Iraq.

## 3.2 Implementation in Colombia

### 3.2.1 Prevention, rehabilitation and reintegration

The Colombian government implemented called « Súmate por mí », which aims to prevent child soldier recruitment through socio-economic programs and recreational activities. However, these programs face challenges. For example, armed groups like the ELN impede program implementation in rural areas. Also, the fear and influence of armed groups hinder local participation in government initiatives.<sup>452</sup>

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<sup>448</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>449</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>450</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>451</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>452</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

The rehabilitation and reintegration programs are run by the Colombian Institute for the Well-Being of Families (ICBF) which takes care of the demobilization camps with mentorship for former child soldiers. The ICBF uses institutional and family care, with 60% institutional cases and 40% family care. Institutional care involves transition homes, specialized care centers, youth homes, and youth protection facilities.<sup>453</sup> Another program is the ACR/ARN Reintegration Program which is a 7-year program. Steps of this program include identification, intervention, projection, preparation for leaving the program, and follow-up.<sup>454</sup> However, these program face legal issues with laws such as the « Justicia y Paz », and flaws in legislation lead to informal demobilization, denying benefits of DDR programs for these children.<sup>455</sup> Also, operational challenges have been reported such as delays in transferring demobilized children to the ICBF, leading to intelligence use by armed forces. And, insufficient release and rehabilitation programs which are reflected by the decreasing demobilization rates. Also, part of the Colombian community perceive the DDR programs as granting impunity to formal child soldiers which contributes to their societal stigmatization.<sup>456</sup>

### 3.3 Implementation in Democratic Republic of Congo

Concerning the implementation of these solutions, the Congolese government emphasizes mostly on access to education for the social reintegration of child soldiers. In the past decade, over 20,000 child soldiers have been freed. The CONADER and MONUSCO with the help of other organizations, coordinate the demobilization and reintegration efforts.<sup>457</sup>

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<sup>453</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>454</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>455</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>456</sup> Child Soldiers In Colombia: The Latest Threat To Colombian Peace. (2021, May 20). CTG. <https://www.counterterrorismgroup.com/post/child-soldiers-in-colombia-the-latest-threat-to-colombian-peace>

<sup>457</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)



### 3.3.1 Rehabilitation and reintegration

Save the Children and UNICEF, have put in place transit centers to provide rehabilitation for child soldiers. Also, family and community reintegration is prioritized in the rehabilitation process. Educational activities, vocational training, and psychosocial support are integral components of rehabilitation programs.<sup>458</sup>

During the reintegration process of child soldiers in DRC, the ICRC focuses on re-establishing family links for child ex-combatants. UNICEF provides support for vocational training, including trades like information technology, beauty, and mechanics. Economic activities and livelihood projects are in place to make children financially independent.<sup>459</sup>

## 3.4 Implementation in Iraq

### 3.4.1 Prevention, rehabilitation and reintegration

Iraq signed an action plan to prevent the recruitment and use of children by the Population Mobilization Forces (PMF). This plan focuses on response and prevention mechanisms, age verification, awareness campaigns, and legal measures.<sup>460</sup> The rehabilitation of returnees from Al-Hol is approached individually due to the risk level. Special interventions, including psychological and religious rehabilitation, are designed for those saturated with extremist ideology.<sup>461</sup>

As seen in the second chapter of this thesis, the rehabilitation and reintegration processes in Iraq are facing challenges. Indeed, there are concern by the community about

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<sup>458</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>459</sup> Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects, the International Peace Support Training Centre (IPSTC), LT. COL. DONATIEN NDUWIMANA, 2013, from [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017\\_04712.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2017_04712.PDF)

<sup>460</sup> The Government of Iraq, supported by the United Nations, strengthens its commitment to prevent the recruitment and use of children by armed forces [EN/AR/KU] - Iraq. (2023, March 30). ReliefWeb. <https://reliefweb.int/report/iraq/government-iraq-supported-united-nations-strengthens-its-commitment-prevent-recruitment-and-use-children-armed-forces-enarku>

<sup>461</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

rehabilitating and reintegrating child soldiers, known as the "cubs of the caliphate," trained and indoctrinated by ISIS<sup>462</sup>. The estimated 2,000 minors who underwent military training and ideological indoctrination, are considered as a threat to Iraq's future stability as indoctrination may hinder their reintegration into society, leading to radicalization, psychological trauma, and potential vulnerability to crime or extremism.<sup>463</sup> Also the public resentment against former ISIS members may obstruct their treatment and reconciliation. Reintegrating child soldiers is a long-term and challenging process requiring attention from both Iraqi and international authorities.

