**ELECTRONIC RECRUITMENT OF CHILDREN IN ARMED CONFLICT: A LEGAL ANALYSIS UNDER INTERNATIONAL HUMANITARIAN LAW**

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**ABSTRACT**

**Background:** Beyond the apparent damage caused by violence, armed conflicts can have significant indirect health effects. Destabilising systems of healthcare and fostering unfavourable economic and surroundings, also produce long-lasting political instability, which hinders efforts to lower mother and infant deaths.

**Objective:** This study aims to investigate the legal ramifications of electronic child recruiting for the armed forces, emphasising how these relate to international humanitarian law.

**Design:** This research employs a qualitative doctrinal analysis of the legislation about electronic child recruitment, which is a great idea. The relevant treaties, legal doctrine, and precedent that comprise this subject's main information source will be examined.

**Findings:** Research indicates that implementing the law should precede development requirements, implying that the laws necessary for achieving their purpose are currently in place.

**Originality:** This work adds to the body of knowledge by offering a thorough analysis of the legal issues related to the electronic recruiting of minors.

**Keywords:** international framework, armed conflict, regulation, child soldiers, ihl- international humanitarian law.

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**RECRUTAMENTO ELETRÔNICO DE CRIANÇAS EM CONFLITOS ARMADOS: UMA ANÁLISE JURÍDICA SOB O DIREITO INTERNACIONAL HUMANITÁRIO**

**RESUMO**

**Contexto:** Para além dos danos aparentes causados pela violência, os conflitos armados podem ter efeitos indiretos significativos na saúde. A desestabilização dos sistemas de saúde e a promoção de situações econômicas e circundantes desfavoráveis também produzem uma
instabilidade política duradoura, que dificulta os esforços para reduzir a mortalidade materna e infantil.

**Objetivo:** Este estudo tem como objetivo investigar as ramificações legais do recrutamento eletrônico de crianças para as forças armadas, enfatizando como elas se relacionam com o direito humanitário internacional.

**Design:** Esta pesquisa emprega uma análise doutrinal qualitativa da legislação sobre o recrutamento eletrônico de crianças, o que é uma ótima ideia. Os tratados relevantes, a doutrina legal e os precedentes que compõem a principal fonte de informação deste assunto serão examinados.

**Conclusões:** A pesquisa indica que a implementação da lei deve preceder os requisitos de desenvolvimento, o que implica que as leis necessárias para atingir seu objetivo estão atualmente em vigor.

**Originalidade:** Este trabalho contribui para o corpo de conhecimento, oferecendo uma análise minuciosa das questões legais relacionadas ao recrutamento eletrônico de menores.

**Keywords:** quadro internacional, conflito armado, regulamentação, crianças-soldados, dih - direito internacional humanitário.

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RECLUTAMIENTO ELECTRÓNICO DE NIÑOS EN CONFLICTOS ARMADOS: UN ANÁLISIS JURÍDICO EN VIRTUD DEL DERECHO INTERNACIONAL HUMANITARIO

**RESUMEN**

Antecedentes: Más allá del aparente daño causado por la violencia, los conflictos armados pueden tener efectos indirectos significativos en la salud. Los sistemas desestabilizadores de atención de salud y el fomento de entornos económicos y sociales desfavorables también producen una inestabilidad política duradera, que dificulta los esfuerzos por reducir las muertes de madres e infantes.

**Objetivo:** Este estudio tiene como objetivo investigar las ramificaciones legales del reclutamiento electrónico de niños para las fuerzas armadas, enfatizando cómo estas se relacionan con el derecho internacional humanitario.

**Diseño:** Esta investigación emplea un análisis doctrinal cualitativo de la legislación sobre reclutamiento electrónico de niños, lo cual es una gran idea. Se examinarán los tratados, la doctrina jurídica y los precedentes pertinentes que constituyen la principal fuente de información de este tema.

**Hallazgos:** La investigación indica que la implementación de la ley debe preceder a los requisitos de desarrollo, lo que implica que las leyes necesarias para lograr su propósito están actualmente en vigor.

**Originalidad:** Este trabajo se suma al acervo de conocimientos al ofrecer un análisis exhaustivo de las cuestiones jurídicas relacionadas con la contratación electrónica de menores.

**Palabras clave:** marco internacional, conflicto armado, regulación, niños soldados, dih - derecho internacional humanitario.
1 INTRODUCTION

The internet provides armed organisations with a means of reaching out to young individuals who are not in the proximity of the disputes, which contributes to the ongoing problem of child soldier enlistment. In expatriate groups in the US and the UK, attempts are made to train future generations. The most common one was perhaps when Hassan and his pals, who were Somali Americans, vanished from Minneapolis after joining the Somali extremist Islamist organisation al-Shabaab. A recruiting film featuring teenage al-Shabaab militants from Minnesota ran in August 2013 with the slogan "This is the real Disneyland." However, armed organisations' recruiting efforts are still most noticeable. There are now "martyr"-producing institutions in Iraq, Afghanistan, Lebanon, and Somalia; terrorists are honoured with soccer squads, public spaces, and camp facilities in Palestine. Although some groups use rewards to entice youngsters, others capture them.

