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Master's thesis

**"PARTICIPATION OF CHILDREN IN ARMED CONFLICTS:
THE CASE STUDY OF LORD RESISTANCE ARMY"**

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Abstract

The purpose of this paper is to explore the effects of children participating in armed conflicts by using examples of the Lord's Resistance Army. First, concepts of a child associated with armed conflicts are introduced based on existing literature. This paper argues about the different types of use of children in the war activities, its consequences on children and entire societies, but also about the reintegration process which is crucial for the stabilization of the post – conflict society. The paper underlined different perspectives on this global issue and have presented some scholars and research studies analyzing this topic. Special concentration is made on the legal framework of this problem, based on different conventions, protocols, and agreements. As specific research, the study focuses on the recruitment of children in Uganda by the Lord's Resistance Army by using the case study method. It analyzes thoroughly methods of recruitment, a life of the youth in the armed group and the psychosocial and physical consequences they caused on children. Results showed severe effects that participation has on the child's future development, and moreover they showed interconnection with the possibility of reconciliation in societies in case of successful reintegration as well.

Keywords: child soldiers; armed conflicts; recruitments; Uganda; Lord's Resistance Army.

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1. INTRODUCTION

Children are vulnerable category in the peaceful periods, but especially during the war times. Under all rules of international law, human rights law, and customary international law, children should be protected and secured from the violent attacks. In all cultures and religions, adults are the ones who take care of them. None child should be the victim of adults' decisions. Children of the whole world deserve to have a normal childhood and equal chances for developments. While a child is growing up, diverse stressful situations can make an impact on its further life. The worst form of the physical or mental pressure they may experience are situations of wars and other violent disturbances. Children are affected in different ways by these incidents. Many of them are displaced because of the warfare, they leave their houses for a long period of time or even forever. Buildings and surroundings are destroyed, houses near area of the battlefield not protected, and schools closed or dangerous. Children are at risk when they are on the streets, or even if protected in secure locations. Not only direct victims, but they might lose somebody they know or family member. In these situations, youth may become orphans, unprotected in the refugee camps, or victims of abductions. Civilians are not legitimate military targets, but unfortunately this rule has been broken many times in the near past. All these situations can make huge consequences on children health, emotional and psychosocial development. Nevertheless, children are often directly involved in the hostilities.

Furthermore, children participate in armed conflicts in different continents. Majority of the present conflicts record involvement of the youth in the war activities. Boys and girls are recruited by armed groups, or even by official armed forces of states. In some cases, they join armed groups voluntary, but the voluntarism remains questionable when speaking about the decisions of children in the emergency situations. Usually, these are only instincts for survival inside the group which may provide them with water, food, shelter or tools to protect themselves. Children associated with armed group or armed forces are often seen only as child soldiers. Indeed, majority of recruited children are used as combatants. However, their roles are much diverse. They are used as human shields, porters, messengers, cooks, for domestic work, sexual services or suicide attacks. Generally, they have mixed roles. For instance, girls are used as combatants and for reproductive labor.

The consequences on the psycho – physical health of former child soldiers are severe. They suffer from different diseases, and may have psychological issues. Even if they recover fully, the memories remain. They need to be supported with rehabilitation programs. Once it is possible, and if in the best interest of the child, former child combatants need to be reintegrated into societies. Reintegration process is necessary in the individual level, but from the entire community's perspective as well. Children who experienced the participation in the hostilities need to be return in their families or societies, and learn how to continue with the normal childhood which they deserve. This complex issue of children associated with armed groups is recorded among the world. For that reason, the purpose of this thesis is to research the effects of the participation in armed conflicts to the children.

This study will examine both theoretical and empirical side of the issue of children affected by armed conflicts. Theoretical part will be oriented toward legal framework and different research papers. At first, concepts of the child and child affected by armed conflicts will be explained, as well as different approaches to the issue of child combatants. Furthermore, several legal sources will be exanimated. The main framework will include international law and human rights. By analyzing these resources, the study will present legal system of the protection for children. This is significant as peace may not be achieved if basic human rights are violated, especially if the victims are the youngest.

The object of analysis of this work is literature. Sources include books, international documents and conventions, decisions of the national and international courts and tribunals, reports and reviews of international and non – international organizations, articles in media etc. Reports and analyses on the implementation of the conventions will be used in order to evaluate the strengthening of governments' efforts to protect children rights in the war times, as a way of bringing peace to war victims and society in general. Relevant books may provide strong theoretical framework of the topic. These books are written about the rights of children that are violated, and present obstacles for conflict societies to achieve negative peace. We will focus on the fact that positive peace may not be achieved without resolving traumas of ex child soldiers, and ensuring that their return to the military life is prevented. Theoretical ground for explanation of the difference between positive and negative peace, and obstacles toward it, is based on the theory of the founder of peace studies, Johan Galtung.

Moreover, the study will empirically examine the effects of participation of children in the hostilities and its impact to the conflict and post conflict societies. This part of the thesis will be complemented by a case study of the Lord Resistance Army. The Lord's Resistance Army is chosen as an object of research for multiple reasons. Among many armed groups in the world, the LRA stands out by the most brutal combination of violence against children in the central Africa. Methods used by this group disobey all human standards of the relation toward the youngest generations, and represent the huge violence of the human rights. Therefore, the main common methods for all armed groups that use children in hostilities may be explained through the strategy of the LRA. In addition, Ugandan context is specific because of the wide phenomenon of abductions and forced recruitment during the conflict, but the severe consequences on the today's society as well. After the end of the conflict, reintegration problem remained in the post-conflict Uganda and LRA continued with their activities in the neighboring countries. This group is a good example as they have been using children in the armed purposes for years. Some of these children have been already liberated, some of them are still waiting to be rescued. Analyze of this rebel group may precisely explain the significance of the researched question.

This master thesis will include several research methods. The main method that will be used is the content analysis. This will include conventions, research analyses, as well as official reports of the international organizations. In this way, we will tend to reach a scientific knowledge about the hypothesis that we have set up. At first, author will analyze international conventions in order to demonstrate the general rights that children have in the periods of the peace and war as well. Additionally, the general rules related to the rights of children in the period of the armed conflicts will be presented. Decisions of tribunals in the trials of the war criminals will highlight the severity of these atrocities, as well as judicial mechanisms for fighting against them.

Reports and reviews of the relevant international organizations, such as International Committee of the Red Cross, United Nations, and Human Rights Watch will be analyzed as an important resource for the related topic. Articles in media will be analyzed in the qualitative manner in order to understand the public opinion about this topic that is not that much known or popular, as well in order to see how media may raise awareness about this big problem. The content of this papers will provide us with the knowledge about the importance of the issue in the media, and consequently in the public opinion. Also, the theoretical framework will be rewarded by different

books regarding children who participate in wars. Also, we will use the method of the case study which will additionally underline the importance of the researched problem on the concrete case, in the specific region or context. We will also present quantitative data about the children affected by armed groups. The author will use the statistical data provided by different international and non – governmental organizations.

The main challenges in researching this topic are the lack of the academic and scientific literature. The majority of information about the child soldiers rely on the media and non – governmental sector. The biggest difficulty of this empirical part of the thesis is in the lack of the possibility to visit affected area and make a new research using interviews with former child soldiers and national authorities which still fight occasionally with the LRA.

The structure of the thesis will be designed in a way that the paper will include seven chapters, not including introduction and conclusion. At first, author will write about child soldiers. The purpose is to present categories of people that are under the biggest risk to become child soldiers, and different methods of their recruitment. In order to show the brutality of this groups towards the most fragile persons in the armed conflicts, we will research everyday life in those camps. Additionally, paper will concentrate to the children in detention, and sexual abuses towards children. Later, different ways of liberation of children, and challenges of the reintegration process will be presented. We are interested in proofing that the reintegration is necessary step after liberation of children victims, but has a lot of obstacles and is very difficult to be successfully finished. After the above mentioned case study, the last chapter will offer concluding remarks on the topic.

2. CHILDREN IN ARMED CONFLICTS

Children have been participated in the armed conflicts¹ for centuries, but this phenomenon was severely raised during the previous one. The development of technology made arms easier for use by young men or women. Methods of warfare have changed, and it became simple to involve the youngest in war. Children`s vulnerability to armed conflicts depends on various factors that will be discussed in the following chapters.

According to the United Nations, a child means “every human being below the age of eighteen years unless under the law applicable to the child’s majority is attained earlier.”² International Committee of the Red Cross established a wider understanding of this definition, considering that maturity defers between individuals, genders, cultural and religious specificities, or personal past experiences.³ Customs and expectations from a child to take a specific role related to its age differ around the world. For that reason, ICRC evaluates age through an interdisciplinary approach. Assessments shall be conducted by independent and skilled practitioners. A child needs to give approval for this assessment based on relevant information. Age cannot be easily determinate even with the medical examinations, especially in cases when an individual does not have an official document that proves the identity and age. Documents may be burnt in the fires during the armed conflicts or can be missing when the birth of a child was not registered. In case of any doubt, a person needs to be considered as a child.

¹ Under International humanitarian law, we distinguish two types of armed conflicts. The international armed conflict concerns armed conflict in which two or more states are belligerents. Non-international armed conflict refers to the protracted armed violence between armed forces of the state and one or more organized non – state armed groups, or between these groups. During international armed conflicts, four Geneva Conventions, and the Additional Protocol I apply. In non – international armed conflict, Common Article 3 to the 1949 Geneva Conventions and Additional Protocol II apply. Besides treaty law, customary law applies to both types of conflict. The intensity of hostilities and organization of belligerents are criteria for the determination of a conflict as a no – international. Other situations of violence, such as riots, demonstrations and sporadic acts of violence are considered as internal tensions and disturbances, and IHL is not a relevant source of law. Human rights law and national law are applicable.

² “Convention on the Rights of the Child”, UN General Assembly, Treaty Series, Vol. 1577, New York, 1989, Article 1.

³ International Committee of the Red Cross, „Children and detention “, Geneva, 2017, pp. 3.

2.1. Children associated with an armed force or armed group

A *child associated with an armed force or armed group* or 'CAAFAG' for short, refers to “any person below eighteen 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, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.”⁴ The minimum age for the recruitment of children was established in 1991.⁵ The Conference in Stockholm was organized by the Swedish Red Cross, Swedish Save the Children, and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. The topic was “Children of War”. Participants agreed that only persons above eighteen years old may participate in conflicts. With no exception, children under the mentioned age may not be recruited. After the Conference, a proposal was submitted to the Budapest session of the Council of Delegates of the International Red Cross and Red Crescent Movement in 1991. This body is composed of representatives of all members of the Movement (the ICRC, the International Federation, and the 191 National Red Cross and Red Crescent Societies).⁶ Its sessions occur every two years and have for a purpose to discuss the common issues of the entire Movement, as well as to set a common strategy for humanitarian issues in the world. One of these issues was the problem of children who participate in hostilities. In November 1991, the Council adopted Resolution No. 14.⁷ In this Resolution, the body expressed concern about this global problem and underlined that the minimum age is necessary to be eighteen because children above that age are not sufficiently mature to understand the consequences of their actions. Additionally, the psychological, physical and moral effects are huge for children participating in the war. The Council invited States to adopt a unilateral declaration that will set the age of 18 as a limit and asked the Henry Dunant Institute to make research about the problem and measures that may be taken. The study *Child soldiers: The Role of Children in Armed Conflict* was published in 1994.

⁴ United Nations International Children's Emergency Fund (UNICEF), „The Paris principles: Principles and guidelines on children associated with armed forces or armed groups“, 2007, pp. 7.

⁵ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict“, A Study for the Henry Dunant Institute Geneva, Clarendon Press, Oxford, 1994, pp. 3.

⁶ International Committee of the Red Cross, „Council of delegates“, 2014, Available from: <https://www.icrc.org/en/document/council-delegates>, (Accessed 23 July 2019).

⁷ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict“, op. cit., pp. 4.

The punishment to death is prohibited for persons who were under the age of eighteen at the time when the crime related to armed conflict was committed. Children under the age of fifteen shall not be recruited or take a direct part in hostilities. These two provisions come from the four Geneva Conventions in 1949 and their Additional Protocols.⁸ Similar obligations are included in the United Nations Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict from 2002. ICRC agrees with the definition of a child contained in the CRC and recognizes any person under the age of eighteen as a child. This humanitarian organization goes even further and admits that even persons below the age of eighteen may have some specific needs similar to persons considered as children.

The Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict prohibits the recruitment and participation in the armed conflicts of youth under the age of 18. International law considers the usage of children under the age of 15 in armed conflicts as a war crime and crime against humanity.⁹

The United Nations Security Council recognizes the use of children in hostilities as a grave violation of children's rights. The United Nations systematically monitor and report on this violation of children's human rights in countries where the UN Security Council found cases of child soldiers' existence.¹⁰

2.2. Child soldiers – global issue

According to the human rights organization based in London, Child Soldiers International, the number of children who are used in armed conflicts in the whole world has raised by 159 percent comparing to the statistics from 2012. At present, there are almost 30 000 recruited children.¹¹

⁸ International Committee of the Red Cross, „Children and detention “, op. cit., pp. 2.

⁹ United Nations Disarmament, Demobilization and Reintegration Resource Center, „Children Associated with Armed Forces and Armed Groups: Key Non-Negotiables“, Available from: https://www.unddr.org/key-topics/children/children-associated-with-armed-forces-and-armed-groups-key-non-negotiables_4.aspx, (Accessed 19 August 2019).

¹⁰ Ibid.

¹¹ Child Soldiers International, „Child soldier levels doubled since 2012 and girls' exploitation is rising“, 2019, Available from: <https://www.child-soldiers.org/news/child-soldier-levels-have-doubled-since-2012-and-girls-exploitation-is-rising>, (Accessed 1 June 2019).

Afghanistan, CAR, Chad, Columbia, DR Congo, India, Iraq, Myanmar, Philippines, Somalia, South Soudan, Thailand, and Yemen experience the most this problem. However, this issue is common for some developed countries as well. Armed forces of the countries of G7, excluding Japan and Italy, also recruit children under the age of 18. The recruitment of children between 16 and 18 years old is not prohibited according to the UN Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. However, it is questionable whether it is necessary to recruit children of 16 or 17 years. These kids are child soldiers as well. Usually, in the 12 months, G7 nations recruit more than 20 000 children, 16 or 17 years old. The highest number of recruitments is in the United Kingdom and the United States.¹²

Still, recruitment of children even younger than 16 happens in many countries today. According to UNICEF, 1740 cases of child recruitment were recorded only in Somalia in 2017, and 135 children have been forced to commit suicide bombings.¹³ Since the beginning of the conflict in South Sudan, more than 19 000 children have been recruited into armed forces or armed groups. During the same year, UNICEF helped 12 000 children, former combatants, to reintegrate into society.¹⁴

The Report on Children and Armed Conflict of the Secretary-General of the UN in June 2019 underlined again the global issue with children affected by armed conflicts. Approximately 13 600 children benefited from the reintegration program around the world.¹⁵ Nevertheless, children are still being forced to be directly involved in hostilities, by killings, suicide bombings against a civilian population, or with supportive roles like sexual slavery or human shield. According to this report, countries with the worst rate of the recruitment and use of children in the previous period

¹² Child Soldiers International, "UK, US & NATO armies 'may violate international law' in treatment of under-18 recruits", 2019, Available from <https://www.child-soldiers.org/news/why-18-matters-uk-us-other-nato-armed-forces-may-violate-international-law-in-treatment-of-teenage-recruits>, (Accessed 1 June 2019).

¹³ United Nations International Children's Emergency Fund (UNICEF), "Children under attack at shocking scale in conflicts around the world", 2017, Available from: <https://www.unicef.org.uk/press-releases/children-attack-shocking-scale-conflicts-around-world-says-unicef/>, (Accessed 1 July 2019).

¹⁴ Kristine Grønhaug. *The number of child soldiers in the world is increasing – almost half of them are girls*, Norwegian Refugee Council, Available from: <https://www.nrc.no/shorthand/stories/child-soldiers/index.html>, (Accessed 26 August 2019).

¹⁵ United Nations, "Children and armed conflict - Report of the Secretary-General (A/73/907-S/2019/509)", 2019, Available from: https://www.un.org/ga/search/view_doc.asp?symbol=S/2019/509&Lang=E&Area=UNDOC, (Accessed 24 August 2019), pp. 2.

were Somalia (2 300) and Nigeria (1947).¹⁶ The number of abductions from homes, schools and public spaces increased in 2018 not only in the two previously mentioned states, but in the Democratic Republic of the Congo, South Sudan, the Syrian Arab Republic, the Central African Republic, Sudan, and the Philippines as well.¹⁷

Child soldiers are used as combatants, slaves, passengers of messages, man checkpoints, etc. Not only boys but girls as well are used for these purposes. However, girls are usually used as sexual slaves. Youth are fragile targets because it is not that difficult to manipulate with them. Children living in poor villages, close to borders or roads are the most fragile and at a huge risk because they live in unprotected areas, where it is easy for armed groups to enter the village and attack them. Poor villages do not have tools to defend themselves, and they are especially weak if they are located close to the borders, as armed forces from the other countries also may enter these villages. Living next to the roads also represents a simple target for attackers, as they can easily come with the vehicles and attack children on their way home. Additionally, those kids who do not have access to education sometimes voluntary access to military groups. They perceive that they will be safer and secure within some organized group, provided with water, food and other resources that lack in their everyday lives. From time to time, some parents join the rebel groups and force their children to come with them. During wartime, a lot of schools are destroyed or it becomes difficult to attend classes in such dangerous situations. Children abandon schools, so the lack of obligations and education can make them join the armed groups. After peace agreements, they will miss the education and skills to continue their lives.

Youth voluntarism may be explained with the feeling of belonging. Children who do not have families may perceive armed groups as the extended family or community, where they feel to belong. In case that children do not have families, this might be the root cause for the motivation to voluntary join armed forces. In addition, adults may explain their point of view to children about the specific armed group, and especially the participation of children in it. So, youth may find out that adults support or even motivated them to join the military camps. Accepting combat duties may be performed because adults feel proud of them. Adults' opinions about social, economic or political injustices, frequently determine how the child will cope with the opportunity to join armed

¹⁶ Ibid.

¹⁷ Ibid, pp. 3.

forces or to respond to their proposals. Therefore, the important subject is how to change the value that some parent or teachers have on children' activeness in warfare. The rise of awareness by international organizations may help with this question. Field officers of the United Nations, International Committee of the Red Cross and other similar organizations organize projects with the purpose to stress out negative consequences of children participating in hostilities. Confrontation with such difficult stories about severe violations of children's rights may convince some adults about the reality of child soldiers' lives. After dealing with information about these injustices, mature persons may prevent children from volunteering as fighters.

Feelings of vulnerability may motivate children to join military forces or groups. Inside these groups, they feel empowered and protected. They would not voluntary join armies if the root causes are resolved. Dealing with the sources of the helplessness of youth could reduce their voluntary participation in the battlefields. Security and the opportunity to have a normal life without the need to take up weapons would decrease the percentage of children in the armed forces. Local people and non – governmental organizations may be jeopardized if they report such incidents. Meanwhile, international agencies and organizations are in a better position to address these issues. They may promote structural reforms by conditioning governments to respect children's rights. In the case they abuse children's rights, aid may be suspended. Recommendations for national authorities should be provided to improve the state of affairs in the life of the kid whose enrolment is the best convenient possibility. The international community should make stronger pressure on the men in power to punish crimes against children in wartime and to improve options for children. By offering educational opportunities, leaving school open in the war – zones when possible because of the security reasons, providing recreational activities, children may feel less frustrated and would determine other options besides voluntary participation in the war activities.

Sexual violence against girls and boys is one of the methods used to torture, intimidate or threat the whole community. These children may have psychological issues for a very long time. In some circumstances, they can be socially isolated because of the stigma related to the survivors of sexual violence. They may suffer from physical injuries, as well as from different diseases such as HIV/AIDS. As we have already said, girls and boys are both targets. Boys sometimes serve as sexual slaves for adults men, and girls may be victims of the massive and continual rapes in the

camps constructed for this purpose. Girls are at risk of pregnancies, followed by unsafe abortions or life with an unwanted child got from the violent act they survived in childhood. After the birth of these children, there is a new category of victims: children born as a consequence of rapes. They can be as well stigmatized by society, or experience the rejection of their mothers.