#### 4. Analysis on the treatment of child soldiers by justice systems

##### 4.1 International justice decisions

The international legal proceedings emphasize that individuals under 18 should not face the death penalty for crimes committed. The minimum age of criminal responsibility is set at 14, and those under 14 should not be prosecuted.<sup>464</sup> Moreover, the justice system should consider the age and development of child soldiers, promoting rehabilitation over punitive measures. International legal instruments, such as the Rome Statute and Paris Principles, emphasize the special treatment of child soldiers in legal proceedings.<sup>465</sup> International conventions, including the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, stress the protection of children from arbitrary detention, with detention as a last resort and for the shortest possible time. When detained, children are entitled to certain minimum conditions, including separation from adults, access to legal aid, medical assistance, and mechanisms to address complaints.<sup>466</sup> Counter-terrorism laws may compromise the rights of child soldiers,

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<sup>462</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>463</sup> Affiliated with ISIS: Challenges for the return and reintegration of women and children | United Nations Development Programme. (n.d.). UNDP. <https://www.undp.org/iraq/publications/affiliated-isis-challenges-return-and-reintegration-women-and-children>

<sup>464</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>465</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>466</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

treating them as terrorists rather than victims. There is a need for a balance between security concerns and the best interests of the child.<sup>467</sup>

National judicial systems are primarily responsible for investigating and prosecuting cases of child recruitment. Challenges include weak or disrupted systems, potential politicization, and the granting of amnesties.<sup>468</sup> International mechanisms like the International Criminal Court (ICC), ad hoc tribunals, and regional courts provide alternatives when national systems fail. However, they may face challenges in reaching local communities.<sup>469</sup> Non-judicial mechanisms, like truth commissions and community-based mechanics, offer alternative avenues for accountability. However, they may pose challenges, such as increased stigmatization or hostility towards child soldiers.<sup>470</sup>

Child soldiers are entitled to reparations under the United Nations Convention on the Rights of the Child. Customary international humanitarian law requires states violating these laws to provide reparations. While reparations can have positive impacts, offering symbolic restitution and practical compensation, quantifying and restoring the damage may prove challenging.<sup>471</sup>

#### 4.1.1 Analysis of child soldier cases by international tribunals

The justice system encompasses criminal and civil systems, as well as informal mechanisms at the community level. Informal systems include traditional, customary, religious, and informal mechanisms for dispute resolution.<sup>472</sup> Children associated with

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<sup>467</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>468</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>469</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>470</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>471</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>472</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from

<https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

armed forces or groups may face biased or discriminatory treatment within the justice system. During detention, there is a risk of torture or ill-treatment, especially during interrogations.<sup>473</sup>

However, children's testimonies are crucial for prosecuting perpetrators of child recruitment and use. For this reasons, access to a legal representative to advise and protect children's rights is a priority.<sup>474</sup>

According to Article 26 of the ICC, the decision to prosecute should be left to individual states. National courts may prosecute children for serious crimes committed while associated with armed forces or groups, with varying ages of criminal responsibility (7 to 18 years).<sup>475</sup> The UNCRC Article 40 recommends avoiding formal judicial proceedings for children in conflict with the law whenever possible. The concept of 'diversion' suggests seeking alternatives like truth commissions or community service instead of imprisonment and criminal records.<sup>476</sup> Furthermore, the Beijing Rules Article 24.1 and 26.2 state that any form of deprivation of liberty should include age and gender-sensitive education, vocational, or rehabilitative services.<sup>477</sup>

This analysis emphasizes the vulnerability of child soldiers in the justice system, the importance of their testimonies, and the need for alternatives to formal judicial proceedings that focus on rehabilitation and education. The discretion to prosecute is left to individual states, and the approach should prioritize the protection of children's rights.

