



THE INTERNATIONAL CRIMINAL COURT AND CHILDREN IN ARMED CONFLICT: PROSECUTING THE CRIME OF ENLISTING AND CONSCRIPTING CHILD SOLDIERS

I would like to give you a message. Please do your best to tell the world what is happening to us, the children. So that other children don't have to pass through this violence.

- A young girl who escaped the LRA in Uganda.¹

Child soldiering is not a new phenomenon; in fact, children have been used in conflict from Sparta to Hitler's Youth. Even the US recruited boys, known as "drummer boys," during the Civil War. Their drum rolls told the army when to eat, sleep and march. Today, approximately 300,000 children are engaged in conflict worldwide.²

The message from the children to the free world is to listen, "So that other children don't have to pass through this violence."³ The international community has responded by adopting the Convention on the Rights of the Child, the Optional Protocol to the 1989 Convention on the Rights of the Child and the 1998 Rome Statute that established the International Criminal Court (ICC). In addition, the UN has monitored the situation of children in armed conflict and it established a Special Representative for Children in Armed Conflict. Since 2006, this position has been held by Ms. Radhika Coomaraswamy, who was appointed by UN Secretary General Kofi Annan and reappointed in February 2007 by Secretary General Ban Ki-Moon.⁴ This position was created in response to the 1996 Landmark UN Report, "Impact of Armed Conflict on Children."⁵ The report is known as the Machel study, named after its author, Graca Machel.

This paper will explain who child soldiers are and why they are recruited. Further, it will explore the progress made by the international community and the US in stopping the recruitment and use of children in armed conflict. In addition, it will describe why protecting children from recruitment is so difficult. Finally, it will explain the difficult process of rehabilitating and reintegrating former child soldiers.

Who Are Child Soldiers and Who Uses Them?

A child soldier is a person under the age of 18 who directly or indirectly participates in armed conflict.⁶ The majority of children recruited are involved in armed political groups including: government backed paramilitary groups, militias, self-defense units and ethnic, religious or clan-based groups.⁷

¹ African child soldiers: Why, how and can they be stopped from being used!, available at <http://www.ssn.flinders.edu.au/global/africa/zevcosti/index.htm>.

² See UNICEF, Child Soldiers, available at http://www.unicef.org/emerg/index_childsoldiers.html.

³ African child soldiers: Why, how and can they be stopped from being used!, available at <http://www.ssn.flinders.edu.au/global/africa/zevcosti/index.htm>.

⁴ See Office of the Special Representative of the Secretary General for Children and Armed Conflict, available at <http://www.un.org/children/conflict/english/machelreports.html>.

⁵ *Id.*

⁶ UNICEF, Child Soldiers, available at http://www.unicef.org/emerg/index_childsoldiers.html.

⁷ Coalition to Stop the Use of Child Soldiers, Some Facts, May 6, 2009, available at <http://www.child-soldiers.org/childsoldiers/some-facts>.





During conflict, children are easily recruited because they are often neglected, abandoned or orphaned.⁸ Children are lured into these groups by social causes, religious freedoms and ideas of national liberation.⁹ However, not all children join willingly; therefore, groups abduct children from schools, marketplaces, homes and hospitals. Once abducted, groups force children to attack men, women and children in order to desensitize them to violence.¹⁰ Children who do not attack on command are executed or beaten; therefore, most children commit unspeakable acts when ordered by commanders. After following these orders, many children believe they will no longer be accepted by their communities. Within the camps, children work as porters, cooks, guards, messengers, spies, fighters, landmine detectors and sex slaves.¹¹

Half of the approximately 300,000 child soldiers worldwide are in the Central African Republic (CAR), Chad, the Democratic Republic of the Congo (DRC), Rwanda, Somalia, Sudan and Uganda.¹² However, this crisis extends far beyond Africa into Asia, the Middle East, Latin America and Europe. Today, 56 governments and armed groups in 14 countries are currently violating international laws prohibiting the recruitment and use of children as soldiers.

