

Prohibition of Child Recruitment as Soldiers: An International Regulatory Discourse

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ABSTRACT

Children are frequently turned into child soldiers or used as human shields in armed conflicts. The use of child soldiers is condemned by all nations and is regarded as a grave breach of both children's rights and international humanitarian law. The Research aims to discuss pertinent provisions of international legal norms, particularly those that relate to child soldiers in the sequence of their adoption. Additionally, it presents the issue of the implementation of several international conventions on the issue of using child soldiers and its atrocities in the international community. The Research's used doctrinal legal research with employing statutory and conceptual approaches as the result, when it comes to addressing the issue of child soldiers, the international legal sources do not present a consistent picture. There has been a various provision in the determination of minimum age of a child that led to major debates among international communities. The situation is further exacerbated by the fact that, while some countries have accepted the convention as binding on themselves, their implementation faces significant challenges, such as the fact that the majority of international treaties lack sanctioning power, limiting their ability to properly accomplish the preventive purpose.

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1. Introduction

Children are an asset to every nation, and in an armed conflict, they are considered war victims who must be safeguarded.¹ There will always be victims from various groups in any armed conflict. Victims of war include both military (combatants) and civilians,

¹ Dyan Mazurana, Anastasia Marshak, and Kinsey Spears, 'Child Marriage in Armed Conflict', *International Review of the Red Cross*, 101.911 (2019), 575-601. <https://doi.org/10.1017/S1816383120000156>

including children. Civilians should not participate in the fighting because they are unarmed and are not participating in the conflict.² These citizens are the ones that need to be protected and given special treatment.

In international humanitarian law, the parties receiving special protection are women, the elderly, children, and medical personnel.³ This is regulated in the 1949 Geneva Convention.⁴ In several armed conflicts, children are actually used as objects in combat or even directly involved in combat, namely by turning them into child soldiers or as human shields. The use of child soldiers has been criticized by all countries in the world and is considered a serious violation of international humanitarian law and a violation of children's rights because children cannot be recruited into the army.⁵ According to Article 77 of Additional Protocol I, it is explained that children must receive the special protection stipulated in the 1949 Geneva Convention, regardless of whether they are prisoners of war or not.

Recruitment of children as soldiers is seen as a form of exploitation of modern slavery by the world community. Those who become child soldiers will not get the right to education, health, and food properly. Instead, they experienced acts of violence while attending military training, and in the end, many of them became depressed and committed suicide.⁶ In addition, longing for the family is also one of the causes of children experiencing depression.

Several studies have been conducted on this issue to highlight an essential element discussed concerning child soldier employability. Hynd investigates how ex-child soldiers describe suffering and employ trauma discourses in their memoirs, with some attempting to process their wartime traumas and others using their own suffering to position themselves as advocates for children who are still involved in violent combat.⁷ Furthermore, in regard to the recruitment tactics of the Islamic State organization (Da'esh) for child soldiers have been examined by Morris and Dunning in their study.⁸ A self-perception-based approach to examining children's agency and association with Da'esh sheds new light on how the organization was able to systematically militarize and recruit children within occupied territory. Da'esh influenced children's sense of agency through social and/or political pressures while also coordinating this sense of agency with the group's goals. In addition, according to studies by Haer et al., rebel organizations that benefit from natural resource exploitation are substantially more

² Rachel Julian and Christine Schweitzer, 'The Origins and Development of Unarmed Civilian Peacekeeping', *Peace Review*, 27.1 (2015), 1–8. <https://doi.org/10.1080/10402659.2015.1000181>

³ E Janet, 'Persons with Disabilities in International Humanitarian Law—Paternalism, Protectionism or Rights?', in *Disability, Human Rights and the Limits of Humanitarianism* (Routledge, 2016), pp. 155–78.

