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# LEGAL STATUS AND PROTECTION OF CHILDREN IN ARMED CONFLICT: A STUDY OF ADULT CRIMINAL RESPONSIBILITY UNDER INTERNATIONAL LAW

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## ABSTRACT

The paper will analyse the legal status and protection of the children caught in the armed conflict, with the focal point being the change in the liability of the children into the responsibility of adults. The first part examines the international law of child protection, such as International Humanitarian Law, International Human Rights Law and International Criminal Law, in relation to such instruments as the Geneva Conventions, Convention on the Rights of the Child (CRC), its Optional Protocol, and the Rome Statute, and the formulation of the normative standards, the Paris Principles and the United Nations Security Council Resolutions. In the second section, the paper examines the attribution of criminal responsibility where the increasing identification of children as victims and the liability of adults are discussed based on the doctrine of command responsibility and judicial practice when discussing such cases as Lubanga, Bemba, and Ongwen. The third section analyses the efficacy of international and domestic responses, and points out some practical issues, such as the lack of evidence, security of child witnesses, the shortcomings of domestic responses, and other gaps in rehabilitation interventions, such as DDR, and offers a comprehensive, victim-oriented framework that integrates accountability with protection and reintegration.

**Keywords:** Child soldiers, armed conflict, adult responsibility, recruitment of children, command responsibility.

## 1. Introduction

When children get involved in armed conflict, the situation becomes very complicated, as on one hand, naturally, people see them as innocent because they are young and vulnerable, but they may be forced into situations where they have no real choice but to carry weapons, fight, and loot<sup>1</sup>, or even commit acts of sexual violence<sup>2</sup>. On the other hand, looking at the battlefield, these children may be actively participating in harmful actions, which makes it hard to understand how responsibility should be assigned. The main question that arises is whether the child who actually committed the crime should be held responsible or it should be the adults who recruited, manipulated, trained and commanded the child?

Modern international law has tried to address this question by recognizing the special position of children in these situations as law focus more on punishing the adults who exploit children for warfare and other violent purposes rather than treating children as criminals<sup>3</sup> and children are mostly viewed as victims<sup>4</sup> because they are caught in situations they cannot control. The law emphasizes on giving them protection, care and rehabilitation to help them recover from trauma they have experienced. Furthermore, this approach aims to balance the recognition that children may commit harmful acts but it also understands that they are often forced into situations they cannot fully understand or choose.

## 2. Legal Status and Protections of Children in Armed Conflicts in International Law

### 2.1. Framework of Protection under International Humanitarian and Human Rights Law

International law has made special rules to protect children at the times of war and conflict. The Geneva Conventions of 1949 and their Additional Protocols of 1977 clearly mentions that children need extra care and safety in armed conflict, for example, Additional Protocol I says that all parties in a conflict must take every possible step to protect children<sup>5</sup>, moreover, it also

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<sup>1</sup> 'Michael Wessells, *Child Soldiers, Peace Education, and Postconflict Reconstruction for Peace*, 44, TAYLOR & FRANCIS GROUP, 363, 364, (2005).

<sup>2</sup> *Children Recruited By Armed Forces Or Armed Groups*, Unicef, UNITED NATIONS CHILDREN'S FUND(UNICEF), Children recruited by armed forces or armed groups | UNICEF, 19-02-2026, 10.12am.

<sup>3</sup> *Child Soldiers: Criminals or Victims?*, AMNESTY INTERNATIONAL, 1, 2, 2000'

<sup>4</sup> '*Protecting Children In Humanitarian Action*, UNITED NATIONS CHILDREN'S FUND(UNICEF), Protecting children in humanitarian action | UNICEF, 20-02-2026, 13.36pm.

<sup>5</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims

says that children under the age of 15 should not be recruited into armed forces or groups<sup>6</sup>, and they should not be allowed to take part in fighting which clearly shows that the International community recognizes that children physically or mentally are not ready to be involved in war.

Later, stronger international agreements were created in order to give children protection and one of the most important ones is the Convention on the Rights of the Child (CRC), 1989. This treaty deals with many areas of a child's life like their safety, health, education, and when it comes to war<sup>7</sup>, the CCRC makes it very clear that children shall be protected from violence, abuse, and exploitation.

