Child Terrorist, Child Soldier: Challenging Assumptions

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‘Mankind owes to the child the best it has to give’

THE UN DECLARATION ON THE RIGHTS OF THE CHILD, 1959
Outline

• What Are Child Soldiers?
• Why Are Children Used?
• Unpacking the Stereotype
• Child Soldiers as Complex Victim-Perpetrators
• Reintegration – A Legal Obligation
• No One Size Fits All Response to Returnees
Child Soldiering: Extent and Distribution

- Not a recent phenomenon

- The number most often provided for the extent of child soldiers is 300,000 with up to 40% girls

- Almost every major conflict and every region of the world has witnessed the use of children
The Enduring Character of Child Soldiering

‘there is no more complete end-to-end weapon system in the inventory of war machines than the child soldier’

Lt Gen (ret) Romeo Dallaire
Why Are Children Used?

- Basic capacity
- Strategic Value – economical and versatile
- Tactical Advantage

- Girls ideal as they offer even more – sexual servitude, bush wives, food preparation, producing the next generation of soldiers
Caliphate Cubs of ISIS
Unpacking the Stereotype

- Race
- Gender
- Age
- Method of Recruitment
- Role in the Armed Group
- Faultless Victim or Terrorist Threat?
Child Soldiers and IHL

- Additional Protocol II Art 4(3)

(c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities
Convention on the Rights of the Child (CROC)

- ‘Child’ under CROC defined as anyone under 18
- Art 38 echoes IHL
- Art 38 the only provision that does not apply to all children under 18 years
Child Soldiers and IHRL

- **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**
  - Entered into force 2002
  - Largely a result of the *Machel Report* in 1996
  - Straight-18 Approach campaigned for during negotiations
  - Currently 167 state parties (another 12 signatories)
Child Soldiers and The Optional Protocol

- Art 1: State Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

- Art 2: State Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

- Art 4: Armed groups that are distinct from the armed forces of a State, should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
The ‘Politics of Age’

- Reality that most children associated with armed conflict fit into the grey area of 15-18
- The construction of age limits generally vs the subjectivity of cognitive development
- Cultural relativism and age
- Young adults and armed conflict
The Making of Child Soldiers

Three ways in which children become associated with armed forces or groups:

- They are abducted or conscripted through coercion or serious threats
- They come forward either during recruitment drives or of their own initiative, and then enlisted by commanders
- They are born into forces or groups
Why would children choose to join?

- There can be very blurry lines between ‘forced’ and ‘voluntary’ recruitment
- According the UN Special Representative ‘there can be no voluntary enlistment… it is a desperate attempt to survive’
- Many situational pressures and environmental factors influence decisions
- Armed forces can provide opportunities they could not otherwise have attained
‘Those with guns could survive’

*Director, Liberian Red Cross*

“I felt powerful when I had a gun. As long as you are holding a gun, you have power over those who don’t. It gave me more status and power”.

*Former Child Soldier, Sierra Leone*
'I was inspired by their message of making a better society here, especially for women, and by the adventure too...Other girls were confined to their homes and I thought if I go then the others will follow.'

Mira Rai (not pictured), former girl soldier of the Maoist insurgency, Nepal (now star athlete racing in 50-100 km races over mountains)
• “A child associated with an armed force or armed group” refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, 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.
External Factors that Influence Child Soldiering

• Nature of Modern Conflict
• Proliferation of small arms
• HIV and other pandemics
• Social Inequalities
• Conflicts creating orphans and migration flows
• Successes enjoyed using child soldiers
I liked it in the army because we could do anything we liked to do. When some civilian had something I liked, I just took it without him doing anything to me. We used to rape women. Anything I wanted to do [I did]. I was free.

Former Child Soldier from Sierra Leone
The Victim-Perpetrator and the ICC

• The conflicting narratives often apparent - faultless victim, or heinous criminal

• Issues of agency – protection vs participation

• Importance of understanding the child as an individual with a unique experience
Children, Armed Groups and Detention

- States are increasingly arresting and detaining children associated with armed groups
- Much of this is done in the name of ‘national security’ and ‘counter-terrorism’
- Some are detained on very little evidence, or for being the family member of a suspected or convicted terrorist
- Many are subjected to interrogations and even torture
- Some are held without charge, without access to legal representation, and are being held indefinitely
Rehabilitation a Legal Obligation

• **Optional Protocol – Art 6 (3):**
• States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.
One Size Does Not Fit All

• Understanding the demographics
  • Moving beyond the stereotype

• Understanding their time in the armed group
  • Resilience
  • Skills Learnt
  • Trauma
  • Indoctrination, Radicalisation
Questions?