⁴ Boyd van Dijk, 'Human Rights in War: On the Entangled Foundations of the 1949 Geneva Conventions', *American Journal of International Law*, 112.4 (2018), 553–82. <https://doi.org/10.1017/ajil.2018.84>

⁵ Todd Landman, 'Measuring Modern Slavery: Law, Human Rights, and New Forms of Data', *Human Rights Quarterly*, 42.2 (2020), 303–31. <https://doi.org/10.1353/hrq.2020.0019>

⁶ Eleni Coundouriotis, 'The Child Soldier Narrative and the Problem of Arrested Historicization', *Journal of Human Rights*, 9.2 (2010), 191–206. <https://doi.org/10.1080/14754831003761696>

⁷ Stacey Hynd, 'Trauma, Violence, and Memory in African Child Soldier Memoirs', *Culture, Medicine, and Psychiatry*, 45.1 (2021), 74–96. <https://doi.org/10.1007/s11013-020-09668-4>

⁸ James Morris and Tristan Dunning, 'Rearing Cubs of the Caliphate: An Examination of Child Soldier Recruitment by Da'esh', *Terrorism and Political Violence*, 32.7 (2020), 1573–91. <https://doi.org/10.1080/09546553.2018.1495628>

likely to forcibly recruit children than groups that do not. When comparing rebel factions based on specific traits, those that exploit lootable resources are more likely to use child soldiers for forced recruitment than those that exclusively benefit from non-lootable resources or from no natural resources at all.⁹

Although there have been studies discussing the issue, however, the article that focuses on elaborating the regulatory discourses on the recruitment of child soldiers in times of war is very limited. It is therefore to fill the gap, this study contributes to a review of the relevant provisions of international legal regulations especially those related to child soldiers, as well as the most significant reports in the last decade in the chronological order of their adoption. Besides, it also provides a critical analysis of the prevalence of several international conventions on the issue of child soldier recruitment and its violence in the international community.

2. Research Method

The Research used doctrinal legal research, which also called "black letter" methodology, focuses on the letter of the law rather than the law in action. Using this method, the Research composes a descriptive and detailed analysis of legal rules found in primary sources which in this context is international conventions on the issue of child soldier. Furthermore, the Research also used statutory and conceptual approaches in conducting a legal analysis. In addition, the findings and data are analyzed descriptively to describe, show, or summarize data points in a constructive way such that patterns might emerge that fulfill every condition of the data.

3. Result and Discussion

3.1. The Geneva Conventions of 1949 and Additional Protocols I and II

The basic source of law applied in war (*ius in bello*), i.e., humanitarian law, is the four Geneva Conventions dated August 12, 1949. Two additional protocols were attached to these in 1977 and one in 2005. From the point of view of child soldiers, the 1977 protocols contain relevant provisions.¹⁰ The two protocols concluded on June 8, 1977, the first provides for the rules applicable during international armed conflicts, while the second governs non-international armed conflicts, i.e., its scope of application, in a simplified manner, covers civil wars. It does not apply in case of an internal disturbance, even if acts of violence occur sporadically.

According to the principle of distinction, which is one of the basic principles of humanitarian law, the opposing parties are obliged under all circumstances to distinguish "between the civilian population and combatants"¹¹, as well as between

⁹ Roos Haer, Christopher Michael Faulkner, and Beth Elise Whitaker, 'Rebel Funding and Child Soldiers: Exploring the Relationship between Natural Resources and Forcible Recruitment', *European Journal of International Relations*, 26.1 (2020), 236–62. <https://doi.org/10.1177/1354066119850622>

¹⁰ Michael J Matheson, 'The United States Position on the Relation of Customary International Law to the 1977 Protocols Additional to the 1949 Geneva Conventions', in *The Development and Principles of International Humanitarian Law* (Routledge, 2017), pp. 233–45.