## 4.2 Child soldiers in Colombian justice system

On March 8th, 2023, the first-ever indictments were made against ten ex-FARC fighters for child soldier recruitment.<sup>478</sup> Since August 2021, the Special Jurisdiction for Peace

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<sup>473</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>474</sup> Paris Principles Operational Handbook. (2022). Save the Children International, UNICEF, United Nations Children's Fund. Retrieved November 13, 2023, from <https://resourcecentre.savethechildren.net/document/paris-principles-operational-handbook/>

<sup>475</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>476</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>477</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>478</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

(JEP) has been investigating over 18,600 cases of child soldier recruitment spanning five decades of armed uprising.<sup>479</sup> The JEP has the authority to provide alternatives to jail time for those confessing crimes and making reparations under the 2016 peace deal.<sup>480</sup>

Concerning the legal statements by the Colombian Constitutional Court, In 2004 (Constitutional Case No. C-172/04), Colombia's Constitutional Court highlighted that recruiting children for armed confrontations violates various rights. In 2005 (Constitutional Case No. C-203/05), the court emphasized that children recruited by unlawful armed groups are victims of the crime of unlawful recruitment of minors.<sup>481</sup>

A potential issue arises when armed insurgents recruited as children are now older than 18, facing different treatment by the court system. Criticism exists regarding how adult former child soldiers receive little consideration in courts for their recruitment experiences, posing questions about their status as victims or perpetrators.<sup>482</sup> Concerns about the treatment of former child soldiers underscore the need for reviewing laws and policies to encourage their demobilization. Criminalizing child soldiers should be a last resort approach in prosecution, emphasizing rehabilitation and reintegration into society for former child soldiers.<sup>483</sup>

Colombia faces challenges in reconciling the treatment of former child soldiers within its justice system, with ongoing efforts to balance accountability, rehabilitation, and the acknowledgment of their victimhood. The legal framework and policies are under scrutiny, prompting discussions on the appropriate approach to ensure justice and support for those who were once child soldiers.

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[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)

<sup>479</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

[https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters\\_6018674\\_4.html](https://www.lemonde.fr/en/international/article/2023/03/09/tribunal-issued-first-ever-indictments-for-child-soldier-recruitment-against-ex-farc-fighters_6018674_4.html)

<sup>480</sup> Afp, L. M. W. (2023, September 3). Colombia: First-ever indictments against ex-FARC fighters for child soldier recruitment. Le Monde.fr.

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<sup>481</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>482</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

<sup>483</sup> Vides International . (n.d.). Colombian Child Soldiers: Victims not Criminals . OHCHR.

### 4.3 Child soldiers in the Iraqi justice system

Iraq's Law of the Supreme Iraqi Criminal Tribunal (2005) identifies "conscripting or enlisting children under the age of fifteen years" as a serious violation of the laws and customs of war applicable in both international and non-international armed conflicts.<sup>484</sup> Children detained in Iraq for alleged affiliation with ISIS face harsh conditions, including beatings, overcrowded facilities, and coercive interrogations using torture methods. Children are prosecuted for any association with ISIS, even non-combat roles like cooking or driving, in hasty and unfair trials, as seen in the case example of a 14-year-old boy from Mosul who joined ISIS for financial reasons, worked as a cook, and later faced terrorism charges.<sup>485</sup> The international community, including UNICEF and child-focused agencies, advocates for a victim-centric approach, emphasizing rehabilitation and reintegration for children associated with armed groups.<sup>486</sup>

In Iraq, the prosecution of child soldiers in criminal courts is controversial, with differing views on whether they should be treated as victims or perpetrators. Arab governments, including Iraq, face challenges in dealing with child soldiers and often resort to retributive justice rather than rehabilitation. Repatriation efforts are noted, with calls for the release of children held on national security charges and their integration into society through specialized child-protection programs.<sup>487</sup> Adopting a restorative justice approach to address child soldiers' criminal responsibility, focusing on healing, reconciliation, and restoring relationships within communities could be a better solution. Tribes and local leaders play a role in facilitating reconciliation processes for child soldiers, emphasizing the importance of community involvement.<sup>488</sup>

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<sup>484</sup> International Humanitarian Law Databases. (n.d.). Retrieved November 13, 2023, from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule136>

<sup>485</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>486</sup> Becker, J. (2020, October 28). Some Child Soldiers Get Rehabilitation, Others Get Prison. Human Rights Watch. <https://www.hrw.org/news/2019/03/04/some-child-soldiers-get-rehabilitation-others-get-prison>

<sup>487</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022 <https://www.tandfonline.com/doi/full/10.1080/10282580.2022.2028142>

<sup>488</sup> Prosecuting child soldiers in the arab world: between the state, society, and retributive and restorative justice/ Pages 100-121 | Received 02 Jan 2022, Accepted 08 Jan 2022, Published online: 09 Feb 2022 <https://www.tandfonline.com/doi/full/10.1080/10282580.2022.2028142>

The treatment of child soldiers in Iraq involves challenges such as harsh detention conditions, hasty trials, and controversies around their criminal responsibility. The Iraqi government should shift to a victim-centric approach, international cooperation, and the potential adoption of restorative justice to address these challenges.