In 2000, a new agreement was added to the Child's Rights Convention called the Optional Protocol on Children in Armed Conflict. This agreement increased the protection by saying that children under 18 should not be recruited or used in fighting and it also makes countries responsible that they should take action in to stopping children from being involved in hostilities<sup>8</sup>. It also tells countries to give proper help, support and rehabilitation<sup>9</sup> to children who have already been affected by war. So, these laws try to make sure that children are not only kept safe from fighting but also taken cared if they have suffered from it.

## **2.2. Criminal Responsibility for Recruitment and use of Child Soldiers under the Rome Statute of the International Criminal Court, 1998**

International criminal law plays an important role in protecting children during armed conflicts. One of the main laws in this area is the Rome Statute of the International Criminal Court, which was adopted in 1998. This law says that it is a war crime to recruit, enlist, or use children under the age of fifteen<sup>10</sup> in fighting which means that adults who involve children in war or make them fight are committing a serious crime under international law. The focus is not punishing the children themselves, because they are often forced or manipulated into these situations; instead, the law focuses on the adults who take advantage of children for their own purposes<sup>11</sup>.

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of International Armed Conflicts (Protocol I), June 8, 1977, U.N.T.S 3, art. 77.

<sup>6</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1125 U.N.T.S. 3, art. 77(2).

<sup>7</sup> art. 19 & 38 of Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

<sup>8</sup> art. 1(1) & art. 1(2) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

<sup>9</sup> art. 4 of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.'

<sup>10</sup> 'art. 8(2)(b)(xxvi) of Rome Statute of the International Criminal Court

<sup>11</sup> art. 8(2)(e)(vii) of Rome Statute of the International Criminal Court

The Rome Statute also explains the different ways in which adults can be held responsible for using children in war, like if they directly involve children in fighting or other harmful activities<sup>12</sup>, moreover, they can also be held responsible if they work together with others in recruiting or use children in hostilities and even those who help or support such acts<sup>13</sup>, without being the actual or main person committing them can be held liable. Furthermore, leaders and commanders can be held liable if they know that children are being used in fighting and fail to take action to stop it<sup>14</sup>, which is also known as command responsibility.

By making these acts a crime and clearly identifying who can be punished, the Rome Statute shows that the international community takes the use of children in armed conflict very seriously<sup>15</sup>. At the same time, the law recognizes that children involved in war are victims. They need protection, care, and support to recover from the physical and mental harm they have suffered. The Rome Statute, therefore, balances two important goals, i.e., punishing the adults who exploit children while protecting and helping the children themselves<sup>16</sup>.

### **2.3. Normative Consensus and Evolving International Practice on Protection of Children in Armed Conflict**

Over the years, the international community has developed a common understanding or it is also known as normative consensus, about how children in armed conflicts should be treated. This understanding is expressed in different documents and resolutions and one of the most important sets of guidelines is known as the Paris Principle of 2007. These principles, along with several United Nations Security Council Resolutions on children and armed conflict state that children involved in wars must be treated with care and protection, not with punishment.

The approach promoted by these norms seems like a dual one because on one hand, they insist on criminalizing the recruitment and use of children in armed conflict, which is meant to stop adults from using children as soldiers by making it clear that such acts are crimes and will not go unpunished, but on the other hand, these norms also place strong emphasis on the demobilization, where children will be taken out of armed forces or groups, rehabilitation, which will provide medical care, psychological support, and counseling they need to heal from

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<sup>12</sup> *Id.* at art. 25(3)(a)

<sup>13</sup> *Id.* at art. 25(3)(d)

<sup>14</sup> art. 28 of the Rome Statute of the International Criminal Court

<sup>15</sup> Prosecutor v. Charles Ghankat Taylor, SCSL-03-01-T, 2012.

<sup>16</sup> *Id.* at arts. 8(2)(b)(xxvi), 8(2)(e)(vii), 25(3), 28'

trauma of war, and reintegration of children where they will be provided with help in returning to normal life by supporting their education, skills training, and engagement in the communities, to those children who have been part of armed groups<sup>17</sup>.

### **3. Adult Criminal Responsibility for Crimes Involving Child Soldiers in Armed Conflict**

#### **3.1. Shift from Child Liability to Adult Responsibility: Recognition of Children as Victims under International Law**

One of the most important changes in international criminal law is the way responsibility is now placed on adults instead of children when it comes to armed conflicts. In earlier times, there was a debate about whether children who had committed violent acts should be punished like criminals or treated as victims<sup>18</sup> but, as time passed by, international law and practice have moved towards the idea that children should only be treated as victims and adults who recruit them, train them, and make them fight, should be held responsible for the crimes that happen<sup>19</sup>.