¹¹ Yordan Gunawan and others, 'Command Responsibility of Autonomous Weapons under International Humanitarian Law', *Cogent Social Sciences*, 8.1 (2022). <https://doi.org/10.1080/23311886.2022.2139906>

civilian assets and military targets", and may only carry out their combat activities against military targets.¹² Under these provisions, armed children lose their protected status and become legitimate targets. For this reason, in order to avoid conscription, the general protection of civilians is particularly important in the case of children, who need to be especially spared and protected.

Article 77 of Protocol I on the protection of children states the obligation of the parties to support children due to their characteristics – their age or other reasons.¹³ The parties to the conflict are obliged to ensure that children under the age of 15 are not directly involved they must refrain from enlisting in combat operations, especially in their armed forces. Protocol I, therefore, sets the minimum age at 15 years of age, while in the case of children between 15 and 18 years of age, the oldest must always be enlisted first. Protocol II also considers 15 years of age as the minimum age, but it is more strictly prohibited than the former because in a list it specifically prohibits the recruitment of children under the age of 15 into armed forces or groups and their participation in hostilities.

In terms of application, the issue of indirect participation is uncertain in Protocol I, since the protocol does not mention this, whereas Protocol II simply mentions participation.¹⁴ **According** to the provisions of both protocols, if a child under the age of 15 takes a direct part in armed actions and falls into the power of the opposing party, they are still entitled to special protection. This provision weakens the previous provisions (in the case of Protocol I, point 2 of Article 77, while in the case of Protocol II, point 3 of Article 4), as it seems to give a kind of exemption from compliance. The difference is that in Protocol II, in the case of crimes committed during armed conflicts covered by the Protocol, the death penalty cannot be imposed on persons who were under 18 years of age when the crime was committed, while Protocol I only prohibit the execution of the death penalty.

Article 4 of Protocol II on the basic guarantees of humane treatment can in a certain sense be linked to the phenomenon of child soldiers, so a kind of double prohibition can be discovered in this. Among the actions prohibited against children at all times and in all situations, it mentions first any violence that threatens life, health, and physical or mental well-being. Examining the effects on children's physical and mental health arising from the circumstances and nature of the "work" of child soldiers, child soldiers can also be classified under this point. Special attention must be paid to the prevention of cruel treatment, within which torture, mutilation, and corporal punishment, which can also be found among the coercive techniques of armed forces or groups employing children, are highlighted. Prohibited acts of terrorism can also be linked to the topic of the study, as nowadays they are increasingly children are employed as terrorists and volunteer assassins.¹⁵ It highlights the perpetration of sexual violence as part of a gross violation of human dignity - based on the extended concept, children used for sexual

¹² Burley, A.M.S., 'International law and international relations theory: a dual agenda' in *The Nature of International Law* (Routledge, 2017), pp. 205-239

¹³ Siwnan Rasakandan and Pardis Moslemzadeh Tehrani, 'Protection of Children from Recruitment and Use in Armed Conflict: Role of International Legal Framework', *Journal of Politics and Law*, 15.4 (2022), 230–230. <https://doi.org/10.5539/jpl.v15n4p230>

¹⁴ Noëlle Quéniwet, 'Does and Should International Law Prohibit the Prosecution of Children for War Crimes?', *European Journal of International Law*, 28.2 (2017), 433–55. <https://doi.org/10.1093/ejil/chx023>

¹⁵ Celine Marie I. Novenario, 'Differentiating Al Qaeda and the Islamic State Through Strategies Publicized in Jihadist Magazines', *Studies in Conflict & Terrorism*, 39.11 (2016), 953–67. <https://doi.org/10.1080/1057610X.2016.1151679>

purposes can also be classified as child soldiers. Overall, Protocol II governs during non-international armed conflicts. The protocol prescribes a more exact, broadly interpreted prohibition, providing stronger guarantees for the protection of children.

