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Pathologies of contemporary wars. Children in the military

Patologie współczesnych wojen. Dzieci żołnierze

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Abstract: The article presents the results of research on one of the most terrifying and drastic contemporary war pathologies: the phenomenon of child soldiers. The evolution of this phenomenon from the end of the Second World War to recent years is analyzed, with particular attention paid to the causes, nature, and specificity of the use of minors in military operations. The scale of the phenomenon and the countries where children are used as juvenile soldiers are described. The article also examines legal assessments of this pathology, as well as legislative regulations aimed at countering this practice.

Keywords: war, child soldiers, armed conflict, international law

Abstrakt: W artykule zaprezentowano wyniki badań dotyczące jednej z najbardziej przerażających i drastycznych współczesnych patologii wojennych, jaką jest zjawisko dzieci żołnierzy. Analizie poddano ewolucję tego zjawiska od zakończenia drugiej wojny światowej aż po ostatnie lata. Szczególną uwagę zwrócono na przyczyny, charakter i specyfikę wykorzystania nieletnich w działaniach zbrojnych. Opisano skalę zjawiska oraz państwa, gdzie w największym stopniu dochodzi do wykorzystywania dzieci w charakterze młodocianych żołnierzy. Odniesiono się także do ocen prawnych tej patologii, a także unormowań legislacyjnych mających przeciwdziałać temu procederowi.

Słowa kluczowe: wojna, dzieci żołnierze, walka zbrojna, prawo międzynarodowe

Contemporary world is constantly shaken by wars and armed conflicts, especially those of an intra-state, intra-social, semi-private nature, which often turn into international conflicts. Victims are mostly civilians who do not participate directly in the battle. The international community is trying to humanize these

conflicts by changes in law and policy, aimed at reducing violence, misfortunes and human rights violations, as well as improving the situation civilians during armed fighting. The norms of international law regarding civilians currently give them only a minimum level of security protection, regardless of the nature and type of conflict.

World War II and the period after it is sometimes called the “era of a child in military”, and this issue is attracting increasing interest¹. In the 1970s, children were already fighting in Angola, Mozambique and Vietnam. In turn, in the eighties, incl. in Colombia, Angola, Mozambique, Uganda, Cambodia, El Salvador and Nicaragua, children were used in many hostilities. Earlier, historic cases of participation of children in the war were just isolated cases, not common practice. They were limited in time, territory and nature of occurrence. Children were used “on the second line” as porters, cooks or messengers². Even cases of exact children participation in the battles are just “isolated footnotes in the history of wars”. Therefore, although children have been more or less actively involved in military actions for centuries, these incidents cannot in any way be compared with the current phenomenon of children in the military, which is the daily routine of many modern armed conflicts. Thus, it can be said that this is a new phenomenon in practice.

International society did not see the problem and the scale of which related to this phenomenon, until the wartime of Iraq-Iran in 1980-1988. Then came the reports of thousands of suicide mission involving juvenile. Children were sent as “live waves” to the minefields to de-mine the land so that the soldiers who follow them, could move forward safely³. Boys between the ages of 10 and 12 were recruited by Iranian revolutionary guards at school. Their parents could not disagree. They only got a notice of fact of recruitment, which reported that their children were volunteers. The child is easy to manipulate, so during the training they could not meet their parents, as well as they could not have any toys. They

¹ P.W. Singer, *Children at war*, Berkeley 2006; R. Dallaire, *They fight like soldiers they die like children. The global quest to eradicate the use of child soldiers*, New York 2011; *Research handbook on child soldiers*, ed. M.A. Drumbl, J.C. Barrett, Northampton 2019.

² W. Kłuj, *Dzieci – żołnierze w dyskusjach na forum międzynarodowym*, [in:] *Dzieci – ofiary wojny*, ed. J. Różański, Warszawa 2005, p. 105.

³ Ibidem.

could not contact the family. If there was a meeting, they could not cry, because then there was a punishment (e.g. running with a backpack full of stones until exhaustion).