On March 26, 2009, UN Secretary-General Ban Ki-Moon reported to the Security Council that Afghanistan, Myanmar, Nepal and the Philippines use child soldiers.¹³ In addition, Burma, Chad and the DRC have consistently violated international laws prohibiting the use of child soldiers. Moreover, groups including the Liberation Tigers of Tamil Ealam (LTTE) in Sri Lanka, the Revolutionary Armed Forces of Colombia (FARC) and The National Liberation Army (ELN) in Colombia and The Lord's Resistance Army (LRA) in Uganda have consistently violated international laws prohibiting the use of child soldiers.¹⁴ However, progress has been made with the recent release of children in Burundi, CAR, Côte d'Ivoire, DRC and Uganda.¹⁵

⁸ *See id.*

⁹ *See* UNICEF, Child Soldiers, available at http://www.unicef.org/emerg/index_childsoldiers.html.

¹⁰ Office of the Special Representative of the Secretary General for Children and Armed Conflict, Child Soldiers, available at <http://www.un.org/children/conflict/english/childsoldiers.html>.

¹¹ Michael Klare, Conflict Topics: Child Soldiers, Program in Peace and World Security Studies (PAWSS), available at <http://pawss.hampshire.edu/topics/childsoldiers/>.

¹² Coalition to Stop the Use of Child Soldiers, Frequently Asked Questions, available at <http://www.child-soldiers.org/child-soldiers/questions-and-answers>.

¹³ United Nations General Assembly, Children in Armed Conflict, March 26, 2009, available at <http://www.un.org/ga/>.

¹⁴ Human Rights Watch, UN: Punish Abuse of Children in War, April 28, 2009, available at <http://www.hrw.org/en/news/2009/04/28/un-punish-abuse-children-war>.

¹⁵ UN News Service, Ban Calls for Greater Efforts to Protect Children in Armed Conflict in Latest Report, April 22, 2009, available at <http://www.un.org/apps/news/printnews.asp?nid=30567>.





Reactions to Child Soldiering

Early on when my brothers and I were captured, the LRA explained to us that all five brothers couldn't serve in the LRA because we would not perform well. So they tied up my two younger brothers and invited us to watch. Then they beat them with sticks until the [two] of them died. They told us it would give us strength to fight; my youngest brother was nine years old.

- Former child soldier from Uganda.¹⁶

The international response to child soldiering includes the adoption of the 1989 Convention on the Rights of the Child. It defines a child as an individual under the age of 18. It establishes that children have the right to support, education and protection during conflict. It requires governments to apply international humanitarian law to protect children from exploitation, violence, torture and other cruel, inhuman or degrading treatment.¹⁷

On May 25, 2000, the UN General Assembly adopted the Optional Protocol on the Rights of the Child Convention. The Optional Protocol strengthens the convention by requiring governments to change the minimum age for military recruitment from 15 to 18. It also requires States to adjust the minimum voluntary enlistment age from 16 to 18. Further, it requires States to provide technical and financial support to stop the recruitment of children. However, it allows a government to accept voluntary recruitment of a 17 year-old if consent is given by a parent or legal guardian.¹⁸

Special Court for Sierra Leone

When they came to my village, they asked my older brother whether he was ready to join the militia. He was just 17 and he said no; they shot him in the head. Then they asked me if I was ready to sign, so what could I do - I didn't want to die.

- Former child soldier from the DRC¹⁹

In 2002, the UN and the Government of Sierra Leone established the Special Court for Sierra Leone which, unlike previous courts, could prosecute individuals for using children in conflict as a violation of international humanitarian law. The Special Court for Sierra Leone reasoned that the Geneva Conventions, the Convention on the Rights of the Child and the Rome Statute codified already existing international humanitarian law; therefore, the use of child soldiers was considered a crime under international humanitarian law and thus within its jurisdiction.²⁰

¹⁶ Coalition to Stop the Use of Child Soldiers, Voices of Young Soldiers, BBC report, available at <http://www.child-soldiers.org/childsoldiers/voices-of-young-soldiers>.