3.2. Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child, also known as the New York Convention (Convention on the Rights of the Child), was opened for signature on November 20, 1989, and entered into force on September 2, 1990. It is interesting that it currently has 196 member states, which is more than the number of member states of the UN, which is 193.¹⁶

Pursuant to Article 1, all persons under the age of 18 are considered children for the purposes of the convention unless they reach the age of majority earlier in accordance with other legal provisions (e.g., through marriage).¹⁷ Despite everything, in terms of child military service, it has returned to the age of 15, in fact, points 2 and 3 of Article 38, which provides for this, is almost verbatim the adoption of the less exact Additional Protocol I of the Geneva Conventions. Since the Convention on the Rights of the Child applies to all types of armed conflict, Article II, which contains stricter provisions, compared to the supplementary protocol, can be considered a step back.

Furthermore, in line with Protocol I, it states that by taking all possible practical measures, it ensures that persons under the age of 15 do not take part directly in the fighting, and also refrain from recruiting them into their own forces. The convention states that in the case of the enlistment of persons between the ages of 15 and 18, they will do their best to ensure the priority of the oldest. Here, on the one hand, the question of the possibility of indirect participation also arises, since the convention does not mention it. On the other hand, there is the question of the opposition forces, because it is hard to find any provision on the conscription carried out by them.¹⁸ Only the protection of children from direct participation may also apply to them, but it does not impose an obligation on them.

It is interesting that the term "children" is used in all articles of the convention. Exceptions to this are points 2 and 3 of Article 38, which provides for the aforementioned recruitment and employment, and the second part of point a of Article 37, which prohibits the death penalty or the possibility of release for crimes committed by persons under the age of 18. The application of life imprisonment, in this case, uses the term "person". This may indicate that in this case, it is not important whether the person in question reached the age of majority before reaching the age of 18 (or 15 in the case of Article 38) – the provision must be applied to him in all cases, so it does not cease the protection afforded to him.

Overall, the convention did not bring much change, since the minimum age of 15 remained, but it does not even state a specific, direct commitment to the states. At the same time, it can be considered positive that the Committee on the Rights of the Child

¹⁶ Imelda Coyne, Inger Hallström, and Maja Söderbäck, 'Reframing the Focus from a Family-Centred to a Child-Centred Care Approach for Children's Healthcare', *Journal of Child Health Care*, 20.4 (2016), 494–502. <https://doi.org/10.1177/1367493516642744>

¹⁷ Christophe Cornu, 'Preventing and Addressing Homophobic and Transphobic Bullying in Education: A Human Rights-Based Approach Using the United Nations Convention on the Rights of the Child', *Journal of LGBT Youth*, 13.1–2 (2016), 6–17. <https://doi.org/10.1080/19361653.2015.1087932>

¹⁸ Cornu.

was established in order to monitor the implementation of the convention and examine its progress, to which the member states must prepare a report at specified intervals on the progress achieved in their territory and the measures they have taken.¹⁹

3.3. African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child was adopted by the predecessor of the African Union (AU), the Organization of African Unity, in 1990 and has now been signed, ratified, or acceded to by all 54 of its member states. The only thing missing is Morocco, which recognizes Western Sahara and he withdrew from the organization in 1984.²⁰

Currently, this is the only regional treaty that sets out specifics regarding child soldiers. The situation may seem a little strange in the sense that child soldiers are the biggest problem in the world today, even in Africa.²¹ Although it is positive that African states have formulated various universal standards, their fulfillment already raises questions. The reason for this can be found in the factors described in the first part of the study. Documents containing democratic and human rights principles, which are considered natural in the Western world, are written and accepted by the leading politicians of the countries, but they often have only informal power. On the African continent, tribal cultures are still very strong to this day, they often hold the real power, and they are often in conflict not only with Western culture but also with each other. For this reason, it is not possible to fulfill the contract smoothly, even if the country has accepted it as binding itself.