The reason for this change is to understand that children in war are not acting completely by their own free will because most of time they are forced or tricked into joining the armed groups<sup>20</sup>. Many children are kidnapped from their homes where some are threatened with death if they refuse to fight and others are promised food, money or protection in exchange for joining. Some children are even given drugs or exposed to constant propaganda so that they stop questioning the orders that are given to them and in such situations, it is very difficult to say that the child is making an independent decision.

Even when children commit very serious acts like killing people, looting property or taking part in sexual violence, the fact remains the same that they were placed in those positions by adults. A child's ability to think carefully, to understand the consequences of their actions and the ability to resist pressure is less compared to adults. Because of this, it would not be fair to punish children in the same way as adults who commit similar crimes. Furthermore, children are seen as being used like tools who are controlled by adults who are more powerful and who

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<sup>17</sup> 'Jo Becker, *Changing a Culture of Violence*, AMERICAN BAR ASSOCIATION, 16, 16, (2005).

<sup>18</sup> Michael Wessells, *Child Soldiers, Peace Education, and Postconflict Reconstruction for Peace*, 44, TAYLOR & FRANCIS GROUP, 27-30, (2006).

<sup>19</sup> *supra* note 10 & 11, see also art. 23(3) & 28 of the Rome Statute of the International Criminal Court

<sup>20</sup> Prosecutor v. Thomas Dyilo ICC-01/04-01/06, 507-508, 2012'.

control the circumstances of war.

For this particular reason, international law has shifted the focus of responsibility to the adults who recruit and exploit children. They are the ones who create conditions where crimes will almost certainly happen and by placing the blame and responsibility on adults, the law recognizes the true source of the problem, at the same time, it gives children the chance to be treated as victims who need care, rehabilitation and a chance to return to their normal life.

### **3.2. The Doctrine of Command Responsibility**

One of the most important ways to make sure that adults are held responsible in international law is through the doctrine of command responsibility. This doctrine is a legal rule that says military leaders and commanders can be punished not only for the crimes they directly order<sup>21</sup>, but also for the crimes that their soldiers or subordinates commit if the leaders knew about those crimes or even if they should have known about them. If a commander fails to stop such crimes or does not take action to punish those responsible, then the commander can also be held guilty.

When it comes to the issue of child recruitment, this doctrine plays a very important role where a commander cannot simply say 'I did not personally recruit any children, so I am not responsible'. If the recruitment of children into armed groups or the use of child soldiers happens under their control or in areas where they are in charge, then the commander is still legally responsible<sup>22</sup>. This is because a leader has a duty to supervise and to know what is happening under their command by making sure that no crime is taking place. If children are recruited and used as soldiers in areas where a commander has authority, the law will hold that commander accountable even if they did not give the order themselves.

This principle has been applied in many international courts and tribunals, for eg., it has been used in tribunals which was dealing with the former Yugoslavia and in Rwanda, and it has also been recognized in the International Criminal Court. The reason for applying this doctrine is to ensure that those in high positions of power cannot escape justice by pretending that they did not know what was happening which makes it clear that leaders have both power and

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<sup>21</sup> Prosecutor v. Germain Katanga, ICC-01/04/07-3436, 2014.

<sup>22</sup> Prosecutor v. Bosco Ntaganda, ICC-01/04-02/06, 2019.

responsibility and if they fail to take action, they will be punished.

### 3.3. Other Jurisprudence and Practices on Child Soldiers under International Law

The Lubanga case is the most well-known example as it is not the only one that has shaped the way international law deals with soldiers. Other international tribunals, such as the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), have also played an important role<sup>23</sup>. These tribunals did not deal directly with the crime of recruiting child soldiers in the same way as the ICC did in Lubanga but they developed principles that are very useful when it comes to handling of such cases<sup>24</sup>. For example, they clarified the conditions that are considered to be an armed conflict under the law<sup>25</sup>, they explained the extent of command responsibility<sup>26</sup> and they showed how important it is to protect vulnerable witnesses who may be children or survivors of violence<sup>27</sup>. All these ideas are directly connected to cases that involve the recruitment and use of children in war.

National courts have also tried to deal with the issue of child recruitment, by taking the example of courts in countries like Sierra Leone and Uganda which have faced cases that involve the use of child soldiers where the experiences of these courts have been mixed<sup>28</sup>. In some cases, courts were able to punish those adults who were responsible for the recruitment of the children and made it clear that such actions are considered to be crimes which showed that justice can be served but in other cases, like weak legal systems, lack of money and political pressure made it hard for courts to act accordingly. Because of these problems, many crimes were not properly addressed and children were not given justice.