Children recruited by armed groups, voluntary or by force, experience diverse forms of violence. They are usually kidnapped from their families, forced to commit atrocities toward the other civilians, peers, or even their own family and friends. They are trained on a daily base on how to fight and kill. Some groups that use children in their fighting, give them drogues in order to change them psychologically and force to fulfill the orders. Attempts of escapes are punished in the way which represents the threat for the others. During their training, children are forced to kill, torture, rape or to witness the crimes.

Children are at first victims, even though they committed crimes. We can see them as perpetrators, but in the first place, they are victims themselves. Sometimes, they may be detained because of their associations with armed forces. Family separation because of the displacement or situations of missing members of the family, has an important impact on the recovery of the child. After the release of these children from their kidnappers, the process of rehabilitation and reintegration is very slow and hard, sometimes even impossible. These children have been suffering for a long time, and have a lot of psychological and sociological issues after liberation. They also do not know how to survive alone as they used to have shelter and food. They may experience psychological problems, as they were victims of wars during their growing up. They may have problems such as anxiety, aggressive behavior, anger, problems sleeping, and emotional issues. After some time, it can develop serious, chronical, psychological diseases. For that reason, rehabilitation programs must include diverse therapies, medical help.

Injuries may be physical as well. Landmines and other explosive remnants of war may cause life with a disability, which may lead to the discrimination and narrow circle of possible jobs in the peaceful periods.

3. LEGAL FRAMEWORK & INTERNATIONAL COMMUNITY'S INVOLVEMENT

Moral agenda against the participation of children in hostilities exists in the majority of groups, cultures, and states. Human standards suggest that a child should be protected and never put at risk or a dangerous situation. However, this apprehension is not always respected. In so many armed conflicts, children are victims in the same way as adults. They are equally engaged in warfare around the world. For that reason, the legal framework needs to be precisely set.

3.1. Legal framework

Children are protected by international and national law regardless of their role in the war, victim or active participant. International documents and conventions underline the legal level of the problem, by presenting the rights that children have under international law.

The need for special care and protection of the children was for the first time emphasized by the League of Nations in the adopted declaration on the rights of the child in 1924, and the special status of a child finally got accepted in the 1989 *UN Convention on the Rights of the Child*.¹⁸ This convention includes general rights that children have in periods of peace and war as well. International instruments underline the rights of children to have food, water, access to education, participation in social and cultural life, etc. The 1989 Convention on the Rights of the Child underlines an array of children's rights. Participation in an armed conflict is against the best interest of the child, so should be forbidden. Before a certain age, children are not capable to conclude that membership in an armed group is not in its best interest, so the international community needs to address this issue, especially in the legal framework. The recruitment of children for use in wars is prohibited by the International Labor Organization (ILO) in the convention from 1999, *Worst Forms of Child Labor Convention* and presents as a violation of human rights and the worst form

¹⁸ Ton Liefwaard. *The legal status of the child under the UN Convention On The Rights Of The Child*, Univesiteit Leiden, 2012, Available from: <https://leidenlawblog.nl/articles/the-legal-status-of-the-child-under-the-un-convention-on-the-rights-of-the>, (Accessed 17 August 2019).

of child labor.¹⁹ The participation of children in the armed conflict is classified in this convention as a war crime.

Another important document for the rights of children in the armed conflicts is *The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, from 2000. Seven years later, this Protocol was enriched with *Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*.

United Nations have contributed a lot to the legal framework for protection of children in war. The most substantial declarations regarding concerned topic are: The 1959 *UN Declaration on the Rights of the Child* and The 1974 *UN Declaration on the Protection of Women and Children in Emergencies and Armed Conflicts*. In 1984, UN adopted another declaration which contains a wide range of human rights, and whose instruments refer to children as well: *The Universal Declaration of Human Rights*. The General Assembly of United Nations adopted in 2000 more specific document with the focus on children in armed conflicts: *The Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)*. It entered into force two years later, on 12 February 2002. This date became the International Day against the Use of Child Soldiers.²⁰ The Optional Protocol persists to apply during armed conflict. It prohibits the direct participation of children in warfare and the forced recruitment of children under the age of 18. According to Protocol, states should not recruit anyone younger than 18 years, and if this happens, the state will take steps to demobilize and rehabilitate children, before their reintegration into society. The majority of countries in the world have ratified this Protocol. Furthermore, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict launched in 2010 the campaign ‘Zero Under 18’ with the purpose to achieve universal ratification of the OPAC.²¹ However, 29 countries have never ratified the protocol.²²

Regional organizations’ perspectives on this question are also good resources of law. The main conventions regarding children’s participation in armed conflicts are: *The African Charter on the*

¹⁹ International Labour Organization, “Child labour and armed conflict”, Available from: <https://www.ilo.org/ipec/areas/Armedconflict/lang--en/index.htm>, (Accessed 21 August 2019).

²⁰ United Nations Regional Information Centre (UNRIC), “4 out of 10 child soldiers are girls”, 2015, Available from: <https://www.unric.org/en/latest-un-buzz/29639-4-out-of-10-child-soldiers-are-girls>, (Accessed 23 August 2019).

²¹ Ibid.

²² “The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)”, UN General Assembly, 2000.

Rights and Welfare of the Child and Child soldiers, The EU policy on children and armed conflict, The 1950 European Convention on Human Rights, The 1969 American Convention on Human Rights, The 1981 African Convention on Human and People's Rights.

The source of law created especially to be valid during the armed conflicts is international humanitarian law. The four 1949 Geneva conventions and the two 1977 Additional Protocols, refer to the protection of victims of international armed conflicts, and non-international armed conflicts. These conventions and their protocols provide the legal framework of the rights that people have during armed conflicts, including children. Additional Protocols were created at the initiative of the International Committee of the Red Cross. Warfare has been changed over time, and Geneva conventions' rules needed to be modified and updated according to the newly created circumstances related to the new methods and tools in the wars. Additional Protocol I introduced an expansive definition and understanding of international armed conflicts, which was especially wide in order to include colonial regimes and alien occupation. Additional Protocol II applies to internal conflicts, called civil wars.

Children are protected persons under international humanitarian law. We can distinguish two different types of protection:²³

- General protection;
- Special protection.

General protection for civilians in the armed conflicts includes children as well. The Fourth Geneva Convention protects civilians and those who are *hors de combat*. *Hors de combat* are persons who laid down their arms, as well as sick, wounded and persons in detention. Among these non – participants are children ditto. Persons who are not or are no longer combatants are protected from attacks. When it comes to the non – international armed conflicts, Common Article 3 extended these measures.²⁴

Children benefit from special protection determined in the Fourth Geneva Convention, due to their special vulnerability. Governments are obligated to allow the free passage of assistance for

²³ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 121.

²⁴ Fritz Kalshoven and Lizbet Zegveld, *Ograničenja u vođenju rata, Uvod u međunarodno humanitarno pravo*, Univerzitet u Beogradu – Fakultet političkih nauka, Međunarodni komitet Crvenog krsta, Beograd, 2013, pp. 68.

children under the age of 15.²⁵ Also, the occupying power needs to facilitate the good functioning of institutions dedicated to the care of children. Of course, States are compelled to provide children with access to food.

Measures in favor of children have been updated in the Additional Protocols to the Geneva conventions. Protection of children has been regulated in the Article 77 of the Additional Protocol I which proclaimed that children should be specially respected and protected against any form of attack. The Parties to the conflict should take all possible measures to protect children under the age of 15 of direct involvement in hostilities or recruitment into armed forces. In the case of the recruitment of children between 15 and 18 years old, priority should be given to the oldest. If a child under the age of 15 years participate in hostilities and get into the power of an adverse Party, he/she should benefit from the special protection. If detained, a child shall be held in rooms separate from the adults who are not his family members. The death punishment is prohibited for a crime linked to an armed conflict committed by a person younger than 18 years' old at the time when the incident occurred.²⁶

Part II of the Additional Protocol II is dedicated to human treatment. This part includes fundamental guarantees under the Article 4 (3) for children to receive an education desired by their alive or dead parents, to be supported in the reunion of separated family, to be excluded from the recruitment and participation in hostilities if under the age of 15, and if this prohibition gets violated, to be protected if captured. Not only direct participation, but the presence in the area in which hostilities are taking place should be avoided. Children shall be transferred to a safer area in the country with the consent of their parents who would take care of them at the new locations.²⁷

Concerning the responsibility of states to respect previously mentioned provisions, articles of the Geneva conventions are different. The Fourth Geneva convention demands an occupying power to be respectful toward the physical integrity, family or religious rights of protected persons.²⁸ Children of the inhabitants of an occupied territory need to have access to education, although the

²⁵ Ibid.

²⁶ International Committee of the Red Cross (ICRC), "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)", 1977, Article 77.

²⁷ International Committee of the Red Cross (ICRC), "Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)", 1977, Article 4 (3).

²⁸ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 123-125.

Geneva Conventions do not determinate the same requirement for the children of an occupying power national. On the other side, Additional Protocol I contains no article which requires belligerents to ensure a minimum of other rights, like education, health, and religion rights. However, the entire international humanitarian law deal with these rights. Additional Protocol II does not particularly oblige States to comply with its measures with some specific article. The international humanitarian law of internal armed conflicts applies equally to all parties to the conflict. It means that it is obligatory for government armed forces and dissident armed groups. Common Article 3 to the Geneva Conventions set a wider application of rules when it comes to the non – international armed conflicts. We can make a conclusion formed on the Common Article 3 to the four Geneva Conventions, that a child’s physical integrity is defiled by permitting him to take an active role in bloodsheds. Recruitment and participation of children in international armed conflicts are not explicitly forbidden by Geneva Conventions or Additional Protocol I. States should take all achievable measures to avoid recruitment of children below 18 years old, or at least 15. This rule is more powerful in non – international armed conflicts. Article 4 of Additional Protocol II provides that children under the age of 15 should not be recruited or not allowed to take up guns.²⁹ The limitation is that States are not obligated to ratify Additional Protocol I, so that they may violate rules based on the lack of the ratification. Furthermore, international humanitarian law provides a basis for the protection of children during wartime by respecting Resolutions of the International Conference of the Red Cross and Red Crescent and practices of States.

Customary international law is formed of rules that come from the general practice of states. It may occur because of the practice of the state for a long time. It is an independent source of international law. Customary law is important in modern armed conflicts because it obligates states even if they have not already ratified international humanitarian law treaties. Marten's clause is one of the examples of its rules.³⁰ If something is not prohibited, doesn’t mean that it is permitted. According to it, where there are gaps or contradictions, parties to the conflict need to respect a minimum of standards. Additionally, rules for non – international armed conflicts are better governed by customary law than under treaty law. Under the customary international law, special

²⁹ Ibid, pp. 64.

³⁰ Rupert Ticehurst. “The Martens Clause and the Laws of Armed Conflict”, *International Review of the Red Cross*, No. 317, 1997, Available from: <https://www.icrc.org/en/doc/resources/documents/article/other/57jnhy.htm> , (Accessed 01 August 2019).

status for children in armed conflicts refers only to those who do not take a direct part in hostilities. Child soldiers have the status of combatants and are therefore legitimate military targets. If someone recruits a person or accept his/her voluntary membership, and in the same time has information that person is under the age of 18, he violates customary international law. States generally accept 18 as the minimum age. Legitimate target is the one that provides a party in the conflict with an advantage. Nevertheless, military necessity does not justify the recruitment of children for the battles.

3.2. International community's involvement

Reports and reviews of the relevant international organizations, such as the International Committee of the Red Cross and United Nations, are an important resource for the related topic.

The protection of children in wars is one of the missions of ICRC, so this organization has substantial experience in the field. Knowledge from the practical work is often presented in publications such as *Children and detention* and *Children in war*. This kind of report presents the necessities of the children in the field. Additionally, it presents methods used by ICRC and similar international humanitarian organizations, to prevent or resolve the existing issues. The important publication published by ICRC is *How the ICRC supports the children*, and the “comic” strip by Kenichi Oishi, publicized by ICRC: *Zaza the 14-Year-Old Child Soldier*,³¹ which has for a purpose to raise the awareness about this topic in the international public opinion and to promote the assumption of not recruiting children in armed groups or armed forces. Prevention of the recruitment and separation of children is the first step in ICRC's work. As a part of the prevention program, the International Committee of the Red Cross organizes presentations of international humanitarian law to armed forces and armed groups. Furthermore, these presentations, discussions, and consults are performed with governments as well. The purpose is to make sure that children will be protected by the legacy and practice of states. ICRC delegates also enter in list children affected by armed conflicts to follow up their cases.³² In case of the child's detention, or his/her parents being detained, ICRC focuses on imprisonment authorities' treatment toward

³¹ Kenichi Oishi, *Zaza the 14-Year-Old Child Soldier*. International Committee of the Red Cross, 2018.

³² International Committee of the Red Cross, „How the ICRC supports children“, 2017, Available from: : <https://www.icrc.org/en/document/what-icrc-does-children> , (Accessed 19 July 2019).

children. In Brazil, Colombia, Mexico, and Ukraine, ICRC's delegations are oriented to the conditions of schools and access to education for all children affected by armed conflicts.³³ ICRC works in the reuniting of families separated by conflicts³⁴ and reintegration of children affected by armed conflicts into their communities.³⁵ In Sierra Leone, Liberia, the Democratic Republic of the Congo and Uganda, ICRC adapted reintegration programs accustomed to local circumstances.³⁶ The International Federation of Red Cross and Red Crescent Societies and other humanitarian organizations collaborate with ICRC in order to invent adapted reintegration programs. The important role in this work have the National Red Cross and Red Crescent Societies, as they were present before the conflict and understand the local context. People trust them because of their neutral humanitarian work before the conflict, so they may access to those communities and families who would not for sure have confidence in foreign workers. Additionally, reintegration processes carry on even after peace achievement. When humanitarian organizations leave the area, National Societies may continue with programs oriented to people affected by armed conflicts.

The other important actor in the field is the United Nations. Reports of the United Nations, especially reports of the Secretary-general, offer relevant data about the situation in the field as well. Also, United Nations International Children's Emergency Fund (UNICEF) Innocenti Research Centre delivers relevant data from different researches, as organization oriented to children. Reports of other international organizations such as Human Rights Watch's Uprooted and Forgotten, Impunity and Human Rights Abuses in Northern Uganda, also present reliable source, as they deliver information about the conflict from the perspective of the objective observer. However, the UN Secretary-General's reports on children and armed conflict are significant as they are provided on the annual basis.³⁷ The UN Security Council requests from parties to conflict marked in annual reports as those that commit violations against children, to develop written action plans in order to fight against this issue. Action plans represent commitment between the United Nations and parties to conflict to address violations of children rights in the specific context, with the focus to the prohibition of recruitment, prosecution of incidents that have

³³ Ibid.

³⁴ International Committee of the Red Cross, „Children associated with armed forces or armed groups “, 2017, pp. 10.

³⁵ Ibid, pp. 11.

³⁶ Ibid.

³⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Action Plans“, Available from: <https://childrenandarmedconflict.un.org/tools-for-action/action-plans/>, (Accessed 16 July 2019).

already occurred, establishment of liberation and integration programs etc. “To date, 31 listed parties have signed 32 action plans, including 11 Government forces and 20 non-State armed groups. Of those, 12 parties have fully complied with their action plan and were subsequently delisted.”³⁸

UN High Commissioner for Refugees (UNHCR) underlined the problem of recruited children in the 1984 Executive Committee about refugee children. One of the topics was children who participate in armed conflicts. Usually, children are forcibly recruited by armed groups when they attack refugee camps.³⁹ Committee concluded that the forced recruitment of children needs to be addressed by programs that will ensure special protection for children, by organizing special programs and education. Next year, UNHCR provided *Guidelines on Refugee Children*. They declared the necessity to work with Governments on their role in the assurance of the children's safety. This proclamation meant that UNHCR field officers have had a task to communicate the need for the protection of children in refugee camps.⁴⁰ States are responsible for the protection from harm. Governments have to ensure that refugee camps are far away from the battlefield and frontiers with countries of origin, which will protect children from attacks of armed groups and recruitment committed by them. Recruitment was defined with a wide definition which includes forced recruitment, but voluntary as well.⁴¹ Field officers of United Nations agencies, or other humanitarian organizations, should also address all occurrences of recruitment of refugee children into armed forces or rebel or guerilla forces to the national authorities of the country who gave the asylum to refugees and to UNHCR Headquarters. Incidents that are counted are those when a child has been forcibly recruited, when he or she voluntary entered in the armed group, whether they actively participate in the belligerency, or have support functions. Carrying projectiles for weaponry would be a kind of support function that needs to be reported. Likewise, children sent out ahead of the main force so as to gather information about the enemy's position, strength, or movements perform an unacceptable role in the armed conflicts. Scouts or holders of military equipment, both roles are mentioned in the Guidelines as an activity that needs to be reported

³⁸ Ibid.

³⁹ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 77.

⁴⁰ UN High Commissioner for Refugees (UNHCR), *Guidelines on Refugee Children*, August 1988, Available from: <https://www.refworld.org/docid/5a65bb9d4.html> , (Accessed 24 August 2019), para. 26 (b).

⁴¹ Ibid, para. 26 (e).

because it is undesirable. Reports to the national authorities and UNHCR Headquarters need to be as much detailed as possible, with a lot of proves attached.⁴²

Children should profit from international treaties. In theory, they are well protected no matter if they participate in conflicts or not. However, the role of international humanitarian organizations such as the UN and ICRC is usually crucial. Activities performed in states affected by armed conflicts by these and other similar organizations, help children in reality to achieve a better level of protection. Barring UN and ICRC, there are more organizations with a mission to protect children during peace times and emergencies, such as Child Soldiers International, War Child, Save the Children, etc. Under international law, children are better protected than adults. Many human rights treaties grant States to suspend some rights in periods of emergencies. The 1989 UN Convention on the Rights of the Child does not contain a derogation clause permitting States to suspend some of the children's rights. For example, refugee child benefits from provisions of this Convention equally as a child who has a nationality of the state where the refugee is placed. This never changes, even if the refugee child is at the same time, a former soldier.

Nevertheless, lack of the political will or of the resources in armed conflict, make these provisions complicated to achieve in reality. Still, certain requirements need to be fulfilled always, without any pretense. Physical integrity, human treatment and freedom from torture represent obligations that can be implemented in all circumstances of wars. The international community needs to react and make pressure on states to respect children's rights and punish their violations.

⁴² Ibid.

4. RECRUITMENT OF CHILD SOLDIERS – DIFFERENT TYPES

Even if children do not take part of hostilities at the beginning, consequences of war might force them to get involved with the time. Children who lost both parents, or who need to be bread – givers of the family, may conclude that the only way to resolve their situation is to start with warfare. Some of them feel more secure inside armed group, than left alone, without families, shelter or food. Recruitment ”includes compulsory, forced and voluntary recruitment or captivity into any kind of labor in any kind of regular or irregular armed force or armed group”⁴³ As we have already said, recruitment may be forced or voluntary. However, this distinction is not perfect, because the most voluntary recruitment often represents the pure desire for survival. Forced recruitment is the most known way of becoming child soldier. Many children are abducted from their families or schools, and learnt to listen orders of military officers. For a long lime they are beaten, drugged and indoctrinated. A lot of armed groups coerce children to join them, like in Uganda case. However, there are also many motivating factors that make children voluntary join them, including poverty, lack of opportunity, feeling of injustice done toward their families or communities, witnessing attacks to their loved ones, displacement processes, sense of identity etc. Involvement of children in armed groups may be for a short period of time or long – term.

Children are recruited by rebel or guerrilla groups, but they can be involved in the armed activities of national armed forces, as well. This happened in Burma, Guatemala, El Salvador, and Ethiopia for example.⁴⁴ Peasants in rural villages do not always have official documents that prove that they are under the age of 18, so they may be recruited to armies. Sometimes, people are arrested on the streets or from the roads, to join the government’s army. Among them, children often become victims of forced recruitment. Sometimes, they do not have identity cards at all, or before the 18th birthday. In situations of war, it happens that documents and officials’ registries are destroyed in warfare. So, it is very difficult to justify that the person is still not mature for combat. Families may decide to leave their homes in order to save their children from recruitments of guerrilla

⁴³ United Nations, *The Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*, 5.30: *Children and DDR*, 2014, Available from: <https://unddr.org/uploads/documents/IDDRS%205.30%20Children%20and%20DDR.pdf> , (Accessed 27 July 2019), p.30.