Based on the charter, all persons under the age of 18 without exception are considered children. This is stricter than the universal convention on children's rights adopted a year earlier. In addition to respecting and ensuring compliance with international humanitarian law, the states specifically address the obligation to protect the civilian population, including the protection of children affected by armed conflicts. They oblige themselves to take all possible practical measures to ensure that no child can take part directly in the fighting, especially refraining from recruiting them.²² This wording is largely the same as the majority of what has been described so far. The explicit prohibition of indirect application can also be blamed as a deficiency in this case, but using the term "recruit" also prohibits voluntary as well as mandatory and forced conscription. In addition, the "double prohibition" can also be discovered here through the obligation to protect children against work that endangers their health and development.²³ The convention also states the protection of children against abduction, sale, and trafficking. Pursuant to Article 5, for crimes committed by children the death

¹⁹ Peter Mittler, 'The UN Convention on the Rights of Persons with Disabilities: Implementing a Paradigm Shift', *Journal of Policy and Practice in Intellectual Disabilities*, 12.2 (2015), 79–89. <https://doi.org/10.1111/jppi.12118>

²⁰ JJ Sloth and T Boezaart, 'The African Charter on the Rights and Welfare of the Child', *Child Law in South Africa*, 2017, 424–45.

²¹ Olusesan Ayodeji Makinde, 'Infant Trafficking and Baby Factories: A New Tale of Child Abuse in Nigeria', *Child Abuse Review*, 25.6 (2016), 433–43. <https://doi.org/10.1002/car.2420>

²² Chuma Himonga, 'African Customary Law And Children's Rights: Intersections and Domains in a New Era', *Children's Rights in Africa: A Legal Perspective*, 2013.

²³ Raija-Leena Punamäki and others, 'War Trauma and Maternal–Fetal Attachment Predicting Maternal Mental Health, Infant Development, and Dyadic Interaction in Palestinian Families', *Attachment & Human Development*, 19.5 (2017), 463–86. <https://doi.org/10.1080/14616734.2017.1330833>

penalty cannot be pronounced. However, in spite of the provisions that can be considered advanced compared to other universal treaties, which moreover oblige a significant majority of the continent's states, their compliance is not or is only partially implemented.

3.4. Rome Statute

In the field of international criminal law, the Rome Statute was adopted in 1998 and entered into force in 2002, which established the International Criminal Court (ICC) with its seat in The Hague, the first permanent international criminal court. The ICC, which investigates individual criminal responsibility, is worth highlighting in the field of international criminal law. It is mandatory for citizens of states that ratify or accede to the Rome Statute.²⁴ Based on the Statute, the jurisdiction of the ICC extends to the most serious crimes affecting the international community as a whole, which are the crime of genocide, crimes against humanity, war crimes, and the crime of aggression (Crawford 2018).^v With regard to child soldiers, the criminal court can be considered a great step forward, as it has declared the recruitment and use of children as a crime, which makes those who violate these provisions punishable by the state parties. One of which is ICC judgment on 4 February 2021 against Dominic Ongwen, the International Criminal Court (ICC), based in The Hague, Netherlands, adds its third trial judgment to a series of findings that condemn crimes against children. These crimes include the use, conscription or enlisting of children in armed conflicts. Ongwen, once a child soldier himself, faced trial for 70 counts of crimes against humanity and war crimes committed during his time in the Lord's Resistance Army (LRA) in Northern Uganda between July 2002 and December 2005. In a trial that lasted a little over four years – the trial began on 6 December 2016 – judges heard from the Prosecution, Defence, and victim representatives, who each called witnesses to give evidence. At the end of the judges' deliberations, Ongwen was found guilty of 61 of the 70 counts in the indictment. On 6 May 2021, Ongwen was sentenced for his crimes to 25 years in prison – one of the judges would have even sentenced him to 30 years' imprisonment.