When we look at these practices together from the perspective of international tribunals to national courts, we can see a clear trend that the world is moving toward a common understanding that the responsibility for the use of child soldiers totally rests on the adults who recruit, command and exploit them as children are to be treated as victims who deserve protection and support while adults should be the ones who should answer before the law. This

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<sup>23</sup> Prosecutor v. Tadic IT-94-1-T, 562, 1997.

<sup>24</sup> Prosecutor v. Akayesu ICTR-96-4-T, 627-628, 1998.

<sup>25</sup> Prosecutor v. Tadic IT-94-1-T, 562-568.

<sup>26</sup> Prosecutor v. Delalic IT-96-21-T, 333-346, 1998.

<sup>27</sup> Prosecutor v. Akayesu ICTR-96-4-T.

<sup>28</sup> Jean Ogolla, Child Soldiers and the Law of Armed Conflict: A Case Study of Northern Uganda, 2012'.

agreement makes it clear that adults should be held responsible<sup>29</sup> in war and that is the only way through which children will get justice.

### 3.4. Case Reviews

In the case of *Prosecutor v. Thomas Lubanga Dyilo*,<sup>30</sup> it can be seen how international law deals with the issue of child soldiers as it was tried in the International Criminal Court (ICC). Thomas Lubanga was a military leader in the Democratic Republic of Congo during the period of armed conflict and he was accused of recruiting and using children under the age of fifteen to take part in hostilities which clearly proves that he was charged with bringing children into his armed group, in training them, in giving them weapons and using them in actual fighting during the conflict.

In 2012, the ICC found Lubanga guilty and this was a historic judgment because it was the first time the International Criminal Court delivered a conviction for the crime where recruitment of child as soldier was taking place. The case showed that the ICC was serious about addressing the use of children in armed conflict and that such crimes would not be ignored. Moreover, it also clarified how evidence about children's ages and the recruitment process could be collected and presented in court. For example, the court had to carefully consider testimony from witnesses, documents, and other forms of proof to confirm that children under fifteen were indeed recruited and used by Lubanga's forces.

Although the case had some limitations, such as challenges in collecting and finding strong evidence and the fact that the charges were limited in scope, it was still a major step in dealing with the problem. The judgment clearly showed that the responsibility for using child soldiers belongs to the adults who recruit, command, and take advantage of them, not the children who are forced into fighting and with that it also sent a strong clear message to the world that the international community will not accept or allow the exploitation of children in war.

In *Prosecutor v. Issa Hassan Sesay, Morris Kallon, and Augustine Gbao, 2009*<sup>31</sup>, the Special court for Sierra Leone convicted all three defendants for the recruitment of child soldiers. The court found that they were responsible for crimes committed by the Revolutionary United Front

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<sup>29</sup> *supra* note 4.

<sup>30</sup> *supra* note 23.

<sup>31</sup> *Prosecutor v. Issa Hassan Sesay, Morris Kallon and Augustine Gbao, SCSL-04-15-T, 2009.*

(RUF) which includes abduction, training and deployment of children in combat. These convictions were also a part of a broader judgment that also included charges of murder, sexual slavery and forced marriage. The case is considered to be a major development in international criminal law by holding individuals responsible for crimes involving child soldiers.

In *Prosecutor v. Jean-Pierre Bemba Gombo, (2016)*<sup>32</sup>, shows how hard it is to punish adults for crimes their soldiers commit. Bemba was the first one who was found guilty of crimes like rape and murder by troops who were working under him but later he was acquitted because the court said the prosecution failed to prove that he had control over them. Moreover, even though international law wants to hold adults responsible for using children in war, it is very difficult to prove it in real situations which highlights the gap between the law and what actually happens practically.

In *Prosecutor v. Dominic Ongwen, (2021)*<sup>33</sup>, who was kidnapped as a child and he was forced to become a soldier in Uganda's Lord's Resistance Army (LRA), who became an adult commander and committed serious crimes like murder, rape, sexual slavery and use of child soldiers. The court decided that even though he was once a child soldier but later as an adult he was responsible for these crimes. And he was sentenced to 25 years in prison which was later confirmed on appeal in 2022 and therefore, this case shows how the court deals with someone who was a child soldier but later became a criminal as an adult.