⁴⁴ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 23.

groups. In some cases, the government considers people who stayed in the rebels' territories as supporters of enemies. Because they decided to stay, they may be considered as legitimate military targets. Lack of fighters in the national army in the 1980s in Ethiopia caused the massive recruitment of young men. Once captured by opposition powers, they were condemned as deserters. Several hundred of captured fighters by the opposition were under the age of 14.⁴⁵ Child soldiers are sometimes used for propaganda activities as well. In the Philippines, all sides in the conflict used the death of child combatants to increase the anger toward the enemy among adults. The purpose is to stimulate them to join the armed forces. Youth voluntarism is used in order to raise adult participation.

The prohibition on recruiting children applies not only to forced recruitment but to voluntary as well. This prohibition is set under international humanitarian law. According to Guy Goodwin – Gil and Ilene Cohn, “coercive or abusive recruitment covers those situations where there is no proof of direct physical threat or intimidation, but the evidence supports the inference of involuntary enlistment”.⁴⁶ Orphans or children who lost some members of the family may end up in the army. They need money or security, so sometimes they voluntarily join the forces. Voluntary means that no one is physically forced or threatened. However, they are forced in some way, because of the poverty, or the stigma to the family if they do not give their sons for the higher purpose. Recruitment may be considered as voluntary, but families are usually forced to accept that situation in order to save the other children, lives or the property. The majority of voluntary recruitments are actually different forms of manipulation of children.

Children's perception of reality may be influenced by different factors. Parents, teachers, peers or community may make them create one form of opinion about the role of children in the armed conflicts. Youth join armed forces or groups because they feel that this is the right way to help their families or society. Usually, they have a completely different idea of military life. They become confused once they realize that real circumstances bring more difficulties than civilian life. Recruitment may be voluntary in theory, but children often do not have enough capacity to overlook all the advantages and disadvantages of such life. Especially very young children should spend time in schools rather than taking guns. Guy Goodwin – Gil and Ilene Cohn named this

⁴⁵ Ibid, pp. 26.

⁴⁶ Ibid, pp. 28.

phenomenon as *the ecologies of children's lives*.⁴⁷ The term refers to the family members, groups of peers, schools and other institutions based on community's standards, like religious institutions for example. A child's ecology is the reason why he/she decides to join armed forces. The development stage of the child will let specific ecology to make an influence. The adolescent period is especially dangerous because it represents the identity formation stage. They may perceive combatants as heroes and would like to become one of them. Murdered people are seen as victims, so they can desire to save them. Generals and officers who represent themselves as leaders can be the role that youth want for themselves in the future. Their ability to distinguish objectively positive and negative actions, based on the real facts, are limited because of the immaturity. Children's pre-war and war-related experiences may influence the will to join the army. The militarization of daily life is a precondition for children to request recruitment. Even before they take a direct part in hostilities, children observe soldiers with guns in public places and public institutions. Guards in schools have guns. In some countries, there are armed checkpoints on the roads. Militarization is often present even long before the beginning of the armed conflict. In that way, children learn that armed forces are part of daily lives, and necessary for the security. In the war times, they may listen to different stories about armed heroes who save people's lives. Before the actual recruitment, they may be involved in school activities that represent the early training for future military life. Tamil children participate in the activity of digging bunkers outside the school one or more hours per day. This civil duty is highly militarized and prepares children for the following proposal to join the Sri Lankan LTTE.⁴⁸

A lot of children are witnesses of severe violence or experience the torture on their skin. Some of them join armed forces because they have a desire for revenge. In that way, they fight for justice for the loved ones that went missing or are dead. Young men who were tortured by armies often join paramilitary groups or rebel groups as they want to take up arms for good reasons, after the bad experience with the army. Social injustice may motivate children to fight for change in the future. Sometimes, just the simple lack of food forced them to voluntarily choose war. In that way, they may survive a day without a risk to stay hungry. Poverty is one of the main reasons for youth to become a child soldier. It does not mean that the child wants to join military forces. The alternative is often to stay in refugee camps or remain homeless. In refugee camps, activities and

⁴⁷ Ibid, pp. 30.

⁴⁸ Ibid, pp. 31.

liberty are very limited, camps can be regularly attacked by different groups, and life may be very dangerous. So children choose to join armed groups once they come into the camps. They discern their safety to be higher inside opposition armed groups than with other vulnerable groups like children on streets, orphans, displaced civilians without weapons. Ironically, inside these groups, they feel safer as they have food, training, respect, and opportunity for promotion. Children who lost their parents may see a paternalistic role in officers who teach them and take care of them.

A child's capacity for political thinking is different from the adult's one. They may understand some issues. However, manipulation with data and explanations are more dangerous for children. The capacity to decide is not highly developed in childhood. How a child perceives personal experience or analyzes circumstances in a community directly influences the decision to become a soldier. Additionally, parents may teach their children about the cause of fighting or what is right or wrong in one conflict. Opinions of their loved ones or persons who they respect may create a child's opinion about the world around him or her. Of course, the idea of how the life of a soldier looks like distinguishes from reality, so a child may soon realize the mistake that was made. Indoctrination of youth is especially dangerous as it may lead to the desire to fight for the national, political or religious ideology. Recruiters may use their desire as proof that young men joined their group voluntary. However, this kind of recruitment should not be considered voluntary. Officers use children also because they are considered as *a tabula rasa*. They can easily be learned how to think and listen to commands without critical opinion. Their loyalty is higher than the adults' soldiers. The average age at which people are capable of rational thinking is indeed individual, but some limit needs to be established to protect children's rights. A child is often not capable to understand what is in their best interest. They have no much capacity to analyze that, and in the majority of cases are influenced by opinions of their community, parents or peers. A child's need to win the approval of family or adults could influence them as well to join military forces. Peers can conceive the others that teachers, religious leaders or parents would be proud of them if they start participating in hostilities. Leaders of rebel groups may recruit children without force if they have the impression that everybody is going to the war among the peer group. A desire for revenge, peer pressure, and ideology are the main reasons for children to join the armed groups.

The community's view of the reason for the conflict may influence children, as well as the family's opinion on it. Children may perceive the conflict as a struggle for social or historical justice. A

violent response to the problem may be presented to children as the only solution, so they start thinking that this is the only way to fight for ethnic purity or religious fanaticism. The ambivalent emotion of parents can be misunderstood by children. They may see only how proud their parents are of the activities they perform in the hostilities. Nevertheless, parents often feel afraid because of the child`s safety which is not always visible for children. In that way, they miss the important information that actions that make their parents proud are dangerous even though the community value the fact that someone is taking up arms for the higher cause. A source of pressure for children may also be the way community explains the life after death, or how armed groups or state refers to the family of the dead soldier. Free food and money for the family may be promised to children if they die in the war field. Radical religious ideologies can convince their followers that after the death spirit goes to paradise. Award after the death for the activities performed in the war may be persuasive for people or at least increase the readiness to fight even though it means that there is a risk for life.

Feelings of hopelessness are one of the reasons Cohn and Goodwin-Gill consider as the main when it comes to voluntary recruitment.⁴⁹ By fighting against the enemy, they feel empowered as they have nothing to lose. Even if they do not fight, they think that will be arrested or would not have the chance for a better future, so they continue to fight. This phenomenon is especially visible in refugees` camps where children feel hopeless and very limited.

As already written above, children also feel vulnerable if they see their loved ones abused or killed by armies. For that reason, they perceive themselves as much stronger and safer in case they are members of some armed groups.

4.1. The role of a child soldier

Children might be directly involved in activities on the battlefield, others have supportive roles such as spies, cooks, messengers, weapon carriers, porters or even sex slaves. They perform domestic tasks as well, like doing laundry, cooking and fetching water. They can even be forced

⁴⁹ Ibid, pp. 41.

to beat or kill other members of the camps if they disobey. They are usually sexually abused, girls and boys as well. Some of the war crimes planned by adults are committed by children.

Children are taken for military activities instead of adults as they may be trained for brutality in early childhood. They follow directions better than adults and less complain. They are learned how to perform brutal crimes without emotions and understanding of the consequences. Some groups use the tactic to force them killing someone known to him. In that way, a child starts learning how to be cruel at the instigate. There are a lot of testimonies of children who were forced to kill their loved ones to survive. One of them is the story of Josefina Anyeko who was forced by rebel soldiers to kill her father before the abduction when she was 13 years old: “I refused, but then he ordered a young soldier – a child – to kill me too. I was afraid they would kill me. I used my panga (knife) on my father. I chopped him to death.”⁵⁰

Commanders teach him or her what is the higher goal they are fighting for, and sometimes children start believing in that. Indoctrination is dangerous for children confused in the new situation. The community is aware of the atrocity perpetrated by a child, so there is no more possibility for return. A child feels that the only home is the training camp and battlefield.

Children may be used as an additional team whose main activity is the cleanup of minefields. In prisoners of war camps, several hundred Iranian children were held along with adults in `1980s.⁵¹ Among them, the majority survived the role of minesweepers and later have spent years in Iraqi detention camps.

Child soldiers are used for different missions depending on the necessity of the group. Often, they perform the same tasks as an adult soldier. Sometimes they are used for specific tasks like carrying water. Children`s size and innocent appearance are suitable for the role of spies, messengers and pathfinders. They are paid for information about suspected subversives. Inconspicuousness of children is seen by groups that recruit children as an advantage to achieve some military goal.

As part of the research for the study *The Role of Children in Armed Conflict, A Study for the Henry Dunant Institute Geneva*, an officer from Zimbabwe who was in the combat against the Smith

⁵⁰ Grønhaug, Kristine. The number of child soldiers in the world is increasing – almost half of them are girls, op. cit.

⁵¹ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 100.

regime, took the survey to the Zimbabwean Red Cross.⁵² He explained the reasons why children are so alluring for choosing them to fight. The officer stated that children look unsuspecting, so they may move freely and collect information that adult spies cannot. Also, they may help in logistics. Supplying armed groups is dangerous for adults, but children do not look distrustful. They can easily communicate with supporters or the civilian population. The other sense for children's employment in armed groups is the allegiance which is higher than the adults'. He underlined that children had only ever been used in the activities related to the civilian population, and never military tasks.

Some of those children have been forced to work for the armed forces after being arrested. (El Salvador) Farabundo Marti National Liberation Front stated that children in their group were orphans, so the FMNL takes care of them.⁵³ The others were accompanied by family members who took up arms in the group or had chosen to join them. Another explanation provided by FMNL is that they are not combatants, even though they are engaged in the tasks performed by adults. In Uganda, children served as messengers, spies, etc. at the beginning. But with time, they started to request guns. At first, they were refused. Later, some of those children went to the battlefield.⁵⁴

Bayer and colleagues made research two years ago about former child combatants in Uganda and Congo.⁵⁵ They interviewed a group of 169 children who had been forcibly recruited by armed forces at the age of 12. The majority of participants have been witnesses of shooting (92,9%), people being wounded (89,9%) or having been beaten (84%). More than half of the children killed someone, and 28% were forced to be involved in sexual activities. After the release, 35% of children had developed posttraumatic stress disorder.

Another study carried by Elisabeth Schauer in 2007 and 2008, covered 1114 children from Northern Uganda, half of them have been abducted by armed groups.⁵⁶ The PTSD rate of the children who had ever been abducted was 33%, compared to those who were never abducted

⁵² Ibid, pp. 96.

⁵³ Ibid, pp .95.

⁵⁴ Ibid, pp. 96.

⁵⁵ Elisabeth Schauer and Thomas Elbert, "The Psychological Impact of Child Soldiering" in: Erin Martz (ed.), *Trauma rehabilitation after war and conflict: Community and Individual Perspectives*, Springer, New York, 2010, pp. 323.

⁵⁶ Ibid, pp.324.

(8,4%). Children who forcibly spent more than one month in physical detention have had the PTSD rate at 48 %. The most violent experiences were the following:

- “forced to skin, chop or cook dead bodies (8%),
- forced to eat human flesh (8%),
- forced to loot property and burn houses (48%),
- forced to abduct other children (30%),
- forced to kill someone (36%),
- forced to beat, injure or mutilate someone (38%),
- causing serious injury or death to somebody else (44%),
- severe human suffering, such as carrying heavy loads or being deprived of food (100%),
- given birth to a child in captivity (33% of women),
- threatened to be killed (93%),
- seeing people with mutilations and dead bodies (78%),
- sexual assault (45%),
- assault with a weapon (77%) and
- physical assault including kicked, beaten, burnt (90%).”⁵⁷

4.2. Liberation of a child soldier

In the circumstances of war, it is sometimes difficult for civilians to leave the zones controlled by armies. For children inside the armed groups, it is even more complicated to leave the group safely. Some of those youth persons who were recruited by force have a desire to escape but find it dangerous to get captured. Those who regret the decision to volunteer, usually reconcile with the fact that the leaving may be risky, so they again decide to dedicate their young lives to the military. Punishment for escape attempts is usually cruel with the attention to distract people from even thinking to leave the present lives. Even the expressions of willing to, or asking for permission to quit, encounter radical reactions, such as hard work for several months in the most dangerous areas.

⁵⁷ Ibid.

For Sri Lankan Liberation Tiger of Tamil Eelam (LTTE), that was hard labor breaking stones for three to four months, or transposition to the dig bunkers in areas under heavy shelling.⁵⁸

Demobilization of child soldiers may be encouraged by structural reforms which provide them with the possibility to continue normal life later. Reintegration into civil society is difficult as they have had negative experiences of violence in their childhood. Some adults even have passed their childhood as combatants. It is even more difficult to decide to quit with combatant life if there are no assurances that civil life may be started. Governments need to encourage them to leave the armed groups by offering possibilities for education, new skills, and job positions. Improved conditions for a living may motivate children to leave. Socio-economic conditions and positive experiences of those who decided to leave are stimulating for someone to return to civil society. Fear of retribution, revenge, and punishment is the other reason for not disarming. In spite of the better conditions of life in civil society, children need sincere amnesty offers.

A violent lifestyle of child soldiers makes heavy consequences: death, wounds, long – term disabilities, psychological illnesses, teenage pregnancy, absence of education, detention, rejection by family or society. For that reason, demobilization and reintegration programs play an important role in peacebuilding, community acceptance and normalization of individuals' lives.

⁵⁸ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 81.

5. CHILDREN IN DETENTION

Children may be detained because of their association with armed groups, or because they are seen as a security threat. Also, they can spend time in detention because of the migration or displacement processes. Detention can be psychologically difficult and dangerous for adults, and especially for children who are more open to attack. They have special needs and go through different stages of development, which may be challenging in imprisonment. At the very beginning of their lives as detainees, children are facing challenges to understand complicated procedures and laws. Questioning by detainee officers can be more stressful for them than for adults, even if all rules related to human rights are respected. Detention may lead to mental health problems. Children grow up and form identities and personalities before they become adults, so adolescence in custody may cause long term consequences. Children develop their identities following the system of values in imprisonment, which may be difficult to correct after liberation. Puberty in detention may be very dangerous. Girls need special gynecological care in that period, which is usually not accessible in the detention camps.

There are many stories about girls who got pregnant while they stay in prisons, or boys themselves may become fathers in the adolescent period. The fact that a child is detained becomes worst when that child becomes a parent. They need special care and psychosocial support, which often lack inside prisons. Detained children could have been born to detained women or girls, and in that way, a new group of the child affected by armed conflicts gets created. State authorities and armed groups may hold youth with a detained parent in prisons as well. States may attempt to control migration processes by placing all migrants in camps that with the time change their nature to the detainee camps. Migrant children have been often victims of the whole process even before the imprisonment. Many of the were victims of traffics or prostitution.

A security risk may be an excuse to put children into custody, which is called administrative or preventive detention.⁵⁹ Some of them are allegedly detained because of their protection against life on the street. Internment or administrative detention refers to the deprivation liberty of a person, initiated or ordered by the executive branch of government – not the judiciary – without criminal

⁵⁹ International Committee of the Red Cross, „Children and detention “, op. cit., pp. 4.

charges being brought.⁶⁰ In reality, military or police order internment more regularly than a court. Children who are interned/administratively detained are usually placed in buildings designed for military purposes, prisons, or facilities specially designed for detainees. Administrative detention occurs in both, international and non – international armed conflicts, but in other situations dangerous for security reasons where human rights law applies. The special type of administrative detention is preventive detention.⁶¹ The state sometimes decides to put the child in preventive detention rather than to criminally charge him before the court. This decision occurs when a child is considered a security threat to the state because of its connection with armed groups.

During the administrative detentions, children are often subjects of ill-treatment and abuse. Israeli authorities have been detaining hundreds of Palestinian youth under the age of eighteen since the second Intifada in 2000.⁶² United Nations found out that Israel often violates the rule that detention should be realized only as a last measure. Some detainees were even younger than fifteen. For security reasons, Israeli security forces have the power to arrest children older than twelve years old and hold them in detention camps for the maximum period of six months. However, this period may be renewed number of times. Security threat is not defined, so authorities may imprison children under a wide spectrum of circumstances. They have even the power to arrest children during the nights in their homes. Children have been accused of stone-throwing and delivering pamphlets. Some of them are suspected of being associated with armed groups. Many of them are long – term detained before the trial starts, usually in military courts. During the detention they are often abused, provided with documents in Hebrew which they do not understand. The right for visits is abused even by prohibition, even by the fact that children are transferred from the occupied Palestinian territory to Israel, in which some parents do not have permission to enter. The Secretary-General of the United Nations reported the case related to children detained during the internal armed conflict in Nepal, between 1996 and 2006.⁶³ The Government of Nepal granted to security forces the ability to arrest and preventively detain people for a period of up to one year. Among detainees were children as well, as regulations didn't mention the minimum age. So

⁶⁰ J. Pejic. "Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence", *International Review of the Red Cross*, Vol 87, No. 858, pp. 375-391, at 375.

⁶¹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Children and Justice During and in the Aftermath of Armed Conflict: Working Paper N.3", New York, 2011, pp. 30.

⁶² *Ibid*, pp. 42-44.

⁶³ *Ibid*, pp. 30.

children suspected of being associated with armed groups were detained along with adults in the same facilities. The majority of them were victims of some form of violence. Another example of misusing the phenomenon of internment is the case in Afghanistan, where children are kept much longer than prescribed 48h by the Juvenile Justice Code, before being sent to the court.⁶⁴ These children are suspected of terrorist attacks, and may, therefore, be arrested and detained. More than that, the minimum age of criminal responsibility is only 13 according to the same law. At the same time, the Juvenile Justice Code does not prescribe the maximum time for a child to be interned.⁶⁵ In Iraq, nearly 1,500 children have been held in detention since the beginning of the armed conflict in 2003. The youngest of these children was only ten years old.⁶⁶ Security detention in Iraq was held by both the Multi-National Force in Iraq (MNF-I) and the Iraqi security forces. In 2010, the Government of Iraq took responsibility towards them and released them or relocated to the Iraqi justice system.

Children recruited by armed forces or armed groups may be accused of having violated domestic or international law in the armed conflicts. However, children should be at first protected from being recruited. Therefore, if a child is arrested for having committed war crime, it should be primarily treated as a victim, and not the perpetrator of the crime. After witnessing some violence, a child may become both, victim and perpetrator. Arrested people are at risk of being killed or to commit suicide. Captured civilians and soldiers are sometimes protected by the enemy forces, and sometimes killed which is against the International Humanitarian Law. Massive killings of arrested people include children as well. To prevent the reveal of secret military information by tortured ex-combatants, military groups secure themselves in various ways. One of the methods is the cyanide capsules around the necks. In the case of captures, before or after that, soldiers take the capsules to prevent being captured, or later. In that way, they commit suicide. According to the *UN Report on a Visit to Sri Lanka by three members of the Working Group on Enforced or Involuntary Disappearances* in 1991, Liberation Tiger of Tamil Eelam (LTTE) in Sri Lanka uses cyanide capsules as a way of preventing arrestments, by adults, but children as well.⁶⁷ Residents claimed that boys receive both standard education and military training. Others claimed that boys

⁶⁴ Ibid, pp. 32.

⁶⁵ Ibid, pp. 32.

⁶⁶ Ibid, pp. 33.

⁶⁷ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 96- 99.

receive only military classes. However, they also claimed that children who run messages do not have the cyanide capsules as a way to escape captures by committing suicide. On the other hand, other young fighters wear them around necks, like the adult soldiers.