## 5. Advancing solutions for prevention, rehabilitation, and reintegration

### 5.1 Personal recommendations

In examining the prevention, rehabilitation, and reintegration programs in Colombia, Democratic Republic of Congo, and Iraq, it becomes evident that each context presents unique challenges and opportunities. Colombia has made significant strides in prevention through legal frameworks and community engagement, with notable progress in rehabilitation and reintegration efforts. The engagement with national armed forces and groups has facilitated the release and care of child soldiers. In the Democratic Republic of Congo, challenges persist due to a complex conflict landscape. However, concerted efforts have been made to engage with armed groups and prioritize the release of child soldiers. The establishment of programs for alternative care and reintegration highlights progress in this context. Iraq faces specific challenges concerning former ISIS child soldiers. The need for a political framework to address their status is apparent. Furthermore, the provision of psychosocial and therapeutic support, along with integration measures, is crucial. However, more advocacy is required for Arab-Sunni boys, who face additional barriers to support.

The international community must work with national governments to develop and implement strategies, increase spending on child protection programs, and engage relevant departments. Moreover, there is a need for more awareness-raising events, as well as engaging with communities, and utilize various communication channels, including technology for example to advocate for the inclusion of children's issues in peace processes and agreements.

In Colombia, Concerning prevention, despite programs like "Súmate por mí," the influence of armed groups and community fear undermines their effectiveness. Public-private partnerships and increased funding could enhance impact. Also, addressing societal stigmatization and reframing DDR programs as accountable mechanisms may improve their acceptance. Concerning the rehabilitation and reintegration challenges, the

legal shortcomings and operational issues, such as delays in the transfer of demobilized children, highlight systemic failures. A comprehensive approach is needed, combining legal reforms with expanded educational and economic opportunities. What needs to be done to prevent the recruitment of children in Colombia is to tackle the root causes such as poverty, which was exacerbated by the COVID-19 pandemic, remains a significant driver of child soldier recruitment. Focusing on long-term structural changes, like broadening early warning systems, could address underlying issues. In order to improve the implementation of solutions for prevention, rehabilitation and reintegration of child soldiers in Colombia, the government should give stricter penalties for groups using child soldiers to deter recruitment and engage with armed groups to make them commit to restrict child soldier recruitment. Also, the Colombian government should strengthen the early warning systems to discourage the use of children in armed conflicts. And most importantly, Colombia should prioritize long-term solutions, including poverty reduction and expanded the access education even in rural areas. While Colombia has implemented programs and legal frameworks for prevention and reintegration, significant challenges persist. Addressing root causes and enhancing the effectiveness of existing initiatives requires a multifaceted approach, involving legal reforms, increased funding, and a focus on long-term socioeconomic development. Moreover, the commitment to international treaties and the establishment of legislation specific to child soldiers demonstrate positive steps. Additionally, the emphasis on education and reintegration programs is commendable. The Colombian government should implement legislation for universal demobilization, considering child soldiers as captives unable to leave armed groups voluntarily. And also, create alternative programs such as educational and cultural programs to prevent recruitment, promoting social change, and offering alternatives. It should also develop reintegration programs to prevent reenlistment.

In the Democratic Republic of Congo, the solutions for rehabilitation and reintegration of child soldiers with access to education and other various forms of training for social reintegration is commendable. The community and family-based rehabilitation approaches demonstrate that local support is crucial for a child's successful reintegration. However, these solutions for rehabilitation and reintegration face a lot of challenges and criticisms such as the lack of coordination, inefficiency, and mismanagement within actors like CONADER and armed groups. The detention rates, especially for boys,