#### **4. Effectiveness of International and Domestic Mechanisms in Protecting Children in Armed Conflict**

##### **4.1. Evidentiary Challenges in Prosecuting Recruitment of Child Soldiers**

One of the biggest problems in prosecuting adults for recruiting or using children in armed conflict is the problem of evidence. In order to prove that a war crime has been committed, courts must show that children are under a certain age, which is usually fifteen and they were actually recruited or used in hostilities. But in many conflict zones there are no proper documents to confirm a child's age because birth certificates are often missing or never issued in the first place and without such official records, it becomes very difficult to present clear

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<sup>32</sup> Prosecutor v. Jean-Pierre Bemba Gombo.

<sup>33</sup> Prosecutor v. Dominic Ongwen, ICC-02/04-01/15, 2021.

proof about how old the child was at the time of recruitment.

To deal with this gap, courts sometimes rely on other types of proof which include school certificates, hospital or baptism records or even medical examinations that try to estimate a child's age based on physical development but these methods also have weaknesses because there are high chances that school records may not exist, or they may have been lost in the conflict and moreover, medical tests can only give an approximate age and are often challenged by defense lawyers as unreliable.

Courts may also rely on the testimony of the children themselves or of people who know them such as family members, teachers or community leaders. Yet, this too has its own problems because children may not remember their exact date of birth or the specific times when they were recruited, especially because they may have suffered trauma and confusion during the war. Adults who are accused of recruitment often deny any kind of responsibility and without strong evidence it becomes difficult to prove the actual truth.

Because of all these problems it becomes very hard to prove how old the child soldiers really were and how they have some sort or kind of relation to the adults who recruited them also becomes extremely difficult. Even when everyone knows that children were used in fighting but courts may not have strong evidence which is enough to punish the adults who are responsible. This lack of proof makes it difficult to win convictions, as a result the problem of weak or missing evidence continues to be one of the main barriers into getting justice for children who were affected by war.

#### **4.2. Protection of Child Witnesses in International Criminal Proceedings**

Children who speak as witnesses in cases of child recruitment are considered to be in a very hard and sensitive situation as their words matter and are very important because they can tell the story of how they were taken, trained or forced to fight and their statements can help the court and judges in showing that the adults are guilty as they used them in war. At the same time, speaking about these painful experiences in court can hurt them again by bringing back those memories of fear, violence, and abuse, which can make them relive their trauma which also puts them in danger because people who recruited them will try their best to take revenge or stop them from speaking.

To reduce these risks, international courts have created special ways of hearing children where they will be seated behind screens so they do not have to face the accused directly and using technology that changes their voice so they cannot be easily recognized or even letting them speak through another trusted person instead of appearing in court themselves. Along with these measures courts also try to provide psychological and social support so that children feel safer and more comfortable during the process and so that giving testimony does not cause them more harm than help. This balance between using the testimony of children as important evidence and at the same time thinking about their safety and well-being is one of the most difficult but most necessary part of these trials.

### **4.3. Rehabilitation and Reintegration of Former Child Soldiers through DDR Programs**

Rehabilitation and reintegration of children who were part of armed conflicts is just as important as punishing the adults who recruited them. Justice is not complete if children are left without support after being taken away from armed groups. Disarmament, Demobilization and Reintegration (DDR) programs play a central role in this process. These programs work step by step:

- By removing weapons from children and making sure they are no longer linked to fighters,
- By helping them through counseling in order to recover from the emotional pain and trauma that they have suffered.
- By giving chance to return to education, which many of them were forced to leave behind<sup>34</sup>
- By providing vocational training so that they can develop skills to earn a livelihood in the future
- By reuniting children with their families and communities because without acceptance and belonging, they will not be able to return to normal life.

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<sup>34</sup> *supra* note 16

However, these programs face many problems because in several cases, DDR initiatives do not receive enough funding or long-term support which makes them weak and incomplete. There are high chances of facing rejection for those children who come back from war as sometimes communities may view them as dangerous or blame them for acts, they were forced to commit. Without proper reintegration, such children become vulnerable and due to the absence of stability, they may even be recruited again by armed groups. This shows that reintegration is not only about removing children from war but also giving them a safe and secure future, so that the cycle of violence does not repeat itself.