Contrary to IHL, access to detainee camps is often prohibited for family. Even international organizations like ICRC do not have permission to visit detainees in some cases, so the destiny of arrested people remains uncovered. Part of detainees become missing, including children.

International legal norms related to the rights of children in detention differ depending on the conflict type and children's age. Prisoner of war⁶⁸ status flows from combatant status, which is accorded only in international armed conflicts. Assuming that, a child under the age of 15 taking part in aggression is detained, this is considered contrary to international law. In these circumstances, Additional Protocol I, Article 77 (3) supports them with a special type of protection. This legal norm is enforceable no matter if the child has combatant status or not. During attacks in internal armed conflicts, children may be suspected of terrorist activities or direct participation in war activities. They might be detained because of previously mentioned reasons, or even because they deserted from the armed group. In these situations, when national law is considered, a minimum of children's human rights must be respected. Minimum standards need to be respected from Common Article 3 of the Geneva Conventions, and articles 37 and 40 of the Convention on the Rights of the Child.⁶⁹

Detention camps can serve as propaganda for militants who use children for their goals. In Iraq, several hundred Iranian children held as prisoners of war in detainee camps during the Iran–Iraq War (1980-1988), were presented in media as healthy and strong men.⁷⁰ It seemed like they have never been physically abused. Even though Iraq attempted to retire these children and send them back to Iran, this pursued failed. Khomeini government showed no interest in the destiny of children once captured. They refused to take them back because of the fear that their brains are washed. Iran preferred to accept these children as martyrs rather than risking to have traitors in the

⁶⁸ *Prisoner of war* (POWs) are “combatants” captured by the enemy, according to the Article 4 of the Third Geneva Convention. According to the article 43(2) of the Additional Protocol 1, a “*combatant*” is a member of the armed forces of a party to a conflict, who has “the right to participate directly in hostilities”. A POW may be punished for violations of IHL. However, a POW has a “*combatant privilege*” that protects him of prosecution by their captor for acts of violence committed during the armed conflict.

⁶⁹ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 99 - 105.

⁷⁰ Ibid, pp. 100.

country. It was also a political and religious question where to send them after the liberation. It needed to be an environment with similar cultural, religious and social standards. One of the countries suggested by the United States was Pakistan. However, these children have never been sent to Pakistan. On the contrary, they stayed in the POWs camps even after the end of the Iran-Iraq War. The role of the international community, in this case, was minimal. The only progress they succeeded to make was an improvement in the conditions in camps. International non-governmental organizations organized educational activities for Iranian children in camps, depending on their wishes, cultures, and religion. Governments are obligated only to stimulate educational opportunities to prisoners of war under the age of 18. This is set under the Third Geneva Convention. However, the rule is not applicable in all cases. Eritrean People's Liberation Front (EPLF) captured Ethiopian children under the age of 18, who had been involuntarily recruited by the Ethiopian armed forces, in the late 1980s. As this conflict was not determinate as international armed conflict, privileges for prisoners of war from the Third Geneva Convention were not set for Ethiopian children as well. As no international actor has ever organized similar educational training, there is no evidence about the names of children who were detained for a long time in these camps. International Committee of the Red Cross tried to find missing children, but there is no much data about their fates. Additionally, parents are not always willing to accept their children back, so they usually go to the orphanages.⁷¹

Criminal responsibility under national legislation is also an important factor that can lead to the arrestment of minors. They may spend time in detention camps charged for terrorist activities. In case that national laws do not convict children under the age of 18, this law does not protect children from being misused for these activities. On one side, these children are abused by armed groups or military forces and then punished even though they are victims in the first place. On the other side, if national law forgives all crimes committed by minors, that would lead to the increase of children's abuses once armed groups realize that crimes committed by children in their name would pass with impunity. This is not a question of the minimum age that children should have to be sentenced, as children may be used by armed forces even at a very early age.

Children also may be imprisoned because they deserted from armed forces. Sometimes they may be recruited as adults, even if they are minors, as a result of the lack of identity documents that

⁷¹ Ibid, pp. 100-101.

prove their age. Certificates may be missing because of the different circumstances in wars, like burnt houses and achieves, or birth of the child in the camps of armed groups. Conceding that they have escaped from their military activities as minors, charging them for betrayal is an injustice that cannot be legally proved.

The Convention on the Rights of the Child does not include a derogation clause which may be triggered in the periods of emergencies. Rights of children in detainee cannot be limited during the armed conflicts. According to Article 37, state parties shall guarantee that children would never be exposed to torture or other cruel, inhuman or degrading treatment or arbitrary punishment. Persons below eighteen years of age should be deprived of liberty only as a last measure for the shortest period, according to law. Alternatives to detention should be given preference. One of them may be found in the case of South Africa and Sierra Leone. Truth and reconciliation commissions may be a replacement for the punishment of children and finding who is guilty.⁷² In place of that, children may give testimonies about their experiences and in that way being forgiven for crimes. This model has for a purpose the achievement of reconciliation and positive peace in the society. However, if a child has already been reintegrated into the community and continued a normal life, involvement in the truth commissions may only hurt them emotionally and make a risk that the society will stigmatize and discriminate him/her after the truth is revealed.

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) set out a variety of alternative options to detention for children facing criminal charges, like programs in the community and family instead of in the detention.⁷³ Rehabilitation and reintegration programs are really important for children because their military past prevents them from being accepted again in society and to feel that they belong to their groups again. Children cannot be punished with life imprisonment without the possibility of release.⁷⁴ The arrest, detention or imprisonment of a child shall be performed taking into account the needs of persons of his or her age. Above all, every child detained must be separated from adults. The only exception of this provision is in the case when the separation of adults is not in the child's best interest. Youth

⁷² Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Children and Justice During and in the Aftermath of Armed Conflict: Working Paper N.3", op. cit., pp. 44.

⁷³ International Committee of the Red Cross, „Children and detention “, op. cit., pp. 8.

⁷⁴ "Convention on the Rights of the Child", UN General Assembly, Treaty Series, Vol. 1577, New York, 1989, Article 37.

under the age under the 18, need to have the right to maintain contact with family through correspondence and visits. Children deprived of liberty have the essential right for prompt access to legal assistance. Article 38 of the Convention on the Rights of the Child determines that all cases when children are affected by armed conflicts, need to be arranged according to the international humanitarian law. States need to take all possible measures to ensure the protection of children affected by armed conflict. They shall ensure that children do not take a direct part in hostilities, neither to recruit any person who has not attained the age of fifteen years into their armed forces. In the case of recruitment of persons between 15 and 18 years old, states must give priority to the oldest children.⁷⁵ Social reintegration and psychological recovery of a child victim, including victims of armed conflicts should be promoted by the state parties.⁷⁶ When it comes to the international armed conflicts, Additional Protocol I ensures that children under the age of eighteen who were recruited in the armed groups benefit from the status of the prisoner of law if captured on the battlefield, and maybe only positively discriminated according to their age by getting the privileges. If captured, child combatants may be transferred to the prisoner of law camps. This may last until the end of hostilities. Detained children under the age of 15 need to be held in quarters separated from those of adults, with the same exception as the one prescribed by the Convention on the Rights of the Child. Only if that is in the best interest of a child, he or she should be held in the same place as adults, for example, with parents of the child.⁷⁷ Children between 15 and 18 could be separated from adults or not, depending on national law. On one side, detained children have a combatant privilege, and therefore shall not be prosecuted for acts of violence related to the armed conflict. On the other side, the ex-soldier child could have killed, tortured, raped civilians, or burned their houses. In this case, a child may be brought before a court for the war crimes.⁷⁸

Status of prisoner of war or protected person does not exist in the cases of non – international armed conflicts. Therefore, it is rare to give a status of prisoner of law to a child in the modern world where the majority of armed conflicts are non – international. For that reason, there is no

⁷⁵ Ibid, Article 38.

⁷⁶ Ibid, Article 39.

⁷⁷ International Committee of the Red Cross (ICRC), “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)”, op. cit., Article 77.

⁷⁸ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Children and Justice During and in the Aftermath of Armed Conflict: Working Paper N.3”, op. cit., pp. 34.

privileged status from which the child may benefit. Child in the detention remains subject to the national law. However, provisions of Common Article 3 and Additional Protocol II ensure the humane treatment to the detained child as well.⁷⁹

Respect of the all above mentioned international law provisions may be monitored by independent international or local organizations. The second one sometimes takes a risk to perform its activities but is important at least to document evidence, of not to struggle for detainees and raise awareness in the public. International organizations usually have simpler access to these activities. International Committee of the Red Cross may offer its services to the Parties to the conflict. Detention visits are one of the main activities of ICRC in the field. ICRC delegates ensure that children are protected from ill-treatment, including sexual violence. They provide legal consultations to detained children. ICRC advocated with detaining authorities transition of children to appropriate, non-custodial accommodation, and insurance of regular contact between children and their families.⁸⁰ Conditions in which detainees live and respect of their rights are controlled and analyzed by field officers. Detaining authorities should gear disciplinary measures to the specific needs of children. Any ill-treatment or torture is prohibited. Dark cells or punishment that may put in danger the physical or mental health of the child are also prohibited. ICRC does not have a mechanism to punish Governments for violations of international humanitarian law rules, but may react and confidently and bilateral intervene to stop the violation and protect the victim in the future. ICRC negotiates with detaining authorities about supplying children with food, bathrooms, and access to health care. Additionally, ICRC tries to make sure that children have outdoor exercise every day, access to education, sport and recreational activities. However, children are not only held in juvenile detention but the prisons, police cells or military detention facilities. Some of them have been formed for a short period, and never adapted to children's needs. Children are often detained together, no matter of gender. This puts them at risk of abuse and sexual violence. The risk comes not only from adults with whom they share facilities but from peers as well. Detention authorities shall select staff who work in the detainee centers with special attention. They need to be chosen by special training related to children.

⁷⁹ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 128.

⁸⁰ International Committee of the Red Cross, „Children and detention “, op. cit., pp. 1.

However, negotiations with Governments to perform the activities of ICRC are often very complicated and difficult to achieve. Even if visits are realized, delegates do not always see all aspects of reality. Administration of prison may hide facts during their visits. Ilene Cohn and Guy Goodwin-Gill stressed out in their study an example of a former soldier of Salvadoran Farabundo Marti National Liberation Front (FMLN) who was suspected of terrorist activities and arrested at the age of 16. He claimed that he was hidden in the bathroom during the visit to ICRC. Later, he got the aid that delegates provided to the detainees, but they didn't have the access to see him.⁸¹ ICRC's activities are oriented to the child's best interest. The term 'best interest', refers to "the individual child's well-being, and is assessed in relation to a range of factors including a child's age, physical and mental health, level of maturity, current living arrangements, safety, culture and traditions, environment, experiences, and the presence or absence of parents"⁸². Informed consent is an important factor in ICRC's detention visits. ICRC delegates listen to children's version of events, and not only takes into consideration adults' version of the story. Of course, the child's side of the story depends on the age, psychological state, ability to understand facts, stressful or insecure environment, the pressure of detaining authorities or peers. For that reason, ICRC underlines that their field officers tend to explain the mission of the organization, and the purpose of their visit and dialogue with children, using vocabulary that the child understands. Information about children who were in detention should not be publically published, by detention authorities or visitors. In this way, children would be exposed to the public stigmatization once they return to society.

The peace agreements and demobilization do not always promise the end of detention. Justice and judicial systems that are not well – developed may contribute to the prolonged detention of children. However, once released, children need to attend rehabilitation programs which will help them to deal with the past. In some countries, rehabilitation and reintegration programs do not exist, so children stay detained or got prosecuted under local national law.⁸³

Statutes of international tribunals should be considered when evaluating the possibility for a former child soldier to be accused of violation of international humanitarian law, before the international

⁸¹ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 130.

⁸² International Committee of the Red Cross, „Children and detention “, op. cit., pp. 6.

⁸³ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Children and Justice During and in the Aftermath of Armed Conflict: Working Paper N.3”, op. cit., pp. 32.

community. Article 26 of the Rome Statute that established the International Criminal Court (ICC), refers to the jurisdiction over a child who is suspected of being committing a crime when he/she was under the age of 18. The article does not provide the court with jurisdiction in this case.⁸⁴ However, exclusion of jurisdiction over persons under eighteen is more based on the belief that children should be condemned for war crimes under the national law and courts of the relevant state, rather than on the belief that juveniles should be released from this responsibility.⁸⁵ International law protects children in this case as well. Common Article 3 to the Geneva Conventions refers to all persons hors de combat, including children. Also, article 37 of the Convention on the Rights of the Child (CRC) prohibits life detention without the possibility of release for children.

Ad hoc international courts and tribunals usually do not indicate persons under the age of 18, even though their statutes do not include a provision regarding the minimum age needed for a person to be a subject of a trial. Two most known tribunals in the latest history are an argument for this estimation: The International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).⁸⁶ Prosecutor in the Special Court for Sierra Leone stressed out that he avoided accusing persons of crimes committed under the age of 18 at the time of the commission of the alleged offense. He had an intention to indict those persons who are the most responsible, so he started trials against child soldiers' commanders and adults who recruited them.⁸⁷ After armed conflicts, children may be subject to a trial before the military tribunals as well. This tribunal may be of the enemy party in the conflict. However, a military court may charge their soldiers for offenses or desertion, or members of a rebel armed group. Military courts have militant objectives for a purpose, so do not present the best option for hearing cases of child soldiers. Children cannot understand the legal language and consequences of trials in a good way, especially if they are not provided with lawyers. Trials usually occur hidden from the public, without the presence of a child's parents. Office of the Special Representative of the Secretary-General for Children and Armed Conflict underlined this problem in the 3rd Working paper. Myanmar and the Democratic Republic of Congo (DRC) were mentioned as examples of countries

⁸⁴ "Rome Statute of the International Criminal Court", International Criminal Court, Hague, 2011, Article 26.

⁸⁵ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Children and Justice During and in the Aftermath of Armed Conflict: Working Paper N.3", op. cit., pp. 37.

⁸⁶ Ibid.

⁸⁷ Ibid.

where children were charged with desertion before military tribunals and courts. Former child combatants who escaped the armed forces were convicted to imprisonment.⁸⁸ In some cases, they have been also sentenced to death, and even executed 30 minutes after the decision of the court.

In the majority of cases, an important step during the rehabilitation period is a child's admission to the crimes he committed and understanding of its nature, consequences, and severity. It could be achieved by traditional punishments, but with alternatives such as community work and truth and reconciliation commissions as well. However, it is not enough to work only with children. The entire community needs to be informed about different facts and the importance of re-stigmatization of child soldiers.

⁸⁸ Ibid, pp. 40.

6. GIRLS ABDUCTED BY ARMED GROUPS

The phenomenon of girls' participation in war is not related only to the modern time. There are a lot of stories of women heroines of war, which can motivate young women to take some role during wartime. During the Napoleon wars and World War I, girls have been fighting along with boys inspired by the patriotism or forced to join the armed forces.⁸⁹ They need to prove to be equal to men, to fight with them and sometimes forget about their special needs.

Girls usually have special needs related to their gender. Gender inequality makes girls defenseless to sexual violence. Some of them may be pregnant as a consequence and have children. These children are victims as well. Following their release, girls may remain invisible and not included in the reintegration programs. A young woman may even think that joining an armed group may protect her from being raped by militaries that enter villages.

Girls are present in government forces, paramilitary/militia, and armed opposition groups around the world. They are not included only in fighting, but in other roles traditionally and patriarchal connected with gender. A young female person is usually involved in preparing food, raising crops, selling products. If ordered by officers, they also steal livestock and food, carry the loot. Sometimes they are health workers, spies, intelligence analysts. Not a small number of girls fight regularly as combatants, mine cleaners, military trainers. Only between the years 1990 and 2003, 55 countries were marked with the fact that girls are present in fighting forces, governmental or armed groups.⁹⁰ In 38 of these states, they were directly involved in armed conflict. Girl soldiers are at risk during the fighting because of the vulnerabilities toward illness related to gender. For example, girls are forced to fight even after complications from pregnancy and birth, sexually transmitted diseases, menstrual difficulties. Like boys, they are usually not protected from malnutrition, disabilities, scars, malaria, and other illnesses. Even when sick, they continue with their responsibilities in the armed group, which can be very exhausted.

Traditional understandings of the role of women are replicated in the life inside armed groups, so girls serve men and boys. Girls are often victims of sexual violence. There are a lot of cases of

⁸⁹ Margaret R. Higonnet. "Girl Soldiers in World War I: Marina Yurlova and Sofja Nowosielksa" in: Daniel Thomas Cook (ed.), *Children and armed conflict: Cross – Disciplinary Investigations*, Palgrave Macmillan, 2011, pp. 7-22.

⁹⁰ Elisabeth Schauer and Thomas Elbert, "The Psychological Impact of Child Soldiering", op. cit., pp. 341.

individual or mass rape, enforced prostitution, sexual slavery, torture and other forms of sexual violence. In some countries like Sierra Leone, the role of a girl combatant included sex labor as well. Failures to acquiesce sex favors requested by their captors were scourge by stringent thrashing or death.⁹¹ Some girls are given as wives to a male soldier or commander, others become sex-slaves for more than one man. Some girls are sexually abused by anyone or even more men at the same time.⁹²

The usual consequences of these war crimes are undesired pregnancies. Additionally, some of them are forcibly sterilized to avoid gestations, resulting in a big number of young mothers. A number of them are forced to terminate pregnancies or to give birth in bad conditions without medical assistance, which puts in risk both, mother and baby.

Their productive and reproductive labor leads to a completely new group of victims. Children born in the military camps spend their early childhood inside it and are prepared for combatant life from the very beginning of their lives. Victims themselves, girls are violated and then give birth to children who later become members of the force. This case is present in Northern Uganda's armed group Lord's Resistance Army (LRA).⁹³

Following their release, girls and women are more stigmatized if distinguished as former soldiers who additionally have had sexual relations with combatants. In some cultures, their families or husbands reject them as they are shamed of them. They have small chances to marry or remarry. Community perceives them as shame, whether they have had voluntary or compulsory sexual relations with armed men. The most stigmatized group is the one who brings back with the children born in the armed groups or captivities. Those children are in the majority of cases unaccepted. Returning mothers need to choose between reintegration in their communities and their children. Occasionally, they are requested to leave children who have been born of rape, or because their fathers are unknown or from the opposing armed group. This is painful enough for girls even if accepted by society and have to be provided with support to deal with their past. On the contrary,

⁹¹ Michael Wessells. "The Reintegration of Formerly Recruited Girls: A Resilience Approach" in: Daniel Thomas Cook (ed.), *Children and armed conflict: Cross – Disciplinary Investigations*, Palgrave Macmillan, 2011, pp. 191-192.

⁹² Grønhaug, Kristine. The number of child soldiers in the world is increasing – almost half of them are girls, op. cit.

⁹³ Elisabeth Schauer and Thomas Elbert, "The Psychological Impact of Child Soldiering", op. cit., pp. 340-342.

lack of community acceptance after the liberation might lead girls to start earning money by prostitution, as the only way to feed their families.

Creators of DDR plans are generally not aware of the roles of girls associated with armed groups, and therefore draft strategies that prevent girls to benefit from these programs. Sometimes they do not have any evidence of the presence of girls in some armed group because of the high capability of their officers to hide them and make invisible even after the peace agreements. Even if girls are included in DDR programs, they are not the focus of the programs as they present a less threat than boys who care guns.⁹⁴ Reintegration programs do not include always girls as they are not the priority of governments when it comes to the demobilization. For that reason, they lack the aid for reintegration. Discriminated by communities for being victims, they need supportive plans to establish new lives after the release. Unfortunately, they are insufficiently targeted for rehabilitation and reintegration. Even after the demobilization of boys, they often continue to stay with men who abducted them. Governments are not fighting for them as they are not seen as a major security threat, and these men with time start thinking that they are officially their women, so they forbid them to leave.⁹⁵ Even though they have been kidnapped, sometimes they even do not have alternative rather than to stay.

For that reason, they need to be included in supportive programs which will raise the awareness that alternative always exists. They should be convinced by their families that they won't be rejected if they return. International Rescue Committee (IRC) uses video cameras to record messages of families to their daughters.⁹⁶ These videos are shared with girls to assure girls that they are welcome to return home. In some cases, these results with successful stories. However, sometimes it is not enough insurance for a girl to come back home, so other official programs need to be invented on the level of the state. Girls often do not know about DDR programs and the possibilities to start new lives. They do not believe in the readiness of their families and communities to accept them. Sometimes, they simply decide not to escape because of the shame or fear of being punished.