¹⁷ UNICEF, Convention on the Rights of the Child: Protection rights: Keeping safe from harm, available at http://www.unicef.org/crc/files/Protection_list.pdf.

¹⁸ See UNICEF, Child Soldiers, available at http://www.unicef.org/emerg/index_childsoldiers.html.

¹⁹ Coalition to Stop the Use of Child Soldiers, Voices of Young Soldiers, BBC report, available at <http://www.child-soldiers.org/childsoldiers/voices-of-young-soldiers>.





The Special Court for Sierra Leone issued its first indictments in June 2003. These indictments included conscripting, enlisting or using children under the age of 15 in hostilities. In August 2007, the Special Court for Sierra Leone found Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu guilty of war crimes, including the use of children in conflict. All three men were sentenced to 45 years in prison. Currently, the Special Court for Sierra Leone is prosecuting the former Liberian President Charles Ghankay Taylor for using child soldiers, among other crimes.

The International Criminal Court

The 1998 Rome Statute of the International Criminal Court (ICC) includes child soldiering as a war crime. The Statute prohibits national forces or other groups from conscripting or enlisting children under the age of 15 whether or not directly taking part in conflict. The crime of conscripting children under 15 is considered a war crime in either international or non-international conflicts.

The Court, established in 2002, began investigating crimes within its jurisdiction in 2003. The investigations include the DRC, CAR, Uganda and Darfur. The first case to be brought before the Court involves the DRC and the use of children as soldiers. Currently, Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui are in custody and charged with war crimes including conscripting children under the age of 15 to take part in hostilities.

In January 2009, the Court opened the trial of Thomas Lubanga, the alleged commander of the *Forces Patriotique pour la Liberation du Congo* (FPLC). The Court has set September 24, 2009, as the start date for the trial of Germain Katanga and Mathieu Ngudjolo Chui. The Court has a case open against four individuals from Northern Uganda, all of whom face charges of conscripting children under the age of 15. However, all four suspects remain at large.

The ICC and promoting victim participation. In response to the sensitive nature of cases within its jurisdiction, the Court has established safeguards to protect the rights of both defendants and victims. The safeguards include voice and face distortion for witnesses who testify at trial. These safeguards are for the benefit of the witness only. Witnesses in the Lubanga trial have testified in separate rooms with face and voice distortion and were assisted by the Victims and Witness Unit of the Court.

However, the prosecution must disclose the identity of the witnesses it wishes to call at trial in order to allow the defense to prepare an adequate defense. Nevertheless, in limited situations the prosecution is permitted to wait longer before disclosing information to the defense usually to protect the safety of the witness. Former child soldiers are especially vulnerable to intimidation, threats and possible retaliation; therefore, the ICC safeguards are essential to encourage them to testify.

Dr. Elisabeth Schauer, an expert witness in the Lubanga trial, testified to the psychological effects of conflict on children. Dr. Schauer conducted a study of children exposed to the conflict in Northern Uganda, *The Psychological Impact of Child Soldiering*.²¹ Based on her findings, she believes it is important for children to

²¹ Elisabeth Schauer, PhD, *The Psychological Impact of Child Soldiering*, April 7, 2009, pp. 34-38, available at <http://www.icc-cpi.int/iccdocs/doc/doc636752.pdf>.





feel safe when testifying against the accused. She suggests that they testify in separate rooms from the accused or using a sight barrier such as a person or screen. Additionally, she suggests that children be encouraged while testifying with words of praise such as, “thank you, your account is very helpful.”

Even with safeguards in place, Witness 1 recanted his testimony during the first week of the Lubanga trial. Witness 1 did not know he could potentially face prosecution under Congolese law if he incriminated himself while testifying before the Court. Unlike the ICC, Congolese law permits the prosecution of former child soldiers for crimes committed while under the age of 18.²² However, Witness 1 completed testifying after speaking with the prosecution. Most likely, the prosecution explained that in order to be subject to prosecution Witness 1 would need to incriminate himself while testifying. The prosecution has learned from its early mistake to fully inform witnesses. All subsequent prosecution witnesses have successfully testified in the Lubanga case.