#### **4.4. Role and Limitations of Domestic Jurisdictions in Enforcing Child Protection Laws**

Domestic enforcement shows how a country itself deals with the crime of recruiting children into armed conflict<sup>35</sup>. International courts like the ICC can handle only a few big cases but most of the work has to be done within the countries itself where the crime has taken place and that is why domestic courts are very important<sup>36</sup>. Many countries have written laws that says that recruiting children or using children in war is a crime. On paper, this looks good and shows that they agree with international rules but in practical, these laws are not always put into action<sup>37</sup>.

In many places, courts do not have enough money and training to deal with such cases and corruption also creates problems because powerful people can escape punishment by paying money or using their influence. Moreover, in some countries the government itself or groups which are supported by politicians may be recruiting children which give the courts no authority to punish them and are not free to act against them. Because of all this, there is a big gap between what the law says and what actually happens which makes it hard to protect children and allows many recruiters to go free without punishment. For real change, domestic courts must be stronger and more active because they are the ones who can reach to most of the cases that international courts cannot cover.

#### **4.5. Recommendations**

One of the first step which is needed is to improve the way evidence is collected in cases of

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<sup>35</sup> art. 17 of the Rome Statute of the International Criminal Court

<sup>36</sup> *supra* note 23

<sup>37</sup> Jean Ogolla, *Child Soldiers and the Law of Armed Conflict: A case Study of Northern Uganda*, 2012.

child recruitment as courts often face difficulties in proving the age of children because documents are missing or mostly, they are unreliable. To address this issue, there should be a clear and safe method to confirm child's age, such as better record keeping, medical assessments should be done carefully and along with this, there should be a stronger way to collect proof that children were recruited even if it is in the middle of conflict zones so that adult perpetrators will not be able to escape justice.

Another important recommendation is to expand child sensitive measures in court as children who act as witnesses should not feel afraid or harmed again while giving their testimony. Courts should provide safe spaces that will allow children to speak behind the screens or through the medium of intermediaries and should be provided with psychological support before and after they testify. These protections can help children tell their stories without fear of retaliation or the pain of reliving their trauma.

It is very important to help and support children in recovering from trauma which is equally important as punishing the adults who are responsible for causing harm. Moreover, programs like (DDR) should be treated as the most important part of justice but these programs also need enough funding and continuous support so that the children can safely return to school, get counseling for their trauma, and be also help them in reuniting with their families and communities because without proper reintegration there are high chances that children will feel rejection or even risk of being recruited by armed groups again.

It is also necessary to make domestic enforcement stronger because international courts can help but most of the crimes need to be handled in the respective countries themselves, where the crimes happen or take place. Governments should be making laws that clearly ban recruiting children and make sure these laws are actually followed, moreover, courts should have enough funding and independence so that they can work fairly without the interruption of political pressure and corruption. Other countries and international organizations can also help by giving support and guidance to those countries that have weaker justice systems.

Finally, justice should mean more than just punishing the adults who commit crimes, along with prosecutions, restorative justice and community-based programs should be more approachable which can help people and communities heal. These methods will let victims and former child soldiers rebuild trust, repair relationships and help in dealing with the harm they have suffered and a full or holistic approach to justice will make sure that it is not only about

punishing offenders but also helping children and communities in recovering and living better lives after the war.

## **5. Conclusion**

Children who are involved in armed conflict can be considered as some of the most vulnerable and at-risk people as there are times when they have no choice but to participate in violent roles or they may be pushed to join armed groups because of poverty, pressure from their family or other social reasons. Even though international and domestic laws have been made to protect these children, punish the adults who exploit them and provide care by helping them in recovering, the situation is still very complicated. International laws also give importance to holding those who are responsible for using children for any means in war. There are also programs to help children recover (DDR) which are very important for the recovery of their physical health, mental health being and social life. Therefore, multiple laws and support programs are aiming in making sure that adults are held responsible for their actions, at the same time it also gives children the care, protection and chance to rebuild their lives after experiencing conflict.

Even with these laws and rules, it is still very difficult to deal with children who were involved in armed conflict and sometimes domestic courts also face problems like weak legal systems, not having enough resources, corruption and political pressure which make it hard in punishing the adults who use children in war. Sometimes it is extremely difficult to prove the age of child soldiers, in gathering real evidence and keeping child witnesses safe. On top of that, programs which help children in recovery face problems of funding and resistance from the community which can stop children from healing completely and connecting themselves to society. Therefore, in order to solve these problems a complete approach is needed which includes strong enforcement of laws, justice systems which will protect and consider the needs of children by giving them long term social and psychological support. By using this full approach only, exploitation of children will be prevented and it will help them in living a safe and productive lives.