⁹⁴ Ibid, pp. 343.

⁹⁵ John Williamson and Lynne Cripe, *Assessment of DCOF - Supported Child Demobilization and Reintegration Activities in Sierra Leone*, UNICEF, 2002, pp. 33.

⁹⁶ Ibid, pp. 34.

Like for all former child soldiers, Western models of rehabilitation programs are not sufficient for all cultural environments. Communities might think that rape is the fault of a girl. None psychosocial support would help a girl to reassure communities of that understanding of her pain. It may help her to cope with past experiences, but other models should be integrated when it comes to the communities. Traditional cleaning rituals may help her to be accepted again in her society. In that way, she is “cleaned” from the past experiences and can leave it behind her with the help of healing rituals. Organizations working with former girl soldiers introduced these ceremonies in their programs for the reintegration of girls in the communities. Healing processes in rural Sierra Leone last for several weeks of a diet that should clear girls’ bodies of drugs, moral preaching of convenient behavior and manners.⁹⁷ The concluding ceremony includes rituals in which girls should be washed with the soap composed of black ash and fumigated with boiled cathartic herbs. Also, the sacrifice of poultry is a part of the custom. Finally, a girl is dressed in white clothes and presented to the community. The end of the ceremony will show to the members of the community that a girl is now clean from bad spirits and past experiences. After the whole process, the community should be ready to accept her.

Among P’Olak carried out a study in psychological pathology in formerly abducted girls in Northern Uganda in 2005, who have been physically and or sexually abused. It was found that 98% of girls had been intimidated to be murdered if they are recalcitrant, 72% had been sexually abused by men in the armed group, 65% witnessed killings, 18% participated in it, and 7% have been forced to kill their relatives. Only one girl during examination didn’t express significant psychological problems or symptoms of PTSD.⁹⁸

Girls need to be shown respect by adults during supportive programs. Children should learn that nobody can be discriminated against because of gender, and the traditional role of women serving men cannot remain in a peaceful time and civilian lives. Children must be learned that women need to be respected with dignity. Young women should be given responsibilities and tasks that the community value, and provided with the access to education and to the market. Of course, those who express the wish should be provided with psychological support that will help their

⁹⁷ Michael Wessells. “The Reintegration of Formerly Recruited Girls: A Resilience Approach”, op. cit., pp. 196-197.

⁹⁸ K. Amone-P’Olak, “Psychological impact of war and sexual abuse on adolescent girls in Northern Uganda”, *International Journal of Mental Health, Psychosocial Work & Counselling in Areas of Armed Conflict*, 3(1), 2005, pp. 33-45.

recovery in a long – term period. Health screening should be accessible locally to young women and their babies to help them medically. It is not enough only to help them temporary. The majority of them need support in the next several years, especially if they are infected by HIV/AIDS, have psychosocial or physical diseases, etc. Social acceptance is one of the key challenges for the entire reintegration process of girls associated with armed groups.

7. REINTEGRATION PROCESS

The further section will explain the reasons why the reintegration process is important for children associated with armed groups or armed forces, and the process of reconciliation and stabilization of society as well.

7.1. Reintegration program

Children associated with armed forces or armed groups should be rather included in reintegration processes than prosecuted before the courts and tribunals. Restorative justice may be one of the ways to ensure reconciliation. The main focus in restorative justice is on the reintegration of a person who has violated a law into society. For children, this may be a particularly positive decision. The reintegration process should be part of a holistic strategy for stabilization and security. If a positive peace does not take place in the post-conflict society, and former child combatant does not reintegrate successfully in it, he or she would most probably return to fighting.

Reintegration is a long-term process that should support children in the resume of life in civil society. It shall be clear for children that reintegration is an alternative to the life inside an armed group. A child should have access to education, workshops, and training of new skills. They should have access to medical services and have been included in psychosocial programs. Once demobilized, a child should be offered with options for future life economically. Usually, the reintegration process for adults should wait for the signing on of the peace agreement, because demobilization is possible only when the conflict is over. On the other hand, children may be demobilized and reintegrated during the conflict, in a process independent of politics.

Reintegration programs may provide children with financial aid and material benefits, like in Mozambique and Liberia.⁹⁹ However, this is a very sensitive question as children do not always know how to take advantages of the cash they got. In some cases, children use that aid to return to the armed groups. Additionally, these programs do not always support reconciliation in societies,

⁹⁹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Children and Justice During and in the Aftermath of Armed Conflict: Working Paper N.3", op. cit., pp. 46.

as other families may feel damaged because their children do not get any financial support, while former combatants do.

Methods used in the work with former child combatants should provide society with safety and stability in the post-conflict period. Programs dedicated to children need to be adapted to particular cases and individuals. After several years spent in military groups, children become to feel as adults. In some cases, they become heads of households as well. For that reason, workers in reintegration programs need to find a way to observe them as children but to understand the adult's side of them to understand their needs.

The United Nation Disarmament, Demobilization and Reintegration Resource Centre recommend the following four elements of the reintegration program.¹⁰⁰

- An inclusive approach shall be provided to former combatants' children, but the orphans, young girl mothers and other children affected by wars as well.
- A child should be provided with training that upgrade the skills they already have.
- At the level of society, activities that promote reconciliation, rights of children, and the negative consequences of wars should be organized.
- Local capacities should be supported in their role for the protection of children's rights.

The promotion of reconciliation is one of the main objectives of the reintegration process. From the perspective of child former combatant, it is difficult to get accepted into community especially after committing war crimes. Readiness for acceptance depends on the group's system of values and culture in general. Reintegration should help children with this aim.

7.2. Disarmament, demobilization and reintegration program (DDR)

Over the past years, the most used reintegration process is DDR.¹⁰¹ DDR stands for disarmament, demobilization, and reintegration. This model focuses on the reintegration of children in society,

¹⁰⁰ United Nations Disarmament, Demobilization and Reintegration Resource Center, „Children Associated with Armed Forces and Armed Groups: Key Non-Negotiables“, op. cit.

¹⁰¹ United Nations Disarmament, Demobilization and Reintegration Resource Center, „What is DDR - Introduction“, Available from: https://www.unddr.org/what-is-ddr/introduction_1.aspx, (Accessed 19 August 2019).

rather than on responsibility. Therefore, DDR gives priority to restorative justice, rather than to the distributive one.

DDR program should help boys and girls associated with armed forces or armed groups to reintegrate into the society. When combatants leave their military lives, they may represent security problems in the societies in which they try to reintegrate. Usually, they do not have money, places to leave or employment opportunity. Civilians may avoid them because of their violent past, fear of them or stigmatization of other members of the community if they are seen while communicating with former combatants. Networks that they may build are oriented towards other ex-soldiers. During the transitional period from the end of hostilities to peace, support programs are essential for both, child ex-soldier and the entire community. For the peace process to be successful, it is not enough only to finish demobilization. Taking guns of former soldiers and taking them out of military facilities is an important step. However, the most substantial are programs to integrate former soldiers into civil society, in the social and economic level. DDR programs are the most common way for children to become liberated. It may happen not only after the assignation of peace agreements but during hostilities as well. DDR negotiations may be independent of political negotiations, with the focus only on child rights. Release of children from armed forces or armed groups may happen by the escape or departure as well. In some cases, children may decide to leave and freely leave the group. However, in the majority of cases, children escape from their officers. The release may happen also by the capture of children. The other possibility for a child is that they become liberated by formal or informal negotiations between the United Nations and armed group or armed forces.¹⁰²

In 2005, Secretary-general of UN defined DDR in a note to the UN General Assembly in the following way:

- *Disarmament* is “the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the

¹⁰² United Nations Disarmament, Demobilization and Reintegration Resource Center, „Children Associated with Armed Forces and Armed Groups: Key Non-Negotiables “, op. cit.

civilian population. Disarmament also includes the development of responsible arms management programs.”; ¹⁰³

- *Demobilization* is “the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centers to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion. *Reinsertion* is the assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools. While reintegration is a long-term, continuous social and economic process of development, reinsertion is short-term material and/or financial assistance to meet immediate needs, and can last up to one year.”; ¹⁰⁴
- *Reintegration* is “the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.”¹⁰⁵

DDR program can be very successful in case it follows some directions provided by the United Nations Disarmament, Demobilization and Reintegration Resource Centre. A group of actors who implement DDR programs should be created, with the defined program methods and plans.¹⁰⁶ They shall communicate with each other, respecting agreed roles and responsibilities. They should establish data protocols and databases shared among them through an interagency group.¹⁰⁷

¹⁰³ United Nations Disarmament, Demobilization and Reintegration Resource Center, „What is DDR - Introduction“, op. cit.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

However, it is really important that the majority of personal information cannot be published or shared with the media. In that way, stigmatization and revenge against children associated with armed forces or armed groups can be avoided.

People trained for the DDR program should be included in the releasement processes of child soldiers. Their work should be dedicated to the protection of former juvenile combatants during the whole program. The first step after verification that a child has the status of a child associated with armed conflicts, in a confidential interview with a child, should be the physical removal from the military site. A child shall be transported to some secure, civilian facility. A child should get a humanitarian aid package that contains clothes, carpets, and hygiene products. There may be collecting additional information about his past. This information should help officers to start the tracing of a family and arrange for the reunification. If possible, a child should be reunified with his family as soon as possible. In the meantime, a child should be provided with temporary care, which will represent support for the return to civilian society. At first, DDR programs were created in several phases. The next one would start after the previous one is concluded. However, practice showed that this method is not productive, as former soldiers have been waiting for a long time in temporary camps before they return to the civilian communities. So phases needed to be simultaneous, working on rehabilitation and reunification while waiting for the next step. A child's material needs should be satisfied, and socialization programs should be organized. These programs have for the aim rehabilitation of the child and should include "appropriate health services, psychosocial support, life skills training, recreational activities, catch-up classes, and information about reintegration support packages."¹⁰⁸

The disarmament, demobilization, and reintegration (DDR) program has been implemented with attention to children as well, for the first time in a peace negotiation in Sierra Leone.¹⁰⁹ The government established the National Committee for Disarmament, Demobilization and Reintegration (NCDDR) in 1998 NCDDR was chaired by the president, while the planning and implementation of the program were assigned to an executive secretary. UNICEF was invited to advise NCDDR on procedures for children in the process, along with other NGOs, affected

¹⁰⁸ United Nations Disarmament, Demobilization and Reintegration Resource Center, „Children Associated with Armed Forces and Armed Groups: Key Non-Negotiables“, op. cit.

¹⁰⁹ John Williamson and Lynne Cripe, *Assessment of DCOF - Supported Child Demobilization and Reintegration Activities in Sierra Leone*, op. cit., pp. 11.

communities and UN agencies.¹¹⁰ The National Committee reported that 6904 children were demobilized¹¹¹ during the conflict in Sierra Leone, and after the peace agreement. This number sounds statistically very successful, but it represents only a small group of demobilized children of an estimated number of 48,000 child soldiers in total.¹¹² Children and women are special groups more interesting for humanitarian organizations, than for politicians and security officers. Children should be part of DDR programs, but still in a separated parallel process from adult soldiers, as they need special care. Additionally, if children are treated along with adults, this would lead them to the feeling of affiliation with their commanders, which is not helping in the rehabilitation process. The program established by the National Committee for Disarmament, Demobilization and Reintegration were not ideal, as some children associated with armed forces and groups were not included. Children were eligible for the DDR program if they were from 12 to 17 years old, able to take care of armament, and presented by a commander as a soldier.¹¹³ If some of these criteria was not met, they would not be included in the program. Girls were often excluded because the focus during the peacemaking process was on persons who use weapons. Younger children were eligible if they have learned to load or use a weapon, and if they spent more than 6 months with the militants. Also, they were suitable in case they held rank or were used as spies.

7.3. Reunite with family members

An important element of reintegration should be reunification with family members. Children shall be informed about the progress in the finding and making contact with their families. The process of searching for families or legal tutors is named tracing.¹¹⁴ Once found, officers need to confirm that the child and family desire to meet each other. When a child is challenging with stigmatization, officers may offer services of mediation. In case that a child does not have family, or family does

¹¹⁰ Keith Martin, "Disarmament and Demobilisation in Sierra Leone", Humanitarian Practice Network, June 2003.

¹¹¹ John Williamson and Lynne Cripe, *Assessment of DCOF - Supported Child Demobilization and Reintegration Activities in Sierra Leone*, op. cit., pp. 11.

¹¹² Stephanie Hanson. *Disarmament, Demobilization, and Reintegration (DDR) in Africa*, The Council on Foreign Relations (CFR), 15 February 2007, Available from: <https://www.cfr.org/backgrounder/disarmament-demobilization-and-reintegration-ddr-africa>, (Accessed 01 August 2019).

¹¹³ John Williamson and Lynne Cripe, *Assessment of DCOF - Supported Child Demobilization and Reintegration Activities in Sierra Leone*, op. cit., pp. 11.

¹¹⁴ United Nations Disarmament, Demobilization and Reintegration Resource Center, „Children Associated with Armed Forces and Armed Groups: Key Non-Negotiables“, op. cit.

not accept its return, or it is not in the best interest of a child to reunite with his family, the state should enable alternative care for that child. It could be an extended family, or monitored living arrangements of several children former soldiers.

In the Democratic Republic of the Congo, national charity APEDE runs a center in Kamina, where 152 children are being housed. Delegates of the International Committee of the Red Cross with the aid of volunteers from the national Red Cross has been tracing families of these children and supporting them in the reintegration process.¹¹⁵ They organize workshops that have for the purpose to raise the awareness of children about their past and potential future lives once they return home. They have been teaching children about the possibility to be recruited again, all through the sessions fulfilled with individual or group discussions, games and dance. ICRC field officers travel to different parts of the country to find a family or reunite it. ICRC staff provides children with supplies for school or the start of the business, and visit a child three months after the return to monitor the process.

Additionally, ICRC organizes discussions in the villages about child soldiers' reintegration. Members of families and communities are sometimes afraid because of the aggressive past of returners, so they reject them. These meetings have for a purpose to decrease the stigmatization of children who should return. According to the ICRC, almost 300 former children combatants were reunited with their family members in the Democratic Republic of the Congo in 2014.¹¹⁶ Only in one week in 2015, ICRC reunited 152 child soldiers from the center in Kamina with their families.¹¹⁷ Another restoring family link activity in ICRC is the delivery of messages between family members. In the past, that was paper messages, and with the development of technology, mobile phones, and social networks are more in use. This helps children and adults to make contact even when they are not physically reunited.

¹¹⁵ International Committee of the Red Cross, "Democratic Republic of the Congo: 152 demobilized children reunited with families", 2015, Available from: Available from: <https://www.icrc.org/en/document/democratic-republic-congo-152-former-child-soldiers-reunited-families> , (Accessed 20 July 2019).

¹¹⁶ Ibid.

¹¹⁷ KJ Mullins, "Child soldiers reunited with families", Digital Journal, 10 January 2015, Available from: <http://www.digitaljournal.com/news/world/child-soldiers-reunited-with-families/article/423136> , (Accessed 13 July 2019).

7.4. Learning new skills

Governments and local authorities should provide spaces where former child soldiers can play and make friends. Communication between them is important as it helps them to share experiences and feelings. These aid children to build bonds between each other. Recovery is much easier if a child does not feel alone dealing with horrible circumstances that occurred.

Nevertheless, play and relax activities are not sufficient in the reintegration process. School-age children should be supported to return to formal education. Older former child combatants should also be provided with other training which provides them with new skills. Work skills are necessary because a big part of former soldiers do not have any other knowledge except the one related to warfare. In order to earn money, they need to be prepared for a future role in the relevant market. Collaboration with the rest of society on some common activities may assist children with a reduce of stigmatization and discrimination. Children rejected by their community have difficulties to find a job, so formation for skills that will provide them with the ability to start a small business or get employed is significant for ex-combatants. Former child soldiers are an especially vulnerable category of victims as they have been usually missed school time and education. For that reason, they do not have a diploma proving the talent to do something.

Following their release, children may have some skills learned during their soldiers' lives. Not all of them carried guns. For instance, those who cooked for soldiers have the advantage in the new life. They can find a job that meets both, their skills and need to make money. The rest of the children need to be trained. Different programs launched by governments and diverse humanitarian organizations, such as UNICEF, or local NGOs prepare children for life after the reintegration with the courses for a car mechanic, hairdressing, solar and electrical installation, welding, and metal fabrication. Non – governmental organizations from around the world collaborate to provide children with training. For instance, Finn Church Aid (FCA) was preparing programs in South Sudan for former child soldiers oriented to learning new skills related to carpentry and the creation of leather accessories.¹¹⁸ Sometimes Governments collaborate with international organizations with the same objective. The Ministry of Education, Gender and Social Welfare in the same

¹¹⁸ For more information, visit the FCA's official site: <https://www.kirkonulkomaanapu.fi/en/work/africa/south-sudan/>

country, South Sudan, worked together with UNICEF on the two groups of children associated with armed forces and groups, that intended vocational training from 2018 to 2019.¹¹⁹ They organized workshops for dressmaking, metal fabrication, masonry, plumbing, tailoring, electrical installation, and carpentry. During the same program, they also attended classes of literacy and numeracy in order to fulfill the lack of formal education.

Support programs may go a step further and offer the chance to former child soldiers to start the business with new skills. This business may include other children associated with armed groups or forces. For instance, one Ugandan ex-combatants succeeded to help other ex-child soldiers learning skills after a long time of suffering and suffers for himself.¹²⁰ He was only seven years old when he was recruited. After the four terrible years spent with rebels, he escaped to find out that his parents are dead. Shortly, his uncle left him on the street. He was doing his best to get back on his feet, but stigmatization didn't allow him to earn enough. Once, he even decided to go back to the LRA as he didn't see another solution. Fortunately, he was stopped by Ugandan soldiers. After this, he made a deal with his former boss to work together with other ex-child soldiers in vehicle repairs, carpentry, tailoring, and hairdressing. They have been selling what they made to keep the company working. In that way, he helped a lot of children to find an alternative to return to the rebels.

Along with stigmatization because of the violent past, these children have small chances to get employed without support programs dedicated to their special needs. In that way, they may have the ability to earn a living. Several former soldiers need to contribute to their families, so these programs support a wider part of society. Programs help not only children, but entire families and levels of society to deal with the consequences of war.

¹¹⁹ "79 former child soldiers graduate from vocational training program in South Sudan", World Vision International (US), 5 June 2019, Available from: <https://www.wvi.org/stories/south-sudan/79-former-child-soldiers-graduate-vocational-training-program-south-sudan>, (Accessed 30 July 2019).

¹²⁰ Pierre Luther, "Auto Repair Shop Jump-starts Ugandan Child Soldiers into New Lives", VOANews, 14 May 2018, Available from: <https://www.voanews.com/africa/auto-repair-shop-jump-starts-ugandan-child-soldiers-new-lives>, (Accessed 30 July 2019).

7.5. Psychosocial interventions for children associated with armed groups

The main victims of wars are children and women. Children are especially vulnerable among civilians. Indirectly, by the incapacity of adults to protect them from the consequences of armed conflicts, loss of education, displacement, etc. Directly, as victims of warfare, bombing or war crimes and participation in armed conflicts. Children have different reasons to join armed groups, but they also have different post-war experiences. Some of them will return to their families and continue with the childhood they used to have. Society will accept them as victims or even heroes. One part of children, former soldiers are more respected by parents, peers, teachers or whole society because of their participation in hostilities. Others will have no family, the community will reject them, and the only identity they would have will be one of the combatants. The majority of children affected by armed conflicts are traumatized with some bad happenings. They may be physically injured, have big loss and problems of displacement, loss of families, friends and loved ones. A lot of them will express some difficulties in later life, and the majority develop severe psychosocial problems or even psychiatric disorders.