Military training consisted of a ten-hour walking, shooting and throwing grenades. Most of the children did not manage the hardships of the first weeks of training. One of the elements, essential to completing the training, was slitting the dog's throat. This type of method was previously used for the SS troops training in Nazi Germany. They were meant to create mindless machines that do not know fear and compassion. In the barracks in each room there was a portrait of Khomeini. The only reading that little warriors could and had was the Quran. Every day there were screened war films, very brutal and showing war "heroism". Due to this type of training, there were more and more volunteers to be killed in the minefields. The children wanted to prove their commitment and when they were not qualified, they despaired because they were feeling to be unable to prove their sacrifice. That days, the problem was underestimated by public opinion, but now it is coming back again due to the increasing number of "lion cubs" taking active part in contemporary battles.

The participation of children in armed conflicts once again drew the journalists attention in the early 1990s, when photos of children armed with AK-47 in Liberia and Sierra Leone were published. As it turned out, they were pupils of Charles Taylor⁴.

Nowadays, the phenomenon of child in military can be described in four categories:

- Scale and scope of use.
- Role in the successful war effort.
- Performed tasks.
- Using girls as soldiers.

The scale of this phenomena is manifested as follows:

- The total number of children in military in the world in the nineties of the last century and at the beginning of the 21st century was estimated at 300,000.

⁴ M. Klare, *The Katashnikov Age*, „The Bulletin of the Atomic Scientists” 1999, Vol. 55, Issue 1, p. 18.

- Children take a part in almost 70% of all armed conflicts in the world.
- Indults are the members of 40% of all armed organizations in the world, both state and non-state.

Currently, child in military, in many cases, are being the basis of armed groups and they are creating their strength. During the civil war in Sierra Leone, Revolutionary United Front was about 80% children aged 7-14 years. They were not used only to help the army, but were the military. Other important features of this phenomenon are the nature of children's commitment and the tasks that young "soldiers" perform. They are being treated as full-fledged soldiers. They fight on the front lines, do civilian attacks. They torture and massacre opponents. They are extraordinary cruel and brutal. What is important, it is not just for boys. Girls are members of about forty percent of all "small" armies⁵. Data on the number of juvenile warriors cannot be fully estimated, because if one unit is dissolved in one place, then at the same time there is already a draft in another region.

Nowadays, armed conflicts are being more and more brutal, disrespecting human rights and freedoms. Despite numerous of legal regulations, the problem is increasing. More and more civilians, including children, are use as human shields or young soldiers. The term children in military refers to a minor taking direct or indirect part in military action in a given area. The term itself can be understood as an oxymoron, because it combines an innocent person, characterized by an undeveloped psyche with the soldier's responsibilities – associated with danger and brutality. In the contemporary armed conflicts, one of the fundamental problem is the civil protection, including children. According to the report of the organization responsible for the protection of children's rights "Save the Children" and "The International Peace Research Institute" (PRIO) in Oslo, in 2017 over 420 million children lived in armed conflict zones. It means that every fifth child in the world lived there. By this zone is meant an area with a radius of up to 50 kilometers from the place where the armed struggle took place at

⁵ UNICEF, *The State of the World's Children 2005. Childhood under Threat*, New York 2004, p. 42.

least once in a given year. Every day, children are intentionally killed or mutilated, abducted or are victims of sexual violence. In addition, schools are being attacked and children are being prevented from accessing humanitarian aid, can be read in a report published in February 2020, just before the start of the 56th Security Conference in Munich⁶.

According to Save the Children, 149 million children lived in high-intensity conflict zones in 2018. In absolute numbers, most in Africa, and in the Middle East – about 30% of all of them. Compared to 2010, the percentage of children living in armed conflict zones increased by 34%, and the percentage of UN-verified cases of serious violations against them increased by 170%. The latter, according to the report, include:

- Killing and violating the children.
- Recruitment of children by armed forces or groups.
- Child abduction.
- Attacks on schools or hospitals.
- Refusal of access to humanitarian aid for children.
- Rape and other forms of sexual violence against children⁷.

The armed conflict has its own psychic imprint. It is especially visible in the group of the youngest members of the society, children, who are the most vulnerable members of society⁸. The concept of a children in military (there is no fully legal definition of this term) was determined during the Conference of the United Nations Development Fund for Children in Cape Town in 1997. It was established that the child in military is any person under 18 years of age, which is a member of any kind of regular or irregular armed forces and armed groups and has any role. It includes, but is not limited to the functions of cooks, porters, messengers and any other persons accompanying such groups except family members.