highlight issues with the treatment of children associated with armed groups. The inadequate follow-up and economic independence for demobilized children raise concerns about potential re-recruitment. Other challenges that reintegration programs in DRC are facing are various, problems like the ongoing conflicts, poverty, weak institutions, and infrastructure issues have been reported to hinder the successful reintegration of former child soldiers. Also, the lack of coordination between actors results in insufficient community-based support for the released children. Moreover, vocational training projects face challenges in urban environments and need to be adapted to the local contexts. Finally, the belief in armed groups paying high salaries contributes to re-recruitment, emphasizing the need for economic independence. It can be noted that insufficient funding and short-term planning hinder the effectiveness of reintegration programs. And the persistent fighting in eastern DRC further complicates the reintegration process. The Congolese government should strengthen the coordination among stakeholders to enhance efficiency and avoid duplication of efforts. It should also prioritize community and family support in the rehabilitation and reintegration process. A major recommendation is to develop sustainable funding models and long-term planning for education and vocational training programs. And more importantly, the root causes of child soldier recruitment, including economic opportunities and conflict resolution should be addressed. While the DRC has made progress in rehabilitating and reintegrating child soldiers, numerous challenges persist. Addressing coordination issues, ensuring economic independence, and tackling root causes are crucial for sustainable solutions. The focus should extend beyond immediate reintegration to creating an environment that prevents re-recruitment and supports the long-term well-being of former child soldiers. The engagement with the UN Country Task Force on Monitoring and Reporting is a positive step towards addressing violations against children. Efforts to release detained children and hold perpetrators accountable are crucial for progress. The Congolese government should address micro-patterns in child recruitment for tailored engagement, prevention, and response. The government must facilitate the work of the UN Country Task Force, release detained children, end impunity, and bring perpetrators to justice. Finally, the DRC should commit funds for holistic child demobilization, reintegration, and fighting impunity.

In Iraq, concerning prevention measures, the action plan's signed by the Iraqi government which focus on age verification, awareness campaigns, and legal measures demonstrates a commitment to preventing the recruitment and use of children. Concerning the rehabilitation and reintegration procedures, the deeply rooted ideological indoctrination of ISIS-trained child soldiers poses a significant challenge to their reintegration. The psychological trauma of child soldiers and their difficulties to transition from a violent mindset to normal life increase the risk of isolation and vulnerability to crime or extremism. The public resentment against former ISIS members creates additional hurdles for their treatment and reconciliation. A comprehensive, multipronged approach involving various stakeholders is essential for successful rehabilitation. The Iraqi government and other stakeholders need to strengthen the psychological and religious rehabilitation programs for countering the ideological indoctrination of child soldiers. They should address public resentment through awareness campaigns and education to foster a more receptive environment for rehabilitation. Finally, involving international support and cooperation is necessary for a more holistic and effective approach to the rehabilitation and reintegration process, the recognition of the need for a political framework and psychosocial support for former ISIS child soldiers shows a commitment to their well-being. However, more targeted advocacy and research are needed to understand and address the specific challenges faced by Arab-Sunni boys. The Iraqi government should establish a political framework recognizing former child soldiers as individuals in need of protection rather than a threat. Also, support mechanisms to obtain new identification documents, continuing education, and integration measures for former ISIS child soldiers must be implemented. Psychosocial support must be established to allow child soldiers to process their experiences. Extensive training should be provided for those working with former child soldiers. Finally, research on the situation of former child soldiers, especially those returning from liberated areas should be conducted to provide a better understanding which would lead to the implementation of solutions more adapted to former Iraqi child soldiers.

As demonstrated during this thesis, corruption, insufficient funding, and inadequate monitoring are common challenges across the contexts. These issues impede the efficient implementation of prevention, rehabilitation, and reintegration programs. Addressing these systemic issues is paramount to achieving meaningful progress.

In Colombia, the need for universal demobilization and tailored support for children is evident. The issue of legal status for conscripted children underscores the urgency for legislative reform.

In the Democratic Republic of Congo, the release of detained children and the prosecution of perpetrators remain critical areas for improvement. Additionally, the need for inclusive support for all children, regardless of their affiliation, is essential.

For Iraq, the experiences of former ISIS child soldiers, especially Arab-Sunni boys, require focused attention. Advocacy for their rights and targeted psychosocial support are imperative to prevent re-radicalization and promote reintegration.

The recommendations put forth by international organizations and NGOs offer valuable insights into addressing existing challenges. Engaging national governments, developing comprehensive strategies, and strengthening security sector actors are key components of these solutions.

In Colombia, the continued refinement of policies and accountability measures is crucial. Additionally, international sanctions against those who recruit child soldiers can serve as a deterrent. In the Democratic Republic of Congo, facilitating the work of the UN Country Task Force and ensuring timely release and documentation for former child soldiers are pivotal steps. Holding perpetrators accountable is essential for justice. In Iraq, the establishment of a political framework and comprehensive support for former ISIS child soldiers is imperative. This includes addressing identification and educational needs, as well as providing psychosocial and therapeutic support.

While progress has been made in addressing the plight of child soldiers in Colombia, Democratic Republic of Congo, and Iraq, there is a pressing need for sustained efforts, targeted interventions, and collaborative action from national governments, international organizations, and NGOs to ensure the successful prevention, rehabilitation, and reintegration of these children.