Trust Fund for Victims. In September 2002, the ICC established the Trust Fund for Victims (TFV) to further assist victims and families in rebuilding their lives and communities. The TFV’s mission is to support programs which address the harm resulting from crimes under the jurisdiction of the ICC by assisting victims to return to a dignified and contributory life within their communities.²³

The mandate of the TFV is set out in Articles 47 and 79(2) of the Rome Statute and in Rule 98(5) of the Court’s Rules of Evidence and Procedure. The Court, pursuant to Article 79(2), may order money and other property collected through fines or forfeiture to be transferred to the TFV. Under Article 79, Rule 98(5) allows the resources of the TFV to be used for the *benefit* of the victims. Article 47 includes psychological or physical rehabilitation and material support as a benefit.²⁴

At this time, projects are underway in the DRC and Northern Uganda to assist with the psychological support and material support for ex-child soldiers and abducted children.²⁵ The funds for these projects are collected through voluntary contributions by agreements; however, non-governmental donations are accepted so long as the donations benefit victims and are non-discriminatory. Additionally, the TFV provides grants for approved projects provided field assessments are carried out to ensure a project directly addresses the harm caused by conflict and targets the most vulnerable victims of crimes within the jurisdiction of the Court.²⁶

²² Rachel Irwin, With First Witness Ruled Unable to Testify, Prosecution Scrambles, January 29, 2009, available at <http://www.lubangatrial.org/2009/01/29/with-first-witness-ruled-unable-to-testify-prosecution-scrambles/>.

²³ ICC Trust Fund for Victims, available at <http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Victims/Trust+Fund+for+Victims/>.

²⁴ See *id.*

²⁵ ICC Trust Fund for Victims, Current Projects, available at <http://www.iccpi.int/Menus/ICC/Structure+of+the+Court/Victims/Trust+Fund+for+Victims/Current+Projects/>.

²⁶ See ICC Trust Fund for Victims, available at <http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Victims/Trust+Fund+for+Victims/>.





US Responses to Child Soldiering

The US must not be a safe haven for those who exploit children as soldiers. The use of children as combatants is one of the most despicable human rights violations in the world today and affects the lives of hundreds of thousands of boys and girls who are used as combatants, porters, human mine detectors and sex slaves. The power to prosecute and punish those who violate the law will send a clear signal that the US will in no way tolerate this abhorrent practice.

- Senator Richard Durbin (D-Ill.)

In 2008, the US House of Representatives and the Senate unanimously adopted the Child Soldiers Accountability Act, proposed by Senator Richard Durbin of Illinois.²⁷ Under the Act, US courts may prosecute individuals for the recruitment or use of children under the age of 15 regardless of whether the offense took place in whole or in part in the US or if the perpetrator is a national of the US.

The US has signed the Convention on the Rights of the Child but has not ratified it. Nevertheless, it has ratified the Optional Protocol to the convention, thus committing itself not to use child soldiers. In the US, federal law maintains the age for enlistment in the United States Military as 18; however, a child may enlist at 17 with parental consent.²⁸ A 17 year-old recruit is not permitted to engage in combat. Further, Canada, Latin America and most of Europe permit the recruitment of children under 18 with parental or legal guardian consent. The Optional Protocol permits recruitment of children under the age of 18 if consent is freely given by the child and a parent or legal guardian.

Difficulties in Protecting Children in Armed Conflict

I was told to train. I would run.... They trained me to take guns apart and put them back together again for four months.... They put someone in front of me to kill. I killed.