⁶ (DW, ARD/stas), *420 mln dzieci żyje w strefach działań wojennych*, <https://www.dw.com/pl/420-mln-dzieci-%C5%BCyje-w-strefach-dzia%C5%82a%C5%84-wojennych/a-47535550> (access date: 12.03. 2020).

⁷ A. Strømme, E. Sapiezynska, G.K. Fylkesnes, K. Salarkia, J. Edwards, *Stop the War on Children 2020: Gender matters*, <https://resourcecentre.savethechildren.net/node/16784/pdf/ch1413553.pdf> (access date: 12.03.2020).

⁸ M. Szuniewicz, *Ochrona praw dziecka w konflikcie zbrojnym a II Protokół Fakultatywny do Konwencji Praw Dziecka z 2000 roku*, [in:] *Międzynarodowe prawo humanitarne we współczesnym świecie. Osiągnięcia i wyzwania*, ed. T. Jasudowicz, Toruń 2007, p. 75 n.

So, the child in military is not only a boy or a girl actively standing in the front line, but also those children who serve as a chef, porter, bishop or sex slave. Children are often used for the most dangerous activities, e.g. suicide attacks or transport of explosives⁹. They are used as bait for the enemy, eg. as a mine detectors or scouts. Some of their responsibilities, for example in the Democratic Republic of Congo, also include detecting enemy positions or being commanders bodyguards. In general, they have a duty to serve the units that recruited them¹⁰.

The contentious issue is the age limit, from which it is allowed to recruit people into armed groups. As it is indicated in the Convention on the Rights of the Child of 1989 in art. 1 a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. Guided by this understanding of the term 'child', it would seem that the prohibition of child exploitation applies to any young person, under the age of 18. However, there is a dissonance of norms in the provisions of the aforementioned Convention, because it further indicates the obligation to prevent the recruitment of children under 15 years of age¹¹. In the group of children between the ages of 15 to 18 years of age only valid principle of priority use recruitment older children. Therefore, the Convention does not sufficiently protect the most vulnerable group in society. Why is the child such an invaluable candidate for the soldier? First of all, because without major problems it supplies the ranks of the fighters, especially in the absence of men. In the other hand, there is a high resistance to the impact of psychological, and therefore is easily manipulated by management. It is very easy to “program” them to act in accordance with the will of the adult supervisor.

Usually, the recruited children are in the age from 8 to 18. Children under 13 are usually used to help, but at the same time they are trained to fight in armed units. After the age of 13, both

⁹ J. Dobrowolska-Polak, *Ludzie w cieniu wojny. Ludność cywilna podczas współczesnych konfliktów zbrojnych*, Poznań 2011, p. 133-134.

¹⁰ J. Nowakowska-Małusecka, *Konwencje Geneewskie a ochrona praw dziecka w konflikcie zbrojnym*, [in:] *Międzynarodowe Prawo Humanitarne. Antecedencje i wyzwania współczesności*, ed. J. Nowakowska-Małusecka, Bydgoszcz-Katowice 2010, p. 133.

¹¹ *Konwencja o prawach dziecka przyjęta przez Zgromadzenie Ogólne Narodów Zjednoczonych dnia 20 listopada 1989 r.*, Dz.U. 1991, nr 120, poz. 526.

girls and boys, are already actively involved in hostilities. Recruitment may take place against the will of the candidates, as well as voluntarily under the influence of coercion caused by the lack of livelihood. However, many children are recruited by force and forced to fight. In Burundi, Cote d'Ivoire, Democratic Republic of the Congo, Sierra Leone, Sudan, Uganda or Somalia, children are abducted from the streets, play areas, from walks, or during school classes or performing daily duties in the presence of parents. Often the method of recruitment to the armed forces is selling little girls by family dictated by poverty reasons. They become soldiers or are sexually exploited¹². Another way is to encourage the recruitment of poor children cigarettes, nice and colorful clothing, which is for them a pass to a better and more dignified life. In some cases, they are offered money in exchange for joining the army.