Psychosocial consequences for former child soldiers may be short – term or long – term. Experiences of violent acts against them, their comrades or enemies have severe psychosocial outcomes. Children can be witnesses of atrocities or even perpetrators. Recover is a long – term, and even when a child achieves a reasonable level of recovery, the traumatic experience leaves consequences for a lifetime. Nonetheless, they may recover from all these consequences in case they are well understood and better supported. Ilene Cohn and Guy Goodwin-Gill quoted Neil Boothby who mentioned in his unpublished paper *The New Face of War*, that ex-combatant children confusion become bigger once they lay down weapons and re-enterer civil society.¹²¹ In that way, they discover again killings they performed and moral or religious standards about those crimes. For that reason, their mental sufferings increase at the beginning of psychosocial treatment. During the participation in hostilities, children experience traumatic events. They are exposed to chronic fear and anxiety. This can lead them to chronic mental illness, or even the desire for revenge. The latest can motivate them to join armed groups again in the future, especially if the reintegration process was not successful at the expected level. In addition, children whose family

¹²¹ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 107.

members have been killed by armed groups or armed forces will need justice. If justice is not reachable in front of the court, children may feel powerless and would like to join armed groups to revenge the lost loved ones. The doubt is whether children whose specific motives for taking up arms were addressed to revenge should be included in civil education or military one. In civil society, the desire for revenge will remain, and in military schools, it could be readdressed by learning how to fight under the International Humanitarian Law. However, it is really not simple to decide if reintegration to armed forces will help them or abuse them again.

Occasionally, children committed serious atrocities during the former military life, so the family rejects them. It could happen because they are afraid of them, or afraid of the rest of society which may be retributive towards them. People who want revenge may legally or physically attack the whole families of ex-soldier children. This problem makes difficult reconciliation in the communities. People can be also afraid of child soldiers as they are mentally affected by armed groups, learned how to kill, and sometimes do not have adequate methods to start a normal life. So people get scared about what a child can do to them if they accept them after demobilization.

The UN DDR Resource Centre also suggests that psychosocial support is a better option than individual therapy for children.¹²² In that way, they may learn how to behave in civil society and how to make decisions in the future. In this program, a child needs to have a new role as an adult, not connected to the armed groups, and the entire society may help by offering work to children that benefit the community. Additionally, ceremonies of reconciliation can symbolically provide children with the forgiveness for atrocities done in the past. Such cultural, religious or traditional rituals may be essential in the restore of cultural links, an increase of the community's solidarity, and child's reintegration.¹²³

Neil Boothby stressed out one research in Mozambique, which showed that children who passed under six months as soldiers define themselves as victims of RENAMO (Mozambican Resistance Organization).¹²⁴ The opposite of that, children who spent more than six months inside RENAMO

¹²² United Nations, *The Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*, 5.30: *Children and DDR*, op. cit., pp. 25.

¹²³ *Ibid*, pp. 26.

¹²⁴ Ilene Cohn, Guy S. Goodwin-Gill, „Child soldiers: The Role of Children in Armed Conflict “, op. cit., pp. 110.

considered themselves as members of the group. The second group expressed feelings of guilt only after three months in a rehabilitation center.

Guy and Cohn mentioned in their study the research in the Gaza Community Mental Health Center, made by Dr. Eyad El – Sarraj, a Gaza psychiatrist.¹²⁵ He found a strong connection between the participation of the children from age 15 to 18 in the Intifada with their physical and psychological disorders.

Child soldiers have the same injuries as adults. It depends on the tasks they perform and circumstances on the battlefield, but they do have diverse physical harms, that can make life – long disabilities. Children stay handicapped for a very long period. Some of the tasks that are not dedicated to children, may cause some additional problems, like hernias, caused by the equipment which is too heavy for children. Exposure to traumatic stress is correlated with physical morbidity and mortality. Functional modifications of the brain are results of the severe trauma, which leads to diverse physical illness.¹²⁶

Not only physical injuries, but also psychological disorders were present with these children. The social consequences of life inside armed groups are also dangerous. For example, children exposed to early unprotected sexual activity for food or saving a life, often result in teenage pregnancy and infections with HIV/AIDS. This usually leads to the rejection of community and difficulties to continue lives with these consequences.

Armed conflicts are psychologically traumatic for children and their families, especially when they are directly involved. It depends on the mixture of personal performances and circumstances in life. Important factors are age, family history, previous traumas, genetics, psychosocial support after traumas etc. However, some of them may even experience positive impacts on their well-being. Young persons may even develop stronger availabilities to deal with further stress situations, after the survival of a child soldier's life. This phenomenon, called *post-traumatic growth*, has been noticed with some Israeli youth.¹²⁷ Some of the former combatants continue with

¹²⁵ Ibid, pp. 111.

¹²⁶ Elisabeth Schauer and Thomas Elbert, "The Psychological Impact of Child Soldiering", op. cit., pp. 329.

¹²⁷ Richard Williams and John Drury. "Personal and Collective Psychosocial Resilience: Implications for Children, Young People and Their Families Involved in War and Disasters" in: Daniel Thomas Cook (ed.), *Children and armed conflict: Cross – Disciplinary Investigations*, Palgrave Macmillan, 2011, pp. 60.

their lives without any problem and do not express any manifestation of over lived stress. In some cases, bad experiences that children survived can even orient them to the bigger willing to do good things. They can desire to become humanitarian workers or doctors, in order to help people. Their aspiration for normal life in peace may bear down violent past, and make them fighting for peace more than they would if the emergencies had not occurred.

People`s capacity to manage stress after some catastrophic events and experiences is called psychosocial resilience.¹²⁸ Daniel Thomas Cook and John Wall Palgrave outline two forms of psychosocial resilience: personal and collective resilience.¹²⁹

Personal resilience appoints to the respond of a particular person to the stress, his or her capacity to adapt to the stressful situation. Genetics, personal characteristic and the spectrum of knowledge influence this type of resilience. People children are surrounded by and school determinates their capacity to cope with the life of a soldier. For example, people with a higher self – respect and opinion about themselves have a better chance to learn how to deal with a childhood spent in an armed group.¹³⁰

Collective resilience refers to the capacity of a group of people to cope with these situations, and recover from them. Massive emergencies usually do not lead to the mass panics, but build a stronger collective identity. “Me” transfer to “we” in a group of people who survived the same disasters. Common tragedies may reunite former child soldiers and help them to recover together from the past experiences that influenced all of them. In case that many people are victims of the same trauma, like participation of children in armed conflicts, there is a better chance that a community will develop a deeper sense of solidarity. Social solidarity shared concerns and better support programs or aid on a community level may help the faster recovery of children.

The combination of both successful types of psychosocial resilience is important for the long – term rehabilitation of children after the recruitment into the armed groups or armed forces. In regards to the time when reintegration starts, responses to trauma are different.¹³¹ Immediate responses include crying, fear, sense of loneliness, hopelessness, anxiety, anger, loss of trust.

¹²⁸ Ibid.

¹²⁹ Ibid. pp. 61-66.

¹³⁰ Ibid, pp. 61.

¹³¹ Ibid, pp. 66-69.

Usually, children recover with the time of the consequences of war, but some of these symptoms remain in a short period. As an illustration, children may continue to be afraid for their safety and can have a lower level of accomplishments in school. Longer-term responses may be loss of motivation, a tendency for self – injury, aggressive behavior, alcoholism, narcotic addiction or post-traumatic stress disorder.

Children who have been participating in war suffer from depression, nightmares, sleeping and post-traumatic stress disorders, violent behaviors, etc. The post-traumatic stress disorder (P.T.S.D.) is usually marked by expressions of past experiences through nightmares, images, thoughts, and flashbacks, avoiding situations associated with the trauma, and lead to hypervigilance, poor self – regulation, aggressive behavior, depression, addiction of drugs, etc.¹³² Their symptoms are eating and sleeping problems, dissociation, concentration difficulties, heart issues, hyperactivity, fear that future cannot be positive, alcoholism, etc. ¹³³ In some cases, suicidality is related to the PTSD of child soldiers. ¹³⁴

However, we need to take into account cultural differences as well. Some symptoms that look like P.T.S.D. are related to the specific culture and tradition. Michael Wessells met during his research a former child soldier in Angola.¹³⁵ He was only ten years old and he has nightmare problems because, in his culture, bad spirits are haunting their murders at night. So, Western psychology is not relevant in this case. He needed to follow his traditional rituals of cleanings, which offer to a person the forgiveness, and prescribe that it should not be talked about the incident anymore, in order to prevent a return of the spirit.

Children have been abused in different ways before they started to participate in the reintegration process. In the majority of cases, they or their parents were victims of the security forces, detentions, or humiliations. Sometimes, they can react even more radical than previous generations. Their parents may show them that they are proud of them, or even forbid them to go outside and be a rebellion. Young people often accuse their families and adults of not doing much, so they take over the struggle for the Palestinians.

¹³² Michael Wessells, “Psychosocial Issues in Reintegrating Child Soldiers”, *Cornell International Law Journal*, vol.32, no.3, Article 14, 2004, pp. 516.

¹³³ Elisabeth Schauer and Thomas Elbert, “The Psychological Impact of Child Soldiering”, *op. cit.*, pp. 325-327.

¹³⁴ *Ibid*, pp. 332-333.

¹³⁵ Michael Wessells, “Psychosocial Issues in Reintegrating Child Soldiers”, *op. cit.*, pp. 516.

Palestinian youth started to fight as the other peers are doing so, and with time they build group identity which divides people to us and them. They start feeling like Palestinians, and soon the national identity mixed with aggressive past experiences gets created. This identity goes together with the negative feelings towards Israeli people at a young age. Some psychologists find this phenomenon as ambivalent. The positive part would be the creation of group identity and the feeling of belonging. After discrimination based on national identity or level of participation in Intifada, this person's individuality is important. On the other side, the negative aspect is the hostility toward the other group: Israelis.

Along with the participation of children in hostilities, juvenile delinquency increases. Youth are trained to be violent, and in some cases, the extreme force is the only thing they are keen on. Usually, they commit armed robberies or violent attacks on civilians. Discharge of boy soldiers or news that their army life will soon be finished, cause frequency of incidents. Former child soldiers may be aggressive in civil life. Sometimes, they do not listen to their parents or teachers. They are trained to perform commands of officers, and nobody else. In their future civil life, they may feel frustrated because of the rules that need to be respected. Homeless children or orphaned after the war do not have protection, and present a threat to the entire society if left by the state.

Loss of school time is another problem related to armed conflicts. Even if children do not participate in war, discontinuation of classes, as well as the ruinations of school buildings, lead to a lower level of education among children. Especially, if they actively participate in the fighting, they lose the development of knowledge for many months or years. Inside the armed groups, schooling may be organized for kids. The issue is that often these classes refer to the violence and indoctrination, which may be even more dangerous than the lack of any kind of education. However, after demobilization, children should be oriented to the school as much as it is possible. It could be difficult after the violent life they used to have. Teachers need to adapt to school programs and behavior to these children, to make it possible schooling for children who suffered that much. The UN DDR Resource Centre even suggests that traditional official programs should be adopted by the ministry of education for children ex-combatants, and teachers should receive special training.¹³⁶

¹³⁶ United Nations, *The Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*, 5.30: *Children and DDR*, op. cit., pp. 27.

There are several methods of psychosocial interventions for children who have been participating in armed conflicts. Brechtje Kalksma-Van Lith is one of the authors who underlines two among them: the curative approach, proposed by Save the Children (SCF), and a developmental, community-based approach.¹³⁷

The curative approach is oriented to trauma and symptoms of stress situations. Therapy is based on Western psychotherapies. Children should be confronted with the consequences of war individually or in a small group. Therapies are led by mental health specialists who use methods such as psychotherapy, individual and small group counseling, and creative therapy.

On the other hand, the developmental approach is focused on children as a part of wide roles in society, so the focus is on relationships with families and the community. Symptoms gave the place to the ability to cope with stressful situations. According to this approach, the most important are resources that can help a child to deal with the past, as well as protective factors like a stable emotional relationship with family, social support, positive educational climate, cognitive competence, and a positive sense of self-esteem.¹³⁸ Programs include strengthening of the ability of the family, community and school to support former children combatants in the activities which help in the reintegration process.

¹³⁷ Brechtje Kalksma-Van Lith, *Psychosocial interventions for children in war-affected areas: The state of the art*, Intervention, 5. 3-17. 10.1097/WTF.0b013e3280c264cd, Available from: <http://www.ourmediaourselves.com/archives/51pdf/kalksmavanlith.pdf> , (Accessed 16 August 2019), pp. 4.

¹³⁸ *Ibid*, pp. 4-5.

8. THE CASE STUDY OF LORD RESISTANCE ARMY

Uganda has been in war for thirty years. Even in the peaceful periods, sporadic incidents continued to be perpetrated by armed groups. In 1988, the Lord's Resistance Army (LRA) has been formed by Joseph Kony, who started with his militant activities two years before. In that time, they claimed to resist president Yoweri Museveni's government in the name of the Acholi ethnic group. Kony also claimed that he got the blessing from his elders for this goal.¹³⁹ Their actions have moved over time across the Ugandan borders. Firstly, southern Sudan has been attacked. Later, they have crossed into the Democratic Republic of Congo. Finally, the group reached the Central African Republic in 2008. They claimed to be fighting for the establishment of a Ugandan government based on the Bible's Ten Commandments. Still, they use guerrilla tactics while killing civilians, forcing boys to go to war, and girls to be their sex slaves. Lord's Resistance Army was the main rebels group in Uganda. According to the UN, the LRA is guilty of the annihilation of more than 100 000 people since 1986, as well as 60 000 cases of kidnapping children.¹⁴⁰

International criminal court (ICC) has been trying to satisfy justice since 2004 when Ugandan president Museveni referred a case to ICC.¹⁴¹ An amnesty law has been adopted by the Ugandan authorities.¹⁴² Museveni stressed out that this law does not liberate the leadership of LRA. They have been excluded from this law, and the President was persuaded to leave justice for the crimes against humanity to the new international court. The amnesty law was oriented to the majority of members to demobilize and return to society. The work of ICC is at least controversial because of the very small number of LRA officers' arrests. Additionally, it is a question about whether Ugandan people should make trials at the local level instead of an international one.

¹³⁹ Sverker Finnström. "Wars of the past and war in the present: The Lord's Resistance Movement/Army in Uganda", *Cambridge University Press*, Vol 76, Issue 2, Africa 76 (2), May 2006, pp. 200-220, pp. 209.

¹⁴⁰ "Former child soldier, LRA warlord denies war crimes at ICC trial", *France 24*, 6 December 2016, Available from: <https://www.france24.com/en/20161206-lra-justice-former-child-soldier-warlord-icc>, (Accessed 02 August 2019).

¹⁴¹ "ICC - President of Uganda refers situation concerning the Lord's Resistance Army (LRA) to the ICC", International Criminal Court, Press Release: 29 January 2004, Available from: https://www.icc-cpi.int/Pages/item.aspx?name=president+of+uganda+refers+situation+concerning+the+lord_s+resistance+army+lra_+to+the+icc, (Accessed 02 August 2019).

¹⁴² *Ibid.*

The strategy of the LRA is to come into a village, kill one part of the people including children and babies, and abduct the other part. Youth has been especially affected. Very young children have been forced to torture and kill civilians. Very often, mutilation has included even their own families and members of communities. As a direct consequence of the war, almost 1.8 million individuals had been resettled.¹⁴³ They had been living for a very long in camps for internally displaced persons.¹⁴⁴ ICC is especially focusing on attacks of the refugee camps.

8.1. About Lord's Resistance Army

Northern Uganda region is special for its religious characteristics. While in the rest of Uganda Christian missionaries had a big impact, in this part of Uganda they failed among the Acholi group.¹⁴⁵ This historical fact is important as traditional Acholi beliefs were integrated into the belief system of LRA, especially when it comes to the belief that spirits affect many aspects of the individuals' lives. Based on this tradition, LRA would convince children that Kony is the spirit with the highest powers, and may hear even if someone is thinking to escape. Children would be sent in the fronts of the lines on the battlefield without guns, and it would be forbidden to find shelter because spirits would be angry because they are afraid. If they are just fighting, spirits would protect them. If they are afraid and looking for shelter during the warfare, spirits would stop protecting them and they would be killed. Many children died because of this method of LRA.

The background to the Lord's Resistance Army is important to understand the complexity of the Ugandan society and the relationship toward the Acholi group. Since the era of British colonial rule, Acholi has been economically in a worse position than the rest of society. British determinate them as a martial group, so they have been massively recruited in the army. Independence from Britain passed without many brutalities, but the post-colonial period was marked with a lot of war activities. The prime minister became Milton Obote, who started to rule as a strongman. To achieve loyalty from the army, he ranked some officers for key positions. He didn't trust the army, so he

¹⁴³ Civil Society Organizations for Peace in Northern Uganda, "Counting the cost: Twenty years of war in northern Uganda", 2006, pp. 7.

¹⁴⁴ Verena Ertl, Anett Pfeiffer, Elisabeth Schauer, F. Neuner. "Community-Implemented Trauma Therapy for Former Child Soldiers in Northern Uganda: A Randomized Controlled Trial", JAMA, 306(5), 2011, Available at: <http://jamanetwork.com/journals/jama/fullarticle/1104179>, (Accessed at 01 August 2019), pp. 503–512.

¹⁴⁵ Lawrence E. Cline, *The Lord's Resistance Army*, Praeger, Oxford, 2013, pp. 3-11.

started recruitment of the Northern Uganda, including a lot of Acholi in it. Idi Amin Dada was his opponent, and an officer in the army, who started the coup against Obote in 1971. During the coup, his forces conducted mass executions of Acholi troops. With the help of Tanzania and other opposition leaders, he succeeded to overthrow Amin six years later.¹⁴⁶ After this circumstances, Acholi became important again in the army, officers and soldiers as well. Acholi consisted 30-40% of the army.¹⁴⁷

However, the new civil war started in few years, this time between Obote and his army called the Uganda National Liberation Army (UNLA) which included Acholi as a majority, and one opposition leader who became powerful during the struggle against Amin. This was Yoweri Museveni, who has a guerilla force called the National Resistance Army (NRA), comprised of southern and western groups whose civilians supported them. In these regions, UNLA members were seen as Acholi, so the ethnic tensions started to develop. In the meantime, an Acholi officer, Tito Okello, ousted Obote and took control of the government.¹⁴⁸ However, in 1986, Museveni took control of Uganda and has been ruling Uganda since, even today. He changed the laws and turned the country into the multi-party system, so he avoided the old constitutional rule of two terms of the presidency at maximum. The opposition candidates always win on elections in the Acholi region.

After the defeat of Museveni forces, a lot of soldiers returned to their villages and were unemployed. Some of them continued fights against the official army and finally formed a group named the Uganda People's Democratic Army (UPDA), which started with its activities in 1986.¹⁴⁹ One of its members, who said to be told by a spirit to conquer the whole Uganda with his army and replace the Ugandan constitution with the Ten Commandments, was Joseph Kony. Later, in 1988, he created the Holy Spirit Movement, renamed the Uganda People's Democratic Christian Army, and finally the Lord's Resistance Army. Initially, he recruited 1000 fighters who were still wanted to fight against the government, or who didn't have where to go because of the severe atrocities previously committed.

¹⁴⁶ Ibid, pp. 7.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid, pp. 8.

¹⁴⁹ Ibid, pp. 9.

It is not known whether Acholi elders supported him at the beginning, but the later lack of support might be understood by Kony as a betrayal and can explain the brutal attacks to the North. Most probably, he abducted children because of the practical reasons, but it could be explained in ideology as well, like an act of revenge or even saving of Acholi by teaching his ideology to the youngest generations.

Joseph Kony claimed to be possessed by the Holy Spirit and different spirits who would talk through him even several times a day. Members of LRA, including children, would listen to what spirits have to order through Kony, with different voices he made or raise of morals, etc. Ideology is an important factor in the LRA, as many children were afraid of the supernatural powers they were persuaded he has. He mixed Christian customs and traditional rituals and believes, as well as those from Islam because of the support of the Islamic government of Sudan, modifying all of them into the one used for his goals. The unified cult created from the three religions is a good based for the recruitment of children from different religions.

Rituals played a significant role especially at the beginning of the LRA's activities. Children were passing the initiation periods by drawing crosses and pictures on them, they would make ritual ceremonies before going to the battlefield, would make sacrifices. Children even though the Ugandan government's forces use the magic against them, so some of them understood battles more like a war against spirits than the real fighting with weapons. Holy Spirit has been protecting them if they were respecting him through Joseph Kony, and they would be killed otherwise.