- A 14 year-old ex-child soldier

The nature of conflict has changed with the use of guerrillas and rebel groups, the targeting of civilians and the easy access to lightweight arms, landmines and cluster munitions.²⁹ In fact, civilians make up about 90% of casualties in war. Moreover, half of these civilian casualties are children. Every year 8,000 to 10,000 children are injured from landmines. To date, conflict has left 2.5 million children displaced, orphaned or abandoned. As a result of greater access to small arms, cluster munitions and landmines, attacks at schools, hospitals, market places and villages throughout Africa and beyond have become increasingly common and violent.³⁰

²⁷ Public Law 110-340, signed into law October 3, 2008.

²⁸ 10 U.S.C. § 505; Rod Powers, United States Military Enlistment Standards: Do You Qualify to Enlist in the United States Military?, About.com, available at <http://usmilitary.about.com/od/joiningthemilitary/a/enlstandards.htm>.

²⁹ Office of the Special Representative of the Secretary General for Children in Armed Conflict, The Changing Nature of Conflict, available at <http://www.un.org/children/conflict/english/the-changing-nature-of-conflict.html>.

³⁰ See *id.*





Today, the word “army” includes militias, guerrillas, terrorist groups and national forces.³¹ These groups are not under the control of governments and, even if backed by the governments, there is limited control. The lack of control, information and accountability make it nearly impossible to know fully which groups are conscripting children into the ranks. Many groups have become emboldened by the inability of national governments to control their actions.

Signs of increasingly disturbing actions by militants, specifically by the Taliban in Pakistan, include the training of approximately 5,000 children between 10 and 17 as suicide bombers in so called “suicide nurseries.”³² Similarly, Al-Qaeda has been training women and children to carry out attacks against US troops since 2005. The most appalling sign of emboldened violence involves Iraqi insurgents who strapped a young girl with explosives and remotely detonated the explosives in May of 2008.³³ In September 2008, a 15 year-old boy blew himself up among pro-government militia members in northern Baghdad. In November, a 13 year-old girl also blew herself up at a checkpoint in Ba’qubah.³⁴

Continued Impunity

The Security Council has said it will consider sanctions against governments and armed groups that refuse to end their use of child soldiers. Instead, it has allowed these crimes against children to continue for years.

- Jo Becker, Human Rights Watch.³⁵

A disturbing trend worldwide is the appointment of suspected war criminals to positions of power within national governments and militaries. For example, military commanders, suspected of using child soldiers, are now government officials in the DRC and Sri Lanka. In addition, General Bosco Ntaganda is wanted by the ICC for enlisting child soldiers and using them in hostilities; however, he remains a member of the Congolese army.

In the DRC, Jean-Pierre Biyoyo, a member of the DRC military, deserted in 2004 and joined the insurrection movement, *Front Social pour le Progrès* (FSP). Between June 2004 and July 2005, Biyoyo committed crimes for which he was expelled from the army and sentenced to death by the Military Tribunal in Bukavu on March 17, 2006 and again on January 12, 2007. However, Biyoyo escaped from prison twice and returned to Bukavu. He declared himself a “lieutenant-colonel” in charge of reintegrating militiamen into the Congolese army. At this time, Biyoyo is a member of the military and remains at large.³⁶

³¹ *Id.*

³² Kids Trained to be Bombers, South Asian Pacific, April 30, 2009, available at http://www.southasianpost.com/portal2/c1ee8c4220c4708e0120f8940af702ca_Kids_trained_to_be_bombers.do.html.

³³ Thalif Deen, Recruiters of Child Soldiers Defy UN Pressure, Inter Press Service News Agency, April 30, 2009, available at <http://www.ipsnews.net/-romt.asp?idnews=46669>.

³⁴ *See id.*

³⁵ Human Rights Watch, UN: Punish Abuse of Children in War, April 28, 2009, available at <http://www.hrw.org/en/news/2009/04/28/un-punish-abuse-children-war>.

³⁶ Avocats Sans Frontières, ASF is concerned by the fact that Jean-Pierre Biyoyo remains at Large, May 2009, available at http://www.asf.be/publications/ASF_RDC_Biyoyo_ENGL.pdf.