I recommend that Colombia, the Democratic Republic of Congo and Iraq all need to improve their legislations regarding child soldiers, to treat them as victims and not criminals like international framework state. More dedication and funding need to be put in the development of solutions for the prevention, rehabilitation and reintegration of child soldiers in each countries, because as seen during this study, most states focus only on the rehabilitation and reintegration of child soldiers without really developing

solutions for preventing recruitment in the first place. Colombia, the DRC and Iraq need to also consider that the rehabilitation and reintegration are long-term processes meaning they need long-term funding, otherwise there is a huge risk for re-recruitment of child soldiers. As long as the root causes leading to the recruitment and use of children by parties to armed conflict are not address, there will always be new children recruited. Indeed, as long as children are living in poverty and without access to education, there will always be a percentage of them enlisting into armed forces or groups to escape their poor living conditions and to protect and provide for their families and communities. Finally, countries need to resolve ongoing conflicts with armed groups to protect children and ensure the well-implementation of programs for prevention, rehabilitation and reintegration.

## Conclusion

Based on the extensive research and analysis conducted in this study, it is evident that addressing the recruitment and use of child soldiers is a critical imperative for safeguarding the rights and well-being of children affected by armed conflict. For these reasons advancing solutions for prevention, rehabilitation and reintegration of child soldiers in Colombia, the Democratic Republic of Congo and Iraq is essential to protect children's right.

This is why I examined in the first chapter of this study, the international and national legal framework, as well as national policies and initiatives regarding child soldiers as they play pivotal roles in implementing solutions for prevention, rehabilitation and reintegration. Moreover, in this first chapter I also studied the causes leading to the recruitment and use of child soldiers by parties to armed conflict as well as the multi-dimensional and long-term impacts association with armed forces or groups have on child soldiers due to the experiences they go through during this period of association. I studied the causes leading to the recruitment and use of children such as poverty and lack of education to understand the root of one of the factors leading to the enlistment of children to create better solution to prevent it. The examination of the impacts on child soldiers such as physical and psychosocial was to understand them to lead to more tailored solutions for rehabilitation and reintegration.

In the second chapter of this thesis, I studied the proposed solutions for prevention, rehabilitation and reintegration of child soldiers at the international level and how they are implemented at the national level in Colombia, the Democratic Republic of Congo and Iraq. Comparatively, Colombia, the Democratic Republic of Congo, and Iraq present unique challenges and successes in their approaches to child soldier protection. Colombia has demonstrated commendable progress in prevention and reintegration, with a focus on legal frameworks and community engagement. In the Democratic Republic of Congo, despite the complexities of the conflict landscape, efforts to engage with armed groups and prioritize child soldier release are notable achievements. Iraq faces specific challenges in rehabilitating former ISIS child soldiers, particularly Arab-Sunni boys, emphasizing the need for a political framework and targeted psychosocial support. However, various challenges persist across all three contexts, including issues of

corruption, insufficient funding, and inadequate monitoring. Addressing these systemic barriers is crucial to enhancing the effectiveness of prevention, rehabilitation, and reintegration programs. Moreover, these three countries need to address the root causes detailed in the first chapter, to efficiently prevent the recruitment and use of children by armed forces or groups. They also must put an end to the ongoing conflicts in their respective countries to ensure the well implementation of the rehabilitation and reintegration efforts.

In the third chapter, I examined how child soldiers are treated by the international and national justice systems of Colombia, the Democratic Republic of Congo and Iraq. Even if internationally it is considered that child soldiers should be treated as victims, however due to counterterrorism laws it is not that easy. Indeed, it was demonstrated during this study that nationally child soldiers can be treated as criminals by the justice system as well as by their communities. Moreover, when detained child soldiers go through violations of their rights by experiencing torture as an example. Also, it is proposed that judicial and non judicial alternative to justice can be used as solutions to better fit the children involved, some alternative proposed are truth commission and community-based approaches.

Finally, the last chapter aimed at analyzing the effectiveness of the solutions for prevention, rehabilitation and reintegration of child soldiers in Colombia, the Democratic Republic of Congo and Iraq, and to advance other solutions.

To conclude, over the years more and more framework at the international and national level were implemented regarding child soldiers. However depending own each country's own geopolitical dynamics they all improved their legislation to protect child soldiers but it is still not enough. Colombia, the Democratic Republic of Congo and Iraq need to take care of the root causes leading to the recruitment of children and to end conflicts in their respective countries to prevent children from being recruited. They also need to consider how their association impacted child soldiers to developed better rehabilitation and reintegration solutions.

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