According to the statute, the mandatory conscript or voluntary enlistment of children under the age of 15 in national armed forces during international armed conflicts, as well as their active use in combat, is considered a war crime.²⁵ Conflicts that do not have an international character, i.e., in the case of civil wars, it is also a crime to enlist or call up children under the age of 15 into armed forces or groups, as well as their active use in hostilities. The fact that it still did not break with the minimum standard can be blamed as a negative. The minimum age was first formulated 21 years earlier, in 1977, by the Geneva Conventions I and II in its supplementary report.²⁶ In addition, in the case of children's participation in fights, the "active" adjective is used instead of the previous "direct" structure, sometimes without an adjective. As an expert points out, the use of the adjective "active" is more desirable due to its more extensive interpretation. During

²⁴ Benjamin K. Sovacool, 'When Subterranean Slavery Supports Sustainability Transitions? Power, Patriarchy, and Child Labor in Artisanal Congolese Cobalt Mining', *The Extractive Industries and Society*, 8.1 (2021), 271–93. <https://doi.org/10.1016/j.exis.2020.11.018>

²⁵ Asaad Almohammad, 'ISIS Child Soldiers in Syria: The Structural and Predatory Recruitment, Enlistment, Pre-Training Indoctrination, Training, and Deployment', *Terrorism and Counter-Terrorism Studies*, 2018. <https://doi.org/10.19165/2018.1.02>

²⁶ Théodore Onguene Ndongo and Daniel Derivois, 'Understanding Voluntary Enrollment of Child Soldiers: A Key to Reintegration', *Annales Médico-Psychologiques, Revue Psychiatrique*, 180.2 (2022), 145–48. <https://doi.org/10.1016/j.amp.2021.12.001>

"indirect" tasks - for example, reconnaissance, guarding and protection activities, transporting weapons - the child's life can be directly endangered, despite the fact that he performs indirect, i.e., non-combatant, activities. Because of all these, they can be considered "active" activities, while in the case of the "indirect" indicator, they are excluded from the range of prohibited tasks.

It is also worth mentioning the range of "deliberately inflicting great suffering, or inhuman acts causing serious injury to physical integrity or physical or mental health" defined by the statute as crimes against humanity, which inevitably affect the child during his military service. It classifies any form of sexual violence not only as a crime against humanity but also as a war crime during both international conflict and civil war.²⁷

Overall, although the Statute did not break with the minimum age limit set at 15 years of age, with its adoption and the International Criminal Court established by it, great progress has been made in terms of holding individuals who illegally enlist and employ children under international law to individual criminal responsibility before international justice.

3.5. Optional Protocol on the Involvement of Children in Armed Conflict

In 1999, the International Labor Organization (ILO) adopted Convention No. 182, which provides for the prohibition and elimination of the worst forms of child labor.²⁸ According to ILO data, child labor affected nearly 246 million children at that time, and in the decade and a half since then, their number has decreased by a third, to approximately 168 million. However, this is still a very high number.²⁹ In the introduction to the convention, it mentions poverty as the main cause, the solution of which requires sustained economic growth leading to social development. It follows that the majority of working children come from the poorest strata.

The Convention uniformly considers all persons under the age of 18 to be children. It generally considers all work that by its nature or the working conditions endangers the health, safety, or morals of young people as belonging to the worst forms of child labor.³⁰ Due to the facts already described, child soldiers can also be classified in this category. In this sense, the ILO Convention No. 138 on the minimum age for employment, adopted in 1973, already contained provisions. Article 3 of this stipulates that in order to carry out any work or occupation that endangers the health, safety, or morals of young people for the reasons just mentioned, it is necessary to reach the age of 18. However, these are determined by national laws and other regulations and competent authorities.³¹

²⁷ Elizabeth Stubbins Bates, 'Distorted Terminology: The UK's Closure of Investigations Into Alleged Torture and Inhuman Treatment in Iraq', *International and Comparative Law Quarterly*, 68.3 (2019), 719–39. <https://doi.org/10.1017/S002058931900023X>

²⁸ Alina-Paula Larion, 'Regulation Of International Labour Organization On Forced Labour', *European Journal of Law and Public Administration*, 2017, 5–11. <https://doi.org/10.18662/eljpa/01>