In Sri Lanka, Vinayagamoorthy Muralitharan, a former commander of the eastern division of LITTE, formed his own army called the Karuna Group. This group is allied with the government and responsible for the abductions and forcible recruitment of hundreds of children.³⁷ In April 2009, Mr. Muralitharan was appointed the Minister of National Integration and Reconciliation.

The appointment of suspected war criminals to position of power does nothing to end the impunity and only increases the likelihood that the use of child soldiers will continue. However, not all those affected by conflict see the appointment of suspected criminals as impunity. In fact, cultural differences in Africa have shown that international justice is not what all victims want. Instead, victims have said that peace should come before justice.³⁸ To achieve peace without justice could involve giving amnesty to alleged perpetrators. In addition to varied opinions on the effectiveness of the Court, its presence has not shown any documented deterrence in the recruitment of children by groups. Therefore the Court and the international community must address the widespread impunity and reconcile cultural differences before deterrence can be achieved.

Challenges of Reintegration

They cut me and they put the cocaine, and after which they cover that with a plaster.... I valued nothing and my head started turning. That was the time that the commander passed an order that my mother should be shot. So the fellow, a small boy, shot at my mother twice, and my mother started calling my name and she died finally.

- A child soldier from Sierra Leone.³⁹

Dr. Elisabeth Schauer, as part of her expert testimony in the Lubanga case, explained the occurrence of post-traumatic stress disorder (PTSD) among former child soldiers. She highlighted a link between traumatic events and psychiatric disorders. For child soldiers, a traumatic event is a situation where a person witnessed the death or serious injury of others, was the victim of rape, or was forced to participate in violence.⁴⁰

To determine the most common traumatic events experienced by child soldiers, Dr. Schauer's and her associates surveyed 1,114 children and young adults in IDP camps of Northern Uganda during 2007 and 2008. The most common traumatic life events of children forcibly abducted included: being forced to skin, chop, or cook dead bodies; forced to eat human flesh; forced to loot property and burn houses; forced to abduct children; forced to kill; forced to beat, injure, or mutilate someone; causing serious injury to someone; carrying heavy loads; giving birth in captivity; threats of being killed; witnessing mutilations of people; sexual assault, assault with a weapon and physical assaults.⁴¹

³⁷ Human Rights Watch, UN: Punish Abuse of Children in War, April 28, 2009, available at <http://www.hrw.org/en/news/2009/04/28/un-punish-abuse-children-war>.

³⁸ Bill Carson and Tia Goldenberg, First ICC case could make African leaders 'face the music,' Monsters & Critics, January 29, 2007, available at http://www.monstersandcritics.com/news/africa/features/printer_1253098.php.

³⁹ Seeking reparation for torture survivors: Victims, Perpetrators or Heroes?, The Redress Trust, September 2006, available at <http://www.redress.org/publications/childsoldiers.pdf>.

⁴⁰ Expert Testimony of Dr. Elisabeth Schauer, ICC Public Hearing, April 7, 2009, available at <http://www.icc-cpi.int/iccdocs/doc/doc662611.pdf>.

⁴¹ Elisabeth Schauer, PhD, The Psychological Impact of Child Soldiering, April 7, 2009, p. 11, available at





Dr. Schauer explained that repeated exposure to traumatic events can create the “building blocks” for PTSD. Each new traumatic event is another “block” and, as the “blocks” stack up, victims are more likely to suffer from depression later. Even if children are treated, the long term effects may never completely go away. Similarly, former World War II prisoners reported suffering similar symptoms of depression. Even as time passed, these prisoners had fewer occurrences of nightmares, flashbacks, and symptoms; however, they are never completely cured.⁴²

In addition, ex-child soldiers often suffer from drug addiction because African militias use drugs, specifically hallucinogens during combat. After demobilization, former soldiers often continue to use drugs to deal with symptoms of PTSD.⁴³ This adds drug abuse as another factor in rehabilitation in addition to domestic violence, alcoholism and lower productivity – all common among former child soldiers.