The LRA was teaching children that some activities represent a sin, like riding bicycles. For that reason, it would not be a sin to kill the person who disobeys this ban, not only members of the LRA but civilians living in their area as well.¹⁵⁰

Ideology and spiritualism helped Kony to establish a radical movement, violent behavior and loyal members of the group. Even if he was not present in all groups performing at the field, his commanders respected the base of the ideology and his authority, even though they have the autonomy in preparing rituals and operations.

Patterns of operations were almost universal over the years. Guerilla tactics were combined with terrorist attacks, especially toward civilians. The group of five to twenty rebels would enter the

¹⁵⁰ Ibid, pp. 20.

village or school, stealing everything useful, killing or torturing adults, and abducting children and girls. He even has had some area completely controlled by him, called Kony's village, like the one in the Sudan where 3000 to 4000 fighters were trained and prepared for operations.¹⁵¹

8.2. Children in the Lord's Resistance Army

The Lord's Resistance Army is well known for its massive abductions of children, boys, and girls. They have been used as fighters, sexual slaves or other supportive roles. Kony himself denied attacks to civilians or use of children as soldiers in rare interviews, explaining that civilians' casualties are the responsibility of Ugandan forces or United Nations, and civilians in his troops are present there just because they are requesting the protection from him, while children with guns are just holding them for adults.¹⁵²

Children were traumatized by witnessing crimes or being directly involved in them. Those who would try to escape would be killed in the most brutal ways. Some former child soldiers reported cases when they were forced to kill their friends who tried to escape, cut their bodies in small pieces, play with their remains, spread on their blood on their bodies, cook them and eat. These trauma of murders, tortures, and cannibalism were threats and warnings to the other children who consider the escape.

One part of the children is executed immediately after the attack to the village, or after realizing that they are not strong enough to follow the group. The rest would be indoctrinated and trained for combat. Young children serve as porters or messengers, older as murders. They are forced to kill adults, other children or even their siblings or members of the family. Others die in the battlefield. Many civilians, including children, had their lips, nose, and ears cut off by the LRA members. Children are often drugged during their military training, and become drug-addicted with the time.

The Lord's Resistance Army uses sexual violence as a tool of war as well. Girls represent the special group of the LRA's victims. They are vulnerable as boys. Additionally, they have been

¹⁵¹ *Ibid*, pp. 36.

¹⁵² *Ibid*, pp. 61.

attacked because of gender as well. Unlike the other armed groups in the world, where it is possible to find cases of sexual violence against young boys as well, in LRA this type of violence is oriented toward girls at maximum. They are used as combatants, or responsible to perform domestic work. However, when they reach puberty, abducted girls are almost universally sexually abused.¹⁵³ This armed group commits violence toward girls during the captivity. However, many girls were raped by members of LRA during their attacks on civilians, without being abducted. Especially in the Northern Uganda, where war has been lasting for years, many girls lost families and remained unprotected from the assaults.

Inside LRA, girls are victims of rape. Often, systematic mass rapes have been committed toward one or several girls on the same day. A lot of girls were victims of constant rape, during the months of captivity. Some of them have been given to one officer as a “wife”. These officers are usually much older than girls. In the case of his presence, other soldiers have been raping that girl.

Girls have been used for reproductive labor as well. Many girls become pregnant as a consequence of sexual violence. They give birth to babies who then stay in the camp, learning how to fight when they are older. Some of these children grow up in custody. Joseph Kony is the father of a lot of children who were born in his force.¹⁵⁴ He has or used to have at least 50 wives and more than 100 children. He even has had some girls who have been waiting for puberty to become his wives, because he refused to “marry” girls who have been already sexually active, because of the fear of HIV/AIDS.¹⁵⁵

Kennedy Amone-P’Olak carried out a study of the consequences of abduction by LRA to girls and published the results in 2005. The sample was 123 formerly abducted young women in three rehabilitation centers in Northern Uganda.¹⁵⁶ These girls have been captured from 6 months to 9 years by LRA and experienced severe stressful events. During the period of the study, 39 girls were child mothers of one or more children, 15 lost their children during captivity and 6 were pregnant.¹⁵⁷ They were physically and sexually abused, suffered from physical or psychological

¹⁵³ Elisabeth Schauer and Thomas Elbert, “The Psychological Impact of Child Soldiering”, op. cit., pp. 342.

¹⁵⁴ Ibid.

¹⁵⁵ Lawrence E. Cline, *The Lord’s Resistance Army*, Praeger, op. cit., pp. 13.

¹⁵⁶ K. Amone-P’Olak, “Psychological impact of war and sexual abuse on adolescent girls in Northern Uganda”, op. cit., pp. 33.

¹⁵⁷ Ibid, pp. 34.

diseases, witnessed crimes, and participated in atrocities. The author of the study invented a War Experiences Checklist (WEC) for this study, which helped to understand the complicity of sufferings these girls have had while in captivity. The WEC included different types of experiences they used to have. After the abduction, girls were passing through initiation periods by beating them and making a sign on them with ochre, oil or even human blood. Younger girls would be given as babysitters to older girls and assistants in domestic work. Girls usually older than 13 years were forcefully married to the soldiers as rewards for loyalty by their commanders.¹⁵⁸ They have been physically abused until they accept their role of the sexual slave. All girls, except pregnant and with babies, were sent to military training and battlefield. They are coerced in killings and torturing of people. Kennedy Amone-P'Olak found out that girls were mistreated and tortured in many horrible methods. Among them were: beating, slapping with machetes, tying them and dragging them on the ground, hard labor, denying them food and water to bathe, scratching them with knives, burning their parts of bodies for minor offenses, etc.¹⁵⁹

The majority of the girls in the rehabilitation centers were malnourished, had dermatological complaints, gynecological problems. They were expressing cognitive problems, fears for the future, psychosocial issues, sleep disturbances, problems to comply with rules. Some girls didn't want to stay for a long in these centers because they were suspicious. Vinck and colleagues made research also in Northern Uganda and found out that 82% of children who were abducted suffered from PTSD symptoms.¹⁶⁰

The reintegration process is important for children after liberation. Some of them are even more afraid of returning to their communities because they might be rejected. In some cases, members of the community may attack them as a way of revenge for the crimes they were coerced to perpetrate. Even their own families may be unsupportive. One of the reintegration programs specific for the Ugandan context is the therapy with dogs. Francis Okello Oloya is the founder of the project.¹⁶¹ He is a victim of war, blinded by a bomb blast. He realized that dogs were coming to him like they could feel his pain and sufferings. With time, he started thinking that spending

¹⁵⁸ Ibid, pp. 37-39.

¹⁵⁹ Ibid, pp. 37-39.

¹⁶⁰ Elisabeth Schauer and Thomas Elbert, "The Psychological Impact of Child Soldiering", op. cit., pp. 324.

¹⁶¹ Halima Athumani, "In Uganda, Dogs Comfort Victims of War", VOA News, 3 January 2018, Available from: <https://www.voanews.com/science-health/uganda-dogs-comfort-victims-war>, (Accessed 31 July 2019).

time with a dog may help victims to recover from the PTSD symptoms as it helped him. Today, many former children abducted by LRA are beneficiaries of his project. This idea is interesting as in Uganda dogs are usually used for haunting, or security reasons, and not as pets. Not only international and local organizations, but victims themselves may come to the idea for rehabilitation, sometimes even more effective.

Many of the members of the LRA are victims and perpetrators at the same time. Many have been abducted and brutalized by the LRA commanders. The reintegration of these people into Ugandan communities represents an important factor for the stability of Northern Uganda.

8.3. International community's reactions to the LRA

Three main international actors fighting against the LRA were the United Nations, the African Union and the United States.

The United Nations have had troops dedicated to the achievement of the piece in the Democratic Republic of Congo (MONUSCO) and Sudan (UNMIS).¹⁶² These troops didn't have as a priority fight against the LRA, but stabilization of these countries. However, their activities included the struggle against the LRA as well, as they have been operating in these regions and killing civilians. UN troops cooperate with government forces, as they are usually not numerous enough for the fight against the LRA. In 2011, the UN Secretary-General set up the UN Regional Office for Central Africa (UNOCA) in Gabon, with the mandate to take care of the regional security. Additionally, its special mission is oriented to the LRA in all countries in the region.

The African Union has become involved in counter – LRA operations in 2010, when neighboring countries (Uganda, South Sudan, CAR, DRC) agreed to fight together against the LRA.¹⁶³ This decision was followed with several written documents, including the creation of joint border patrols or even regional forces to fight against the LRA. In the meantime, joint operations were performed with the UN.

¹⁶² Lawrence E. Cline, *The Lord's Resistance Army*, Praeger, op. cit., pp. 126-138.

¹⁶³ Ibid.

United States marked the LRA as a terrorist group and a threat to global security after the events in 2001.¹⁶⁴ Additionally, Uganda has been seen as a potential ally in the region, so the US started giving donations and humanitarian aid to the areas affected by the LRA's crimes. After the pressure of the Invisible Children and other non – governmental organizations that were lobbying for the raise of the awareness on this problem and US's reactions, the US adopted the strategy to help the counter – LRA activities. In 2011, the US sent 100 special operational troops in the region affected by the LRA, who was cooperating with local forces more like advisers than in the direct activities.¹⁶⁵ US troops left the region in 2017 arguing that he is no longer a big threat with the decreased number of followers.¹⁶⁶

Activities of the LRA have not been so much known to the public of the rest of the world before 2012 when Kony 2012 campaign started. Kony 2012 is a 29-minute video about the trouble of children in Africa.¹⁶⁷ The campaign was led by non – profit organization, Invisible Children. The founders, Bobby Bailey, Laren Poole, and Jason Russell claimed to be motivated to leave the world better to the future generations by making a personal effort. Their activities were oriented to a video about the situation in Uganda. They were convinced that the only way to stop war crimes in Uganda is to arrest the LRA's leader. So, they started a campaign against Joseph Kony by selling t-shirts and other products to make Kony famous. The idea is that he has been committing so many crimes because the world does not know anything about him. If people knew about his atrocities, they would empathies and put him to custody. Invisible Children has used social media as a way to share the idea and wake up awareness about the war in Uganda. People have clicked and shared video, which has been viewed recordable. Once released, it has been watched over 100 million times on YouTube in only six days. Almost 4 million people pawned for the arrest of Joseph Kony.¹⁶⁸ Even celebrities such as Rihanna and Bill Gates have been tweeted about it. The Kony

¹⁶⁴ Ibid.

¹⁶⁵ Ibid, pp. 135-137.

¹⁶⁶ "Joseph Kony - child kidnapper, warlord, 'prophet'", BBC, 27 July 2018, Available from: <https://www.bbc.com/news/world-africa-17299084>, (Accessed 30 August 2019).

¹⁶⁷ For more information, visit the Invisible Children's official site: <https://invisiblechildren.com/kony-2012/> .

¹⁶⁸ Ibid.

2012 became the most viral video of all time by the technology website Mashable.¹⁶⁹ Several millions of people now have some knowledge about the Northern Uganda issue.

However, this action inspired by philanthropy has been criticized for its Hollywood-style. The author's opinion was that professional, documentary film does not attract people. For that reason, they decided to make an extraordinary material about Uganda's issue. Additionally, they have used modern strategies such as social media to share the idea. Kony 2012 has been successful. The USA was under the pressure from their citizens, and finally, a few years later decided to send a military troop in Uganda as support for the Ugandan government. Also, people from the West had heard about a child – soldiers, sex slaves and dead people in the African continent. Still, there were a lot of critics about Invisible Children's work. It is a charitable organization from the United States. They have made videos on the internet and have organized presentations in American high schools and colleges. At the same time, they have been collecting donations for their cause. Also, they have been selling diverse products. Some of the critics are that they are more oriented to consumers than to the Ugandan people. Some critics' opinion is that they are not non – profit organizations as long as they use the collected money for their outgoings more than for victims themselves. Some people doubt about their funding. Only 32% of the organization's resources went to direct services.¹⁷⁰ The rest of the money is dedicated to staff needs, such as salaries, travel, and transport. Of course, some part is going to film production. Others think that it is the wrong method to target American leaders instead of African ones. The next side of the critics is about the fact that Invisible Children fail to accuse the Ugandan government of the crimes they have committed. Additionally, the issue is also that Joseph Kony has not been in Uganda since 2006, so the demands to leave US troops there were not based enough on the facts from the field.

For Visible children, the group which criticizes Invisible children, NGOs are now doing their job by providing support to victims.¹⁷¹ From that perspective, money spent on the Northern Uganda conflict should be reoriented to millions of people affected by war, instead of focusing on the hunt

¹⁶⁹ Sam Sanders, "The 'Kony 2012' Effect: Recovering From A Viral Sensation", NPR, 14 June 2014, Available from: <http://www.npr.org/2014/06/14/321853244/the-kony-2012-effect-recovering-from-a-viral-sensation>. (Accessed 24 August 2019).

¹⁷⁰ Katie Baker, "Think Twice Before Donating to Kony 2012, the Charitable Meme du Jour", JEZEBEL, 03 July 2012, Available from: <https://jezebel.com/5891269/think-twice-before-donating-to-kony-2012-the-meme-du-jour>, (Accessed 25 August 2019).

¹⁷¹ For more information, visit the Visible Children's official site: <https://visiblechild.wordpress.com/>.

for the rest of the group. However, an amount of dollars has been already spent without any success when it comes to bringing Kony in front of the face of justice. It is also true that campaigns like this one can make more stigmatizations about Africa all the same and not ready to solve her problems. Also, the historical context of colonialism and events that occurred before and later in Uganda, should be provided. The Kony 2012 has been accused by Nigerian – American novelist Teju Cole for "White Savior Industrial Complex".¹⁷² Lars Waldorf sees it as a form of modern humanitarianism. This one consists of commodity activism, human rights militancy, and clicktivism.¹⁷³ The author`s main critics are the fact that Invisible Children defend human rights by calling to arresting, military intervention where Kony is targeted as a legitimate target for the US. Once again, international justice has been put in the same box with army intervention.

Nonetheless, followers on social media can share video campaigns and raise awareness about the LRA`s crimes. Still, raising awareness does not necessarily help people in affected areas. Those who donate cannot be sure whether the money has been spent in the proper, if not in the best way. Furthermore, people by clicking and sharing videos can feel empowered by thinking they are doing something good. But charity and humanitarian actions do not consist of passive sitting in front of the computer. Despite of all critics, we can remark that even self – informing and sharing information may be useful. The problem is sometimes in the choice of neutral, objective and truthful source.

After Kony 2012, Invisible children soon released another video. As a response to critics, this video was more focused on people than to Joseph Kony. Their success was the increased attention of the audience for Uganda. Also, they achieved their goal to send American troops to that country. It is controversial whether that was the best choice. The Ugandan government is corrupted too, and foreign militancy is not always the perfect solution. President Yoweri Museveni has been fighting against LRA often by saying he takes care of Acholi people, but actually, he has been destroying their population.¹⁷⁴

¹⁷² Teju Cole, "The White-Savior Industrial Complex", The Atlantic, 21 March 2012, Available from: <https://www.theatlantic.com/international/archive/2012/03/the-white-savior-industrial-complex/254843/>, (Accessed 01 August 2019).

¹⁷³ Lars Teilhet Waldorf, "White Noise: Hearing the Disaster", Journal of Human Rights Practice, Vol. 4, No. 3, 2012, pp. 469-474.

¹⁷⁴ Ann Garrison, "Uganda: A brilliant genocide", Pambazuka news, 22 September 2016, Available from: <https://www.pambazuka.org/human-security/uganda-brilliant-genocide>, (Accessed at 28 August 2019).

After the video Kony 2012, the exhibition *In Kony's Shadow* occurred in London in 2014.¹⁷⁵ Photographer Will Storr had made disturbed photographs of victims, showing their wounds or missing parts of the body. The idea was to present the individual effects of the guerrilla group's atrocities. Along with photos, the audience could read short stories about victims or even their testimonies. The goal was to present the current consequences of a horrible war. Maybe Kony is not a threat, but injuries have never been cured. This exhibition has also shown the psychological effects on the former child – soldiers. Those who have escaped from LRA will be for a very long time traumatized.

The newspaper which has been covering the conflict for many years, and nowadays too is the UK's *Guardian*. *The Guardian* uses people-oriented journalism to present everyday life in Northern Uganda. Kony is illustrated as the main evil who needs to be arrested. The majority of stories are about surviving, who are presenting their experiences with LRA. Articles are about different people, abducted by rebels. One doctor tells his story about being kidnapped from his work and being forced to be Kony's doctor.¹⁷⁶ He had that chance to become closer with Kony, who had started to believe in his loyalty. After years of military life, the mentioned doctor succeeded to escape. The author of the text focuses on the fact that the life of that man became unbearable. Isolation of his family caused severe psychological traumas, loss of some family members, and a new image of former LRA fighter in front of his friends. The goal of his life became the mission to catch Kony and make him pay for all sufferings. The newspaper's message is clear: the only way to satisfy justice is to bring Kony in front of it. The other important article in this media is about one of Kony's sixty wives.¹⁷⁷ Evelyn Amony was abducted in 1994, as a twelve years old girl. She was trained as a child soldier. Two years later, Kony raped her and forced on marriage. Consequently, she became the mother of his three children and spent eleven years with brutal LRA's leader. The article finishes with her sentence of being happy because of hope

¹⁷⁵ Daisy Wyatt, "In Kony's shadow: Shocking photographs reveal brutality of Lord's Resistance Army", *The Independent*, 6 March 2014, Available from: <http://www.independent.co.uk/arts-entertainment/art/news/in-konys-shadow-shocking-photographs-reveal-brutality-of-lords-resistance-army-9171514.html>, (Accessed 01 August 2019).

¹⁷⁶ Inna Lazareva, "Kidnapped to be doctor to a warlord: the man now on a mission to catch Kony", *The Guardian*, 30 May 2017, Available from: <https://www.theguardian.com/global-development/2017/may/30/kidnapped-to-be-doctor-to-warlord-man-on-a-mission-catch-joseph-kony-kotto-kpenze>, (Accessed 23 August 2019).

¹⁷⁷ Evelyn Amony, "My husband the warlord: an extract from the memoir of Joseph Kony's wife", *The Guardian*, 22 Decembre 2015, Available from: <https://www.theguardian.com/world/2015/dec/22/joseph-kony-lra-book-evelyn-amony-memoir-extract>, (Accessed at 25 August 2019).

that her "husband" will let her and children return home. This is the way *The Guardian* is reporting about Uganda. Peace journalism make the audience to meet by a person some victims. These stories provoke empathy and solidarity, along with the anger and wish to punish Kony. Unfortunately, he was not the only problem in Uganda. Even the government has committed a lot of crimes. Their atrocities are often the same as the Lord Assistance Army`s. Still, this side of the story has not been revealed. The support of world big powers, such as the USA, has been delivered through the alliance with Uganda`s corrupted government. For that reason, victims of the other "bad guys" are invisible for media and justice.

Today, Uganda`s case is not anymore on the cover pages of Western newspapers. American troops have been withdrawn because they no longer consider LRA as a threat. Joseph Kony has not been arrested after several years of the hunt. Somehow, the ICC`s world's most wanted war criminal has escaped from justice. Basic human needs have been hurt, victims are not satisfied and the former soldiers do not have enough programs which should help them to reintegrate into society. Some experts even doubt in the fact that the number of LRA`s soldiers have been decreased several times, to be sufficient to believe that they are no longer dangerous. Knowing that no one is going after him, Joseph Kony has time to reorganize his group. The only thing Kony`s rebels know to do is fighting. They have the opportunity to reunite with other militant groups and to continue abducting more people in the name of the future attacks. Even if the LRA disappears shortly, the risk of a similar group`s creation remains. Some new leaders could learn from Kony`s thirty years long history that the existence of such a group in Africa can forever prevail protected from punishment or justice. Also, post-conflict society such as Ugandan is an excellent base for a new militant band. Boko Haram is, for example, imitating LRA`s tactics for girls` abduction, rapes, and slavery. Kony 2012 and other activities of Invisible Children woke up awareness about the Northern Uganda crisis. Still controversial, these actions produced empathy toward central African sufferings. Before underestimating it, it should be taken into consideration that even small paths and individual efforts might contribute.

8.4. Prosecution of the LRA`s members

The determination of justice is always under the question. Some people desire retributive justice, the others prefer restorative one. The events and circumstances can decide what is the best form of justice in societies affected by wars, especially in the post-conflict periods. Nevertheless, restorative justice does not present the main choice. Her alternative is more attractive to the majority of societies. Uganda is one of them.