²⁹ Enrico Ille, 'Complications in the Classification of Conflict Areas and Conflicts Actors for the Identification of "Conflict Gold" from Sudan', *The Extractive Industries and Society*, 3.1 (2016), 193–203. <https://doi.org/10.1016/j.exis.2015.12.005>

³⁰ Zeynep Şişli and Stephanie A. Limoncelli, 'Child Brides or Child Labor in a Worst Form?', *Journal of Labor and Society*, 22.2 (2019), 313–24. <https://doi.org/10.1111/wusa.12407>

³¹ Elizabeth K. Klein and others, 'Navigating the Tension between Fatherhood Ideals and Realities of a Post-Conflict Setting: A Phenomenological Study of Former Child Soldiers in Sierra Leone', *SSM - Qualitative Research in Health*, 3 (2023), 100227. <https://doi.org/10.1016/j.ssmqr.2023.100227>

Furthermore, as long as the health, safety, and morals of the young people are fully insured and they have received training suitable for the given sector, the minimum age can be set at the age of 16 regardless of this.³² Although Convention No. 138 does not specifically contain provisions regarding the armed forces, due to the circumstances and nature of the work, the national armed forces should logically be classified under Article 3 as well.

However, the latter, Convention 182, already mentions child soldiers separately.³³ It mentions forced and compulsory labor as part of a "practice similar to slavery", within which it specifically mentions the forced and compulsory conscription of children for use in armed conflict.³⁴ Thus, a kind of "double obligation" appears with regard to the abolition of child soldiers. In order to ensure this, the states are obliged to take "urgent, immediate and effective measures", which include the application of appropriate penal provisions, the removal of children from work, and the implementation of their rehabilitation program - especially with regard to their education - as well as direct support for their reintegration into society, all of which taking into account the special situation of girls.³⁵

The convention can be evaluated positively as a whole since it is the first universal convention that set the age of 18 as a minimum standard, and "was the first to outlaw the compulsory and forced registration of children" uniformly for all young people under the age of 18.

4. Conclusion

It can be seen that different legal norms judge the phenomenon of child soldiers differently from several aspects – based on the minimum age, the method of joining, the type of armed conflict, or the position of the troops in the conflict. Among these, it observes a more incomplete picture regarding the national forces, the prohibitions regarding opposition groups are often more exact and stricter. The elimination of all these and uniform legal regulation is one of the cornerstones of the fight against child soldiers. The situation is complicated by the fact that in some countries, although they have accepted the convention as binding for themselves, their enforcement faces serious obstacles. This is shown, on the one hand, by the fact that the data on the number of child soldiers has not really decreased in the time since their entry into force. In addition, the fact that the majority of international treaties do not have sanctioning power is also a problem, so they cannot fully fulfill their preventive function. As an exception, it is worth highlighting the Rome Statute, which created the International Criminal Court

³² Nicolas de Guzman Chorny and others, 'The State of Child Labor Protections in 193 Countries: Are Countries Living up to Their International Commitments?', *International Journal of Sociology and Social Policy*, 39.7/8 (2019), 609–26. <https://doi.org/10.1108/IJSSP-12-2018-0229>

³³ Benyam D Mezmur, 'Children at Both Ends of the Gun: Child Soldiers in Africa', in *Children's Rights in Africa* (Routledge, 2016), pp. 209–28.

³⁴ Theodore Gordon, Yair Sharan, and Elizabeth Florescu, 'Prospects for Lone Wolf and SIMAD Terrorism', *Technological Forecasting and Social Change*, 95 (2015), 234–51. <https://doi.org/10.1016/j.techfore.2015.01.013>

³⁵ Tamara Anaie, 'Victimized Perpetrators: Child Soldiers in ISIS and The Need for A New International Legal Approach', *Rutgers Race and the Law Review*, 20.2 (2019), 93–117.

and defined the crimes under its jurisdiction, for the commission of which the given person can be held individually criminally responsible.

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