Further, women and girls face serious health risks from multiple rapes, difficult pregnancies and forced abortions. While in captivity, pregnant women suffer from aggression, anxiety and depression which disrupt the regulation of hormonal activity. The disruption of normal hormonal activity often affects the development of the fetus.

Moreover, after demobilization women are often rejected by their families and communities. For example, many cultures do not permit women to remarry once they are rescued from fighting. The shame of bearing children out of wedlock is not only a shame for the child and mothers but also for the community. Many former “wives” are forced to make a choice between their children and their communities if they wish to be welcomed “home.”⁴⁴

These women are far more likely to end up in abusive relationships or working as prostitutes because they are viewed as “undesirable” and potentially infected with HIV/AIDS or other sexually transmitted diseases.⁴⁵ A 14 year-old girl named Anna, was abducted in the DRC at age 12 and was forced to be a “bride” to soldiers and cook, clean, and fight. Since UNICEF rescued her, she has lived with her grandmother and works as a prostitute to support herself and her family.⁴⁶

I joined SPLA when I was 13. I am from Bahr Al Bhazal. They demobilized me in 2001 and took me to Rumbek, but I was given no demobilization documents. Now, I am stuck here because my family was killed in a government attack and because the SPLA will re-recruit me. At times I wonder why I am not going back to SPLA, half of my friends have and they seem to be better off than me.

- A boy from Southern Sudan.

<http://www.icc-cpi.int/iccdocs/doc/doc636752.pdf>.

⁴² *Id.* at p.16.

⁴³ *Id.* at p.18.

⁴⁴ *Id.* at pp. 27-30.

⁴⁵ *Id.* pp.6, 27-29.

⁴⁶ The Problem of Reintegrating Child Soldiers, AllAfrica.com, April 12, 2005), available at <http://www.cyc-net.org/features/ft-soldiers.html>.





As of March 2008, UNICEF has returned 1,500 children to their families. However, not all families will accept the children because of their violent behavior. Some parents have turned to “medicating” children to control their behaviors. Sadly, some children do not want to return to their families. In the Congo, one child upon being demobilized said, “[w]hat will I do without my family? The army is my family.”⁴⁷ Groups like UNICEF have sprung up around the world to help children reintegrate into communities. One such group, the *Children of War Center*, opened in 1995, and has assisted child soldiers who fought with the LRA. This center has helped rehabilitate 15,000 children since it opened its doors.⁴⁸

Conclusion

The child soldiers gave a message to the world and we must listen, “[s]o that other children don't have to pass through this violence”- a young girl who escaped the LRA in Uganda.⁴⁹ In response to this message, the international community has established international norms, tribunals and the ICC to stop the use of child soldiers in conflict. Major achievements of the international community include the current prosecutions of Thomas Lubanga by the ICC and of former Liberian President Charles Taylor by the Special Court for Sierra Leone.

However, the international community must continue to punish those responsible for recruiting, enlisting and forcibly abducting children to participate in hostilities. Further, governments must be pressured to end the practice of rewarding suspected criminals with government positions. Governments that fail to comply with ending the use of child soldiers must face serious consequences from the international community.

Finally, the international community must provide adequate rehabilitation to child soldiers so that they may be successfully reintegrated into their families and communities. Reintegration programs for ex-child soldiers cannot be limited to vocational training; instead, these programs must include psychological and emotional counseling. In order to prevent re-recruitment children must be given the tools to succeed not only financially but also emotionally in order to end the cycle of violence.

*Researched and drafted by Lucia DiCicco
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⁴⁷ *See id.*

⁴⁸ Craig Kielburger and Marc Lielburger, Former child soldiers face psychological battle, May 4, 2009, available at <http://www.thestar.com/printArticle/627688>.

⁴⁹ African child soldiers: Why, how and can they be stopped from being used!, available at <http://www.ssn.flindders.edu.au/global/africa/zevcosti/index.htm>.