Children have any tools to protect themselves against being forced into the armed forces. Many of them escape without parents when they run away. Then there are the most vulnerable to abduction present¹³. The army provides minors with uniform and food. Volunteers may also be driven by revenge for cruelty inflicted on their families and the community in which they grew up¹⁴. Secondly, military verified their suitability for fight. In the next stages of "military training" young soldiers are treated very brutally. Children are sent to military training in camps where they are indoctrinated. There, juveniles are treated almost like adults. The training is conducted in difficult natural conditions, e.g. in forests or in the bush. Children learn fighting techniques and how to use weapons. They want to fight and compete. Even after the violent activities, children are ordered to watch movies promoting violence, hatred and physical abuse of the weak. They are also familiar with hatred of other tribes and other people¹⁵. Drugs are given to obey them and alleviate pain. However, if they show persistence and survive difficult conditions, after a few weeks of training they are

¹² J. Dobrowolska-Polak, *Ludzie w cieniu...*, p. 56.

¹³ Ibidem, p. 140.

¹⁴ *Dzieci – żołnierze*, <http://www.unic.un.org.pl/rozbrojenie/dzieci—zolnierze.php> (access date: 16.11.2017).

¹⁵ Vide: G. Carrisi, *Dzieci – żołnierze. Kalami idzie na wojnę*, Kraków 2007.

used to fight on the first line¹⁶. As a result, they indicate various types of mutilations and injuries. Diseases of the musculoskeletal system, skin, circulatory system, respiratory system, AIDS and addiction to drugs and alcohol also prove to be a permanent effect.

As a result of the body getting used to difficult living conditions, the child touches on premature aging¹⁷. Children recruited for the army are at risk of losing their lives and health. They are regularly given specific doses of drugs to strengthen their courage on the battlefield. In addition, the death of another child is demonstrated to them, threatening the same consequences for other disobedient warriors¹⁸. A child who witnesses the killing of a disobedient colleague by other companions and is forced to take military action, is exposed to serious mental changes. Very quickly got use to the sight of blood and encodes it in his psyche as a normal element of life¹⁹. There is a lack of family hierarchy, children feel like they are the gods.

A similar fate awaits the girls in military who receive weapons the same size as the boys. In addition, girls also play other roles during hostilities. Their duties include taking care of the kitchen in the camps, carrying equipment, performing sexual services at the request of soldiers and fighting in trenches. Sexual abuse is commonplace. If a senior person realizes that the girl is pregnant, she is most often brutally killed or dies during childbirth. There were cases when other girls had to kill such a girl first, and then cook and eat her. It was “tempering the spirit”.

Many times girls in advanced pregnancy were required to take an active part in the battles, also on the first line. Dramatic moments in the lives of these young people remain forever in memory. This is post-traumatic stress. This phenomena is described as a mental disorder, resulting from experience traumatic events, which result in appearing in the memory images of murder,

¹⁶ *Coercion and Intimidation of Child Soldiers to Participate in Violence*, <https://www.hrw.org/news/2008/04/16/coercion-and-intimidation-child-soldiers-participate-violence> (access date: 13.07.2023).

¹⁷ G.E. Miller, E. Chen, K.J. Parker, *Psychological Stress in Childhood and Susceptibility to the Chronic Diseases of Aging: Moving Towards a Model of Behavioral and Biological Mechanisms*, „Psychological Bulletin” 2011, no 6, p. 959-997.

¹⁸ *Coercion and Intimidation...*

¹⁹ *Dzieci – żołnierze*, www.sadistic.pl/dzieci-zolnierze-vt83147.htm (access date: 11.11.2017).

rape, torture and mass executions²⁰. Memories of traumatic events leave lasting marks in the child's mind. Can cause sleep disorders, irritability, anxiety, anger, fear and depression. It is also associated with many other diseases. Children closed to the world become incapable of showing any feelings. Recruitment to the armed forces involves isolation from the family and displacement, which causes the lack of a sense of having their own place. Worsening this mental state can also orphaning and loss of loved ones.

The use of a child for military purposes also has social consequences. The return of the young soldier is rejected not only by society but also by his/her own family. With the end of hostilities, their reintegration into society is extremely difficult. Trained as ruthless killers, they often cannot return to their homeland for fear of harassment from their loved ones. Residents of the family village treat young soldiers as cursed, which makes it difficult for them to find their place. Thus, children return to the trenches many times because they are unable to find the bonds that formerly connected them with a particular environment. It should also be pointed out that the child is not able to develop spiritually and mentally, because during the period of service in the armed units he does not receive any education. Mental development is also very difficult after demobilization, because the child should be looked after by teachers from the same environment, tradition and speaking the same language, and this is not always possible. Returning children, or already as adults, have problems with employment. The mass recruitment of children to armed groups is also important for political stability and civilization development²¹.

The protection of children's rights is ensured by two areas of international law. On the one hand, we are dealing with the international humanitarian law of armed conflicts, which include the Geneva Conventions together with additional protocols. On the other hand, the protection of a child injured in an armed conflict arises from the international law of human rights, and in particular from the 1989 Children's Rights Convention together with the Protocol on the participation of children in the armed conflict of

²⁰ Ibidem.

²¹ Vide: I. Beah, *A long way gone. Memoirs of a boy soldier*, London 2007.

2000²². One example of such a regulation is the Fourth Geneva Convention, which promotes and imposes on the parties to the conflict the obligation to distinguish civilians from soldiers. All the principles of international humanitarian law make up the image of protecting human rights against the brutal effects of war, e.g. by the obligation to use certain types of weapons or methods on the battlefield²³ or prohibiting collective punishment, intimidation or hostage-taking²⁴. Children are also covered by this protection. The problem arises when representatives of the civilian population engage in warfare. Then they cease to enjoy the protective status of a civilian person created on the basis of the Geneva Conventions.

However, special protection of children soldiers, primarily due to the mental immaturity of the child. Children are forced to fight to the death and life in an adult war. For this reason, young soldiers are still under protection because in this conflict they are not perpetrators but victims. They are also protected by the Third Geneva Convention in the event of their detention as prisoners of war, because it imposes the privileged treatment of prisoners due to age²⁵. However, the Convention does not list specific guarantees regarding the status of a child's soldier. This is due to the fact that the Geneva Conventions do not distinguish children from adult soldiers in the light of armed conflict, but they grant them the status of prisoner of war. Article 4 3 of the Additional Protocol introduces certain modifications to the provisions of the Convention related to the recognition of the child as an active soldier in the armed conflict²⁶, replacing such guarantees, as special housing conditions, additional food rations appropriate disciplinary sanctions and an age, sex and medical condition taking into account the principles of humanity²⁷.

The legal norms of Additional Protocols to the Geneva Conventions describe certain privileges for children embodied in the armed forces who are under 15 years of age. They were given the

²² M. Szuniewicz, *Ochrona praw...*, p. 77.

²³ Vide: A. Łopatka, *Dziecko. Jego prawa człowieka*, Warszawa 2000, p. 113.

²⁴ J. Nowakowska-Małusecka, *Konwencje Genezy...*, p. 123.

²⁵ *Ibidem*, p. 123.

²⁶ P. Jaros, *Prawa dziecka w konfliktach zbrojnych*, [in:] *Współczesne problemy praw człowieka i międzynarodowego prawa humanitarnego*, ed. T. Jasudowicz, M. Balcerzak, J. Kapelańska-Pręgowska, Toruń 2009, p. 281.

²⁷ *Ibidem*.

option of being a veteran if they fought actively in the armed forces and were under 18 years of age. The full formulation of the principle of treatment of this weakest social group during armed conflict is contained in art. 77 of the Additional Protocol, which provides that “children should enjoy special respect and be protected against all forms of assassination. The parties to the conflict will provide them with the care and assistance they need because of their age or for any other reason”²⁸. Optional protocols to the Geneva Conventions are an extension for children involved in armed conflict. The Additional Protocol applies to victims in international armed conflicts. Article 77 para. 2 explicitly requires conflicting countries to make all possible efforts so that children under 15 years of age do not participate directly in military operations, and in particular that they do not appoint them to their armed forces.

In the case of children who are at least 15 but under 18 years old, there is the possibility of joining the army, but only to give way to the elderly. Moreover, when entering into dialogue with the Third Geneva Convention, the Protocol introduces the principle that children under 15 years of age, actively participating in hostilities and on the opposite side, will continue to enjoy special protection, regardless of whether they have the status of military prisoner or not. In addition, they were given special conditions of detention – in rooms separate from adults, unless they occupy these rooms with the family. On the basis of the First Protocol, a ban was also imposed on persons under the age of 18²⁹. The term “directly” in paragraph 2 of this article means that only some cases of child recruitment are protected. All indirect methods are not protected.

The provisions of the Second Protocol extended the scope of protection by introducing in art. 4 clause 3 prohibiting the incorporation of children under the age of 15 into armed groups and receiving permits to participate in hostilities. It seems that the legal status of the child as defined in the Second Additional Protocol, relating to non-international conflicts, is formally slightly better than in the case of international armed conflict³⁰, because it also

²⁸ *I Protokół Dodatkowy do Konwencji genewskich z 12 sierpnia 1949 r., dotyczący ochrony ofiar międzynarodowych konfliktów zbrojnych*, Dz.U. 1992, nr 41, poz. 175.

²⁹ *Ibidem*.

³⁰ P. Jaros, *Konflikty zbrojne...*, p. 281.

includes the indirect participation of children in armed conflicts. These provisions were repeated in the Convention on the Rights of the Child, which highlighted an element that was missing from the Protocols, namely – distinction by circumstances. The Convention outlined the problem under international human rights law, pointing out that protection of a child is one of its tasks. After all, a child is a young man who should create the foundation for a new reality, build relationships between people and care for values. In addition, the child also has inherent and inalienable rights, in addition to those due to him because of the state in which he is, such as parental care. The Convention on Child Rights does not address many important issues. It only adopted the age limit of 15 and omitted the issue of recruitment by non-governmental forces. These are certainly significant shortcomings that affect the lack of progress in eliminating the military exploitation of children.

There is also a regional document regarding this problem, namely the African Charter on the Rights and Welfare of Children, adopted by the Organization of African Unity in 1990 in Addis Ababa. Article 22 of the Charter states that States will take steps to ensure that no child is directly involved in fighting, in particular refraining from including children in the armed forces. The card does not specify the age limit, which means that it should be applied to every child, i.e. according to the Convention on the Rights of the Child – a person under 18 years of age³¹. The card was drawn up on a very unstable and conflictogenic continent, where the phenomenon of children of soldiers is most common. Unfortunately, there is a clear divergence in the Charter regarding the concept of a child soldier involved in an armed conflict. On the one hand, it talks about treating these children as full participants and grants them refugee status, which guarantees them protection and humanitarian aid, and on the other, it prohibits the participation of children in the conflict³².

This issue is also addressed by the International Labor Organization Convention No. 182, which deals with the prohibition and elimination of child labor. The convention includes the compulsory or compulsory recruitment of children to participate in an

³¹ J. Nowakowska-Małusecka, *Konwencje Genewskie...*, p. 131.

³² P. Jaros, *Prawa dziecka...*, p. 290.

armed conflict³³. Due to the spreading wave of the phenomenon of a child soldier, the international community has taken further steps to eliminate this process. The day of 25 May 2000 was passed Optional Protocol to the Convention on the Rights of the Child. In the Protocol decided that the child's age limit is 18 years old and below this year is a ban on the recruitment of child soldiers. Article 1 of the Protocol states that Member States – Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18, did not take a direct part in hostilities³⁴, and at the same time imposes an obligation that persons under the age of 18 are not subject to compulsory recruitment for their armed forces. The task of the state is to ensure that children are not also recruited to non-state groups and to make every effort to ensure that this type of practice does not take place. In addition, each state is obliged pursuant to art. 3 of the Protocol for the submission of declarations, where it indicates the minimum age from which it allows voluntary recruitment to the national armed forces.

The Protocol introduces numerous guarantees to further strengthen the protection of children. One of them is the guarantee that in the event of an attempt to force candidates to participate in armed conflicts, there must be a confirmation of voluntariness by the informed consent of parents or legal guardians, information on the obligations related to admission to the service and presentation of birth records. The protocol introduces ad hoc regulations, seeks to reform the legal systems of states, obliges to implement and enforce its provisions, including criminalizing the above violations. The circulation and the obligation to promote and disseminate its rules and provisions. It imposes on states an obligation to take all possible measures to demobilize or release from the service of children under their jurisdiction – incorporated or used in armed conflict. In addition, art. 6 also imposes an obligation to assist such persons in regaining physical and mental health. The protocol provides comprehensive care for children of soldiers, both in the pre-

³³ J. Nowakowska-Małusecka, *Konwencje Geneńskie...*, p. 131-132.

³⁴ *Protokół Fakultatywny do Konwencji o prawach dziecka w sprawie angażowania dzieci w konflikty zbrojne*, Dz.U. 2007, nr 91, poz. 608.

vention of their abuse and in providing assistance to victims of armed conflict.

The reasons why children join the army have an individual and social dimension. Individual motives are the desire to survive and raise the social status. A young man needs respect and words of appreciation for his courage. Hence, appearing “on the first line of fire” increases his self-esteem. Army recruitment is also a kind of promotion for many young people. Being a member of an armed group gives them a sense of group belonging and the status they were deprived of in their environment as civilians. In countries where there is a shortage of schools and no prospects for work, the young man is left with the last way of earning money, which is volunteering, in the hands of these young people, the rifle is a survival tool and a work tool³⁵. Joining the army gives them the opportunity to survive, if only because of the guaranteed clothing and regular food. Therefore, it is a problem with deeper and more serious causes³⁶. One can use the example of Chad, in whose eastern part there are overcrowded refugee camps. They are life centers for people forced to leave their homes as a result of armed conflict. Children do not have access to education or employment opportunities there. Often no one expects them at home because they lost their families and friends in armed fighting. These places are therefore a great area for recruiting children. UNICEF influenced the Chad government to take action to demobilize the youngest combatants. In undertaken the government program, however, it lacked effectiveness. What are the reasons for this? Continuous uncertainty, extreme poverty and the reluctance of politicians and military men to engage in the demobilization process are of great importance here. The situation in eastern Chad is still very volatile. The region is very poor and lacks political stability. He is also

³⁵ N. Sauer, *Child soldiers put adult troops in a painful moral dilemma*, <https://theconversation.com/child-soldiers-put-adult-troops-in-a-painful-moral-dilemma-90036> (access date: 10.07.2023); *AP Investigation: Children Fight on Front Lines of Yemen War*, <https://www.voanews.com/a/ap-investigation-children-fight-on-front-lines-of-yemen-war/4707098.html> (access date: 11.07.2023); *Aid Workers Say Child Soldiers Involved in Escalating Somali Violence* (access date: 12.07.2023).

³⁶ A. Łopatka, *Dziecko. Jego...*, p. 132-133.

greatly influenced by orifices in neighboring Darfur. A large number of refugees from Darfur live in camps in eastern Chad³⁷.

In “fallen countries” there are favorable conditions for the recruitment of children of soldiers. This applies mainly to countries from Africa, the Middle East and the Middle East, Central Asia, and Latin America. This is because of a lack of control over the borders and territory of these countries, as well as a lack of basic goods that the state should provide: education, healthcare, transport, roads and other public sector spheres. Examples of such countries are Sierra Leone, Somalia, Ghana, Cameroon. Civil war is systematically ongoing in each part of these countries. Lack of central armed force means that local groups are trying to take control of a given territory. However, they are not able to take control of the entire country. Therefore, the problem arises of exploiting the local population, offering them food and money in exchange for joining the rebel group³⁸. Lack of decent living conditions, state stability, poverty, backwardness in the areas of basic needs, such as health or education, pushes young people to take such actions. Propaganda by rebels or non-state armed forces showing European standards, gives young people hope for a better life and raises frustration with the ruling authorities.

Both internal and international conflicts raise the problem of child exploitation as active soldiers. “It is estimated that more than 300,000 children under the age of 18 are currently fighting in conflicts around the world and hundreds of thousands more are members of armed forces who could be sent into combat at any time”³⁹, and since 1990, over 1.6 million children have been killed in armed conflict worldwide. This is a problem affecting the Middle East, African countries and, more recently, Syria. Most children fight in the Democratic Republic of Congo, but also in Uganda, Sudan, Lebanon, Myanmar (former Burma), Somalia, Sierra Leone, Sri Lanka, Afghanistan, Angola, Burundi, Colombia, Israel, Palestine, Iran and Iraq. The most famous groups of child soldiers

³⁷ *Chad, Prohibiting the Use of Child Soldiers*, <https://ihl-in-action.icrc.org/case-study/chad-prohibiting-use-child-soldiers> (access date:14.07.2023).

³⁸ P. Chapleau, *Child soldiers, not very minor weapons of destruction*, „Inflexions” 2018, no 1, p. 235-244.

³⁹ *Child soldiers: one of the worst abuses of child labour*, <https://www.amnesty.org/en/wp-content/uploads/2021/06/ior420011999en.pdf> (access date: 11.07.2023).

include the United Revolutionary Front and West Side Boys operating in Sierra Leone⁴⁰.

Opposition to the phenomenon of child exploitation as soldiers is global. Many international organizations, i.e. the United Nations Children's Fund (UNICEF), the United Nations, Amnesty International, Human Rights Watch, the European Union, the International Labor Organization, the Polish Humanitarian Organization, the International Red Cross and many others, put a lot of effort into complete the recruitment of juvenile soldiers. The establishment of the Coalition against the Exploitation of Child Soldiers based in London in 1998 confirmed the cooperation with numerous organizations operating in various parts of the world. Many countries are involved in monitoring the exploitation of child soldiers, exchanging experiences, and promoting active opposition to this problem.

The Security Council Resolution No. 1261 of 1999 was significant in this respect because it clearly condemned the activity of child exploitation in armed conflicts, in violation of international obligations. RB called on states to comply with their binding obligations contained in the provisions of the Geneva Conventions of 1949, Additional Protocols of 1977 and the Convention on the Rights of the Child. She indicated the need to prosecute persons responsible for violation of international obligations. In addition, this UN body emphasized in its resolution that the issue of child protection should be included in discussions on international security and peace. The Security Council requested countries and international entities to take appropriate action to ensure disarmament, demobilization, reintegration and social rehabilitation of soldiers' children.

Resolution highlighted the main types of violations of children's rights in areas VOL s armed conflict. These include: violence against children, the use of children by armed groups, killing and wounding children, attacks on educational establishments, detention of humanitarian aid, sexual violence and child abduction. International humanitarian law would only be an illusory aid for victims of armed conflict, were it not for the fact that in the event

⁴⁰ Ibidem.

of violations of its provisions specific liability was provided. The same resolution established a system of reports and monitoring, which give some control over the state of legality of conducted activities. A Field Working Group for Monitoring Reports has been set up. A special representative of the UN Secretary-General for children and armed conflict has been authorized to prepare reports on violations of children's rights. As already mentioned, the Convention on the Rights of the Child, as well as the Optional Protocol thereto, imposes it on your obligation to ensure that a child who has not reached a certain age does not take part directly in military operations. The protocol additionally indicates that also every armed group other than the armed forces of a given state has such an obligation. The same document provides the basis for introducing into the internal systems of states regulations that are to order and prohibit prohibited behavior, which guarantees more efficient and safer protection of children. The entities obliged to comply with these provisions are both state forces and non-governmental groups. "The simultaneous imposition on states parties of the obligation to prevent, prosecute and punish such practices was a desirable operation"⁴¹.

The creation of the International Criminal Court on the basis of the Rome Statute of the International Criminal Court, which was adopted on 17 July 1998 in Rome, was another important step towards preventing the exploitation of children in armed conflict. The task of the Court is to investigate and judge in cases regarding such international crimes as genocide, war crimes and crimes against humanity and aggression. The concept of war crime includes the collection or recruitment of children under 15 years of age or using them to actively participate in military operations in international and non-international armed conflicts. Unfortunately, the Court's jurisdiction is subsidiary, which means that the Court only judges if the state does not want or cannot proceed. The International Criminal Court is an example of the implementation of the idea of universal jurisdiction as opposed to the International Criminal Court for the former Yugoslavia, for Sierra Leone or for Rwanda⁴².

⁴¹ P. Jaros, *Prawa dziecka...*, p. 283-284.

⁴² *Ibidem*.

The considerations presented in the article indicate the importance, scale and significance of the problem of children of soldiers in modern wars and armed conflicts. This pathology war is a violation of applicable provisions of international humanitarian law of armed conflict, a serious violation of the universal rights of the child and the fundamental, principal law applicable in the world twenty-first century. At the same time, it proves the weakness of many international institutions and organizations, as well as states responsible for controlling and enforcing compliance with the range of human rights and freedoms, in particular children's rights. It is a challenge that the international community must urgently and effectively face in the near future. If this does not happen, it will be difficult to find arguments attesting to the ongoing civilization of armed conflicts. On the contrary, the international community will take a step backwards. A step toward approval of a quiet escalation of barbarism and inhumanity shameful being in effect s on today's battlefield.

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