The problem is in the fact that many soldiers had become combatants in childhood or when they were teenagers. Abductions have become a normal part of Uganda's life. Current soldiers are the victims themselves too. Yes, they have committed a lot of crimes. However, it is a big dilemma on how to judge for evil if they were separated from their families and trained to hurt civilians from an early age. Some of them need to be reintegrated into society. The problem is in their past. They do not know to do anything else but to fight. Their environment experiences them as a threat. In some cases, families are even aware of atrocities their little child had been forced to make. In some other cases, these children do not have families. In some more extreme cases, LRA had forced them to torture or/and kill their relatives before being kidnapped. So justice is in the grey area. It is very hard to distinguish victims from persecutors in such a complicated conflict. Even victims could be at the same time guilty for some huge crimes.

The international criminal court in Hague focuses on alleged war crimes and crimes against humanity committed in the context of a conflict between the Lord's Resistance Army (LRA) and the national authorities in Uganda since 1 July 2002 (when the Rome Statute entered into force).¹⁷⁸ The most wanted person, Joseph Kony, has evaded confrontation with the court. In spite of the several years' long search, Ugandan military and US support have not succeeded in their mission to stop his activities in the region.

Nevertheless, the Court has started the trial against Dominic Ongwen, one of the key commanders in the Lord Resistance Army. He was arrested in January 2015, and the international criminal court revealed seventy counts of war crimes and crimes against humanity, including ten hidden from the public because of security reasons.¹⁷⁹ One of the charges is against the use of children under the

¹⁷⁸ "International Criminal Court – Situation in Uganda", International Criminal Court, 2004, Available from: <https://www.icc-cpi.int/uganda>, (Accessed 30 July 2019).

¹⁷⁹ "Lord's Resistance Army commander faces 70 war crimes charges", The Guardian, 21 January 2016, Available from : <https://www.theguardian.com/world/2016/jan/21/dominic-ongwen-the-hague-lords-resistance-army-war-crimes-uganda>, (Accessed 31 August 2019).

age of 15 to participate actively in hostilities.¹⁸⁰ The charges against him include murder or attempted murder, excruciation, rape, sexual slavery, a compulsion of children younger than fifteen years old into an armed group. For the first time in the history of the court, the former Ugandan rebel has been accused of forced pregnancy and forced marriage.¹⁸¹ Media have followed this event with a huge concentration. After Kony 2012 campaign and public-oriented via a strategy that will lock down Kony, this trial process was very interesting for the public. The international community started with the punishment of senior commanders of such brutal group as LRA. The opening day was concentrated on deterrent pictures of victims and testimonies even about cannibalism. The consequences of LRA`s activities were huge, and prosecutors wanted to ensure judges that Ongwen needs to be behind the bars. The audience has been shocked by atrocities committed by this man, and the majority of media have respected the Galtung`s rule of negativity.¹⁸² Of course, this story is attractive for journalism, but it is disputable whether it is necessary to show to the audience the most severe consequences of these crimes via photos. It is the question of the goal likewise. Whether journalists want to pay the audience`s attention to justice, or only to trigger off the disquietude among public opinion, and to increase the number of the sold printing. Victims are those who are the most important, and their sufferings need to find justice. It was obvious in reporting of this trial, with so many stories of victims` experiences.

Furthermore, the coverage became more complicated when people realized that this story has two sides. At the same time, Dominic Ongwen has dual status, as both victim and perpetrator. The revelation of the fact that Ongwen was abducted as a child and trained for being a child – soldier has disturbed the public opinion. With time, he was transformed into a brutal killer and the right hand of Joseph Kony. Atrocities committed by him are intimidating. He was accused of severe attacks on civilians. However, he was the victim too. The court judges a person who was forced to become monstrous. If he hadn`t been kidnapped at the age of fourteen by the LRA as he was

¹⁸⁰ “The Prosecutor v. Dominic Ongwen, Ongwen trial opens at International Criminal Court”, International Criminal Court, December 2016, Available from: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1262> , (Accessed 09 July 2019).

¹⁸¹ Jason Burke and Alon Mwesigwa, “Central Africa fears return of LRA after hunt for Joseph Kony ends”, The Guardian, 01 May 2017, Available from: <https://www.theguardian.com/world/2017/may/01/central-africa-fears-return-of-lra-lords-resistance-army-after-hunt-for-joseph-kony-ends> , (Accessed 24 August 2019).

¹⁸² Jake Lynch. “Peace Journalism” in: Stuart Allan (ed.), *Routledge Companion to News and Journalism Studies*, Oxford: Routledge, 2010, pp. 542-554.

walking to school and forced to kill or/and torture human beings in early childhood, he would probably never become what he is now. Still and all, he was only a child when he was separated from normal life. Living in the camp with rebels, moving through the different territories while attacking and destroying villages, has resulted in this way. A normal childhood was not known to him. He was the victim of Uganda`s conflict and LRA`s rebels. At the same time, he was guilty of terrible actions. Dominic Ongwen was transformed from child – soldier to one of the most wanted war criminals. Is he a victim of Northern Uganda`s war? Yes. Is he a perpetrator of the crimes? Yes. Justice is in this case so blurry, despite Ongwen`s bloody hands. This is a reality of Uganda`s conflict. War has taken away innocence and childhood by forcing peaceful men to commit terrible barbarities. The trial began in 2016 and is still going on.¹⁸³ In April 2018, ICC prosecutors completed their case against Ongwen, and in September the defense started with its case.¹⁸⁴ Other top members of the LRA, Joseph Kony and Vincent Otti, members of the LRA with the highest rank are still not captured and bring to the justice.¹⁸⁵ Vincent Otti is presumed to be dead,¹⁸⁶ and Kony has evaded capture since today.

Uganda`s High Court is also going in a process against alleged former LRA commander Thomas Kwoyelo, who has been imprisoned since the capture in the Democratic Republic of Congo (DRC) in 2009.¹⁸⁷ In August 2018, the International Crimes Division (ICD) confirmed 93 charges against him, and the trial started in September. He pled not guilty to all counts against him.

World report 2019 of Human Rights Watch underlined that the LRA continues with their activities in central Africa, with unpretentious media coverage about the crimes.¹⁸⁸

8.5. The LRA`s impact on Uganda today

Northern Uganda`s armed conflict has started as invisible. It had been lasting like that until the Kony 2012 campaign and that period of peace journalism. Of course that Kony campaign has had

¹⁸³ “Ongwen Case: The Prosecutor v. Dominic Ongwen, ICC-02/04-01/15”, International Criminal Court, Available from: <https://www.icc-cpi.int/uganda/ongwen> , (Accessed 30 July 2019).

¹⁸⁴ “World Report 2019: Uganda – Events of 2018”, Human Rights Watch, op. cit.

¹⁸⁵ “International Criminal Court – Situation in Uganda”, International Criminal Court, op. cit.

¹⁸⁶ “World Report 2019: Uganda – Events of 2018”, Human Rights Watch, op. cit.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

many disadvantages and obstacles, but still it increased the sharing of information regarding the suffering of thousands of wounded, abducted or killed people. Today, this story became once again invisible. The consequences of the conflict are still not resolved. Nowadays, Kony is hidden somewhere in the region, safe of the world's wish for justice or revenge. In the last few years, there was no much news about LRA's victims. "Lords" have survived, unlike many civilians. Child – soldiers and child – sex – slaves again became invisible, even if Kony is now present in DRC, CAR, and South Soudan, but not in Northern Uganda. Kidnappings and murders continue to exist in the region.

Today, the biggest challenge has been born in the area of psychosocial factors. People who were kidnapped and forced to kill, need to have access to better treatment. Medical aid should be more available. The biggest problem after the guns taken away is successful reintegration. Existing reintegration projects should be widespread. Ugandan society is not enough prepared for the return of children who have a violent history. The harassment of former child soldiers by community members is a big issue. In some cases, this post-conflict community shows the inability to systematically support the return of child – soldiers. The fear of their potential aggressive manifestations may escalate in the wish to lock down them as criminals. Nevertheless, it should be underlined that once upon a time, these "killers" have been innocent children abducted by cruel guerilla groups. Ugandan society is too weak to protect the rights of war victims, so that neutral international organizations need to find a way to help civilians to live a new everyday life. Stigmatization often creates more dangerous feelings of guilt and deeper depression. One of the ways to help victims in their reintegration process was reception centers. They were set up to provide a safe place for people who managed to escape from the Lord Resistance Army. Their purpose was to support former combatants in their return home.¹⁸⁹ In their study, Bayer, Klasen, and Adam conclude that among former Ugandan and Congolese child – soldiers, posttraumatic stress disorder symptoms have a huge impact on their openness to reconciliation. All the more, former child – combatants are more willing to revenge than to work on reconciliation. The scholars

¹⁸⁹ Mareike Schomerus and Tim Allen, *A hard homecoming: lessons learned from the reception center process in northern Uganda: an independent study*, United States Agency for International Development / United Nations Children's Fund, Washington, 2006.

suggest that the future effects on these study participants, need to be examined after their rehabilitation and reintegration into the community.¹⁹⁰

Uganda is challenging with child – mothers issue as well. Very young girls have been victims of sexual violence and slavery. As a consequence, they are forced to spend their childhood in the role of mother, even outside guerilla groups. Whichever method of reintegration they found, scars of sexual violence will forever remain among their descendants born in the sexual slavery. For that reason, even the next generations won't be able to completely get over the past. The next generation of a child – mothers is an entirely new group of LRA's victims.

Only after the complete defeat of Kony and his LRA, their trial processes and victims' reintegration, the story about the Northern Uganda war can be indeed considered a success. Transitional justice needs to be presented widespread so that the Ugandan population can live in the way they want. Persons abducted by LRA have had some dreams about the time to come. At least they deserve the chance to compensate for the lost time. Ironically, some of them are using skills learned during the guerilla life to survive in their homeland after the return. Different NGOs need to help them to achieve their personal goals. In the first place, to help them survive. Furthermore, they must find their missing loved ones. The International Red Cross has been helping them in this task, but also to survivors to reunite with their families. Many of them are victims of conflict in Uganda, but at the same time, they can even be from South Sudan, where conflict has forced people to move to the refugee settlements in Northern Uganda.¹⁹¹ Northern Uganda war is over formally, while millions of victims are not satisfied with justice.

8.6. The LRA's activities today

¹⁹⁰ Christophe Pierre Bayer, Fiona Klasen, Adam Hubertus, *Association of Trauma and PTSD Symptoms with Openness to Reconciliation and Feelings of Revenge among Former Ugandan and Congolese Child Soldiers*, 2007, JAMA 298 (5), pp. 555-559.

¹⁹¹ International Committee of the Red Cross, "Helping South Sudanese refugees in Uganda find their families", 2017, Available from: <https://www.icrc.org/en/document/uganda-south-sudan-refugees-family-reunite-conflict-help>, (Accessed 20 July 2019).

Northern Uganda has not been in direct armed conflict for several years. Lord Resistance Army is now smaller, but continue to attack people, mainly in the rural areas of the DRC, CAR, and in South Sudan. In 2015, around 348 individuals succeeded to return to their homes in the six months of the same year.¹⁹² In the next year, LRA murdered 21 civilians and abducted 700 people mostly from isolated villages at the borders.¹⁹³ It is not known for sure, but Human Rights Watch estimated in 2017 that there were about 120 remaining members of Lord Resistance Army at that time, in which 80 combatants who carry weapons.¹⁹⁴

NGOs organizations still have a task in this part of the world, together with civil society and politics. It is estimated that Joseph K. has only a few hundred combatants left in this moment. For that reason, he is no longer the concern of USA, who claims that their mission there is terminated. LRA's crimes became forgotten once again in spite of the increased number of violent actions comparing the two previous years.

According to the Crisis Tracker¹⁹⁵, Lord's Resistance Army increased the number of attacks for 25.3% in the previous 365 days compared with the previous period of 365 days.¹⁹⁶ It means that the LRA carried out 83 attacks from the September 2017 until September 2018, and 104 attacks until September 2019. This armed group committed 7 killings and 300 kidnappings in the last 365 days, compared to the 11 killings and 325 abductions in the previous year, which represents a -36.4% decrease in fatalities and a -7.7% decrease in abductions.¹⁹⁷ The majority of abductions happened in March 2019. When it comes to child abductions, the LRA was the most active in March 2019 as well, when 23 children were kidnapped by this group.

¹⁹² Marc Ellison, "Tales from Uganda's female former child soldiers - How do women who were abducted as children, raped and forced to kill, reintegrate into their communities?", Aljazeera, 14 January 2016, Available from: <http://www.aljazeera.com/indepth/features/2015/11/tales-uganda-female-child-soldiers-151130115418168.html>, (Accessed 11 July 2019).

¹⁹³ "Ten Questions about the drawdown of the US Counter LRA-Operation", Human Rights Watch, 19 June 2017, Available from: https://www.hrw.org/news/2017/06/19/ten-questions-about-drawdown-us-counter-lra-operation#_Toc481616241, (Accessed 19 August 2019).

¹⁹⁴ Ibid.

¹⁹⁵ The Crisis Tracker is database created by an international NGO, Invisible Children, with the support of the American People through the United States Agency for International Development (USAID). This database records activities of armed group and other occurrences related to the conflict in the northeastern Democratic Republic of Congo and eastern Central African Republic. Primarily it was invented as an early warning system that links more than 120 communities in the mentioned regions.

¹⁹⁶ The Crisis Tracker - dashboard, Available from: <https://crisistracker.org/>, (Accessed 05 September 2019).

¹⁹⁷ Ibid.

In July 2019, the Crisis Tracker reported the incident in DRC when the girl was abducted by armed members of LRA, while she was helping farm her family.¹⁹⁸ In some cases, victims spend months in detention, serving LRA members in different ways. Families or witnesses usually report incidents to the security forces. Sometimes, they can find perpetrators. There were cases when even members of local security forces were abducted during the attacks on civilians.¹⁹⁹ In some cases, victims got killed soon after the abduction. For example, on April 27th 2019, an armed LRA assailant abducted a girl in DRC. The victim's decomposing human remains were discovered on May 19th.²⁰⁰

The latest four incidents occurred in the second part of August 2019.²⁰¹ One-armed LRA member looted a motorcyclist's belongings in DRC, and one day later, an unidentified armed group attacked 2 men and a woman on bicycles in CAR. They looted them, killed men, and the women escaped. Six days later, 6 men armed with machetes and knives looted herders in DRC, who started to pursue them. One of the herders got killed by an assailant. Three of the attackers were arrested by security forces the following day. The latest incident happened on August 26, when a member of LRA, with a female hostage, killed one man in DRC.

These latest attacks perpetrated by the LRA demonstrate that the group is still sporadically active in the borders of CAR, DRC, and South Sudan. Armed robberies, abductions of adult men, children, and women, wounding, gender-based violence and killings remain the methods used by LRA, only this time not in Uganda, but in its neighborhood. On the following map are presented diverse violent incidents against civil population committed by the LRA or undefined armed persons in the period from September 5th, 2018 until September 05th, 2019.²⁰² Remarkably, the majority of incidents occur in the border area of the three mentioned states.

¹⁹⁸ The Crisis Tracker dashboard, Incident Report: IRN-8703, Available from: <https://crisistracker.org/incidents/364776>, (Accessed 05 September 2019).

¹⁹⁹ The Crisis Tracker dashboard, Incident Report: IRN-8388, Available from: <https://crisistracker.org/incidents/364605>, (Accessed 05 September 2019).

²⁰⁰ The Crisis Tracker dashboard, Incident Report: IRN-8388, Available from: <https://crisistracker.org/incidents/364719>, (Accessed 05 September 2019).

²⁰¹ The Crisis Tracker map, Available from: <https://crisistracker.org/map>, (Accessed 05 September 2019).

²⁰² Ibid.

9. CONCLUSION

The leading objective of the paper was to try to answer the question about the effects of participation in armed conflicts on the children.

Firstly, the study presented through theoretical frameworks the issue of the children involved in the armed conflicts. On the other hand, by analysis of the case study, children in the Lord's Resistance Army, research came to several conclusions.

The paper concluded that children associated with armed forces and armed groups are a particularly vulnerable group. Although rebel groups abduct the majority of youth under the age of 18, children have been abducted by both, armed groups, and armed forces as well.

The paper presented categories of people that are under the biggest risk to become child soldiers and different methods of their recruitment. The child recruits are usually identified as young, poor, rural, uneducated. To show the brutality of these groups towards the most fragile persons in the armed conflicts, research was focused on the specific incidents that occur in an everyday life in those camps. Additionally, paper concentrated on the children in detention and sexual abuse towards children. Later, different ways of the liberation of children, and the challenges of the reintegration process were presented.

Concerning the recruitment of children, some authors mentioned two possible outcomes: positive effect and negative effect. Although in some particular cases, traumatic events may build self – defense mechanisms for the future life of a child, the rest of the work proved that in none circumstances, a child should be included in the armed groups. Association with military groups is never in the best interest of a child.

Furthermore, the study concluded that the reintegration process is a necessary step after the liberation of children victims, but has a lot of obstacles and is very difficult to be successfully finished. The study implies that the choice of rehabilitation and reintegration program is relevant. Western methods of psychosocial recovery cannot be used in all contexts. For instance, in Central Africa, traditional rituals and ceremonies help children to deal with the past and return in society

better than the conventional ones. All of this led to the conclusion that reintegration programs adapted to the specific context present good tools for stabilization of post-conflict societies.

Moreover, amnesty offers showed to be of great importance. Fear of the revenge of the affected society, or of being found out by the armed groups again after the liberation, might lead children to change their histories and names, and lose their identities. Nonetheless, it depends on many aspects that vary from conflict to conflict. In the Ugandan case, amnesty laws and reintegration processes were established for that purpose. In contrast, adult high ranked commanders were persecuted by an international mechanism. Legal framework and the international community's involvement are essential in the struggle against the recruitment of children. In the beginning, Geneva conventions and its Optional Protocols were the only guarantee measures for the children in the war. With the time the need for a better protection system increased, and the number of agreements and declarations was invented, as well as the international court. However, more should be done when it comes to the implementation of the mentioned instruments. The fact that the LRA continued to perform its activities was not enough argument for the international community to "continue" the struggle against it. Furthermore, international actors did not predict the possible increase of their operations, which happened last years. The lack of joint reaction of national and international authorities may give the space to the armed groups to reorganize and continue with the children recruitments.

Participation in an armed group is against the best interest of children. Young individuals are not always in a position to realize their best interests, so national and international actors should protect them from that risk. As those who voluntary join armed groups do not perceive any other available option than to fight with adults, circumstances and possibilities for the future need to be developed. By targeting structural problems, child combatants' problem would be decreased.

Children were often forced to commit atrocities, so they usually have dual status as both victims and perpetrators. However, a child should be considered principally as a victim. Children should be prohibited from carrying weapons and living in military bases that represent legitimate military targets. Those children who are already affected by participation in hostilities, need to be supported with rehabilitation programs, reintegrated into the community and where possible, returned to the family.

This study shows severe psychosocial and physical effects on children who participated in armed conflicts. For that reason, the issue of the child soldiers seeks further examination in this field to raise awareness and adapt invented instruments to new conflicts and emergencies.

Implications for Future Research

In a lack of academic studies in this field, further research about the issue of child soldiers would be of a great significance.

The real facts about the numbers of children in the present conflicts, stressful situations they are exposed to and obstacles to prevent recruitment are not very known or investigated in the area. Not many research centers or universities investigate this problem.

Return of former combatants, especially children soldiers, is an important step toward the peace-building processes. The effects of their return to societies are not researched enough. The thesis opened many other questions. How is it possible that economically developed countries recruit persons under the age of 18 and do not help children in the rest of the world whose rights are violated in the same manner? Are present reintegration processes sufficient? Do humanitarian organizations and other international actors make enough effort in order to fight against this global issue?

Additionally, this could be the further implication for experts from the different fields to perform their common research about the combination of approaches needed to help a former child soldier. For instance, psychosocial support requires psychological workers as well. This may make civil society organizations start creating projects with the purpose to help children who participated in the hostilities.

Finally, this study could be a good basis for a future comparative study of children participating in different contexts, like Africa and Latin America. This kind of research would be an interesting topic for future engagement.

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