The recruitment and application of children in armed rivalries, often known as the 'child soldiers' phenomenon, is a critical rights-related issue that the law must consider and thoroughly explore to address the threats that children are facing today. The possibility of enlisting and using minors in warfare has had a significant negative influence on both the global stability, safety, and sustainability objectives as well as the optimum growth of the individual kid. Recognising the impending threat, the UN moved quickly to address this concern in 1999 by adding it to the UN Safety Council's agenda (Gates, 2011). Since then, the UN has put into practice a long list of diverse tactics to halt this heinous crime (Gates, 2011). The most notable contribution, however, has been the innovative work to create international legislation that forbids the enlistment and use of minors in military service. This resulted in the current legislation, which justifies outlawing enlistment. This paper will demonstrate how natural and artificial calamities, such as conflict, terrorist activity, riots, and dangers from biological and chemical agents, have repeatedly impacted the world. Individuals have experienced pain and suffering due to these catastrophes, which have also exposed governments’ extreme lack of readiness to handle the fallout and low self-sufficiency.

Whether natural or artificial, obstacles frequently result in financial turmoil and medical emergencies, which have long-lasting detrimental consequences on the socioeconomic standing of people of all ages. Children represent some of society's most disadvantaged and marginalised inhabitants, and the child is infrequently consulted when
governments decide on matters that negatively affect them (Rasakandan & Tehrani, 2022). These negative impacts have an impact on children. One of the most disastrous events in human history is war, which calls for both immediate measures and intricate recuperation plans that are broken down into phases (mitigation, readiness, reaction, and restoration); however, prioritise the liberties of children who are more likely to be harmed because of their vulnerable situations. Coming up with a law is not the same as figuring out how to implement it. Though they are necessary, more robust laws are insufficient to end the custom of enslaving children. It is inadequate to pass decisions in the UN Security Committee and ratify conventions after a treaty within the global community without ensuring these actions are implemented. An analysis of the underlying reasons for child soldiering is necessary to prohibit the activity effectively. It is essential to understand why adults find it acceptable to recruit kids and why kids enlist for military operations. By comprehending the origins and the ensuing interactions, directed tactics that target the core of the routine can be created.

2 THEORETICAL FRAMEWORK

The term 'child soldiers' is frequently used in daily speech, appearing in headers on significant news websites and being a term commonly used in the UN. The term refers to and includes youngsters who became a part of, trained by, or affiliated with military organisations and terrorist organisations all over the world. The word 'combatant' refers to a person who recruits and uses minors in conflicts to prevent minors from being needlessly victimised. Concerning recruitment of kids and use, humanitarian efforts often refer to youngsters as belonging to military organisations and established groups. This is because the term has an expanded meaning, considering the variety of activities children play. This aims to ensure that kids serving in non-combat positions throughout humanitarian missions are not forgotten (Rasakandan & Tehrani, 2022). These concepts refer to the legal meanings of warfare and an armed organisation or organisation in both situations. These differences reflect children's diverse responsibilities in the armed services and other organisations. These roles go beyond what is typically associated with serving, such as household chores like cleaning and meal preparation (Gates, 2011). As a result, all of these phrases are used in this study to compare their more general vs
specialised meanings. It is crucial to discuss the concept of children before looking at these criteria in action and how they relate to empirical research on child fighting.

Various international treaties have varied legal definitions of what constitutes a child. The definition of a nation will depend on the treaties it has ratified and whether or not its domestic legal system has incorporated these international commitments. It is also critical to remember that the concept of childhood is socially generated and that culturally distinct conceptions of children are not reflected in the legal framework of a given nation.

The age of adulthood is set at 18 worldwide by the United Nations Agreement on the Human Rights of the Child, which also grants persons under 18 certain rights and safeguards. However, it differs based on the law and social setting (e.g., the right to cast a vote, the age at which one can enlist in the military, the age at which one can give consent, the years at which one can hold a particular power, the age at which one is held criminally) (Gates, 2011). States are free to set an earlier age limit than that stipulated by the CRC. Global and national law may not always apply to children's actions, as social indicators of adulthood sometimes do not match the age of 18. Moreover, the CRC and the global talk on kids' constitutional rights present culturally established, primarily Western conceptions of childhood as universal instead of contextualised and statutory descriptions. The liberties and safeguards that go along with it are derived from these concepts.

Treaty law fails to specify the term ‘soldier.’ Instead, IHL employs terms and expressions like ‘combatants’ and ‘participants of armed forces.’ The phrase ‘combatant’ designates a person not shielded from direct attack and denotes that in certain situations, that person may be entitled to further safeguards if they ‘fall into the custody of a hostile Party. ‘According to IHL, a combatant is a legitimate strategic target, making it permissible to use lethal force on them. The differentiation concept is central to this conversation. Parties to a dispute must adhere to this legal concept to differentiate between army and civilian items and between fighters and bystanders. The only targets parties to a dispute may legitimately attack are non-citizens or military targets. An individual who does not serve in military service is a civilian, according to IHL. ‘In case of dispute, whether an individual is a civilian, the individual must be deemed a civilian,’ according to Article 50 of Additional Protocol I. According to IHL, the law must be shielded from direct assault (Rasakandan & Tehrani, 2022). Still, if they actively take part in disagreements, they may no longer be protected from attack and may instead become
legitimate military targets (Rasakandan & Tehrani, 2022). Treaty law does not define the term ‘soldier.’ Instead, IHL employs terms and expressions like ‘combatants’ and ‘members of organised forces.’ For instance, ‘combatant’ designates an individual not shielded from a direct assault and denotes that, in certain situations, that person may be eligible for further safeguards IHL, a combatant is a valid military target; hence, deadly force can be used against them.

The differentiating concept is central to this conversation. Parties to a dispute must adhere to this legal standard to make distinctions between armed forces and civilian items and between fighters and civilians. The only targets parties to a dispute may legitimately attack are non-citizens or military targets. Under the IHL, residents are shielded from direct assault but may no longer be protected from attack if they actively participate in conflict. They may instead become legitimate targets for military forces. To prevent children from obtaining legitimate targets, even when they might be helping a terrorist organisation with its activities, the scope of child enrolment and utilisation is narrowed under international humanitarian law (IHL). There are particular variations in how minors are used, who is enlisting them, and what applicable regulations may establish the age for authorised involvement with military conflicts at either 15 or 18 (Rasakandan & Tehrani, 2022). These variations should be considered when determining what forms of enlistment and application are prohibited. In addition, it is crucial to consider how the culturally established character of infancy influences soldiers' application of IHL in practice.

A person's age is frequently difficult, if not impossible, to ascertain before attempting to employ force, detain an individual, or take any other possibly adverse action. Age is just one of many variables that interact with race, ethnic background, gender, religion, political views, and other aspects to shape how development is viewed and formed. These elements may result in some children's childhood being denied and the protections they are entitled to be taken away by IHL. Proactive responder professionals must comprehend and take into account the politics of infancy. The 2007 Paris Guidelines, which centred on safeguarding minors against being recruited or utilised and ensuring their proper demobilisation from militant organisations and their reintegration into society as civilians, provide the other main guidelines for recruitment and exploitation (Rasakandan & Tehrani, 2022). The phrase 'children linked to military forces and organised groups' is used to denote the possibility that youngsters are
connected to conflicting parties, though perhaps not in a fashion that would make them targets. It describes them as:

Anybody under the age of eighteen who is or has been enlisted in the armed forces or has otherwise been involved in any capacity with an armed group, which applies to kids, boys, and girls, employed as transmitters, spies, chefs, stouts, combatants, or for sexual activities. It does not just apply to kids directly involved in fighting. This definition aims to be inclusive so that those who can get humanitarian aid during an armed struggle are not restricted by more restrictive ideas of what constitutes child warfare, such as the idea that it is only applicable to males who are armed. It specifically aids in making sure that women are not overlooked during the demobilisation process. However, this description depends on kids being enlisted in or utilised by the military or other armed organisations. Even the definition of an armed force is rather explicit; it references the Optional Protocol's definition of an armed group.

International humanitarian legislation and precedent must be consulted in this regard, as the Optional Protocol offers no more clarification. When we talk about armed conflict, parties to a fight are referred to as states or non-state actors. Any organisation that does not constitute a part of the state and meets specific requirements, such as having a hierarchy of command of some kind, being sufficiently organised and capable of carrying out military activities within a battleground, and being involved in the conflict of the battle itself, can be considered a non-state actor (Gates, 2011). In the end, a group needs to be able to apply for IHL. IHL addresses both categories, providing guidelines and specific authorisations for what each can do in an armed conflict. The permissions and directions granted to people under the international human rights law (the IHRL) are typically far less restrictive than what is required of them. As a result, even though the reality for these kids might be just as harsh and violent as circumstances covered by humanitarian law internationally, the legal framework provided to them when they do not participate in an armed conflict is more restrictive.

Non-international armed conflicts (NIACs) must satisfy two requirements the law must recognise. Firstly, the level of aggression must have exceeded a minimum limit, and secondly, the groups engaged must have become sufficiently organised to be considered parties to the warfare and be able to participate in a fortified struggle. This is a crucial last component of the authorised and moral description since the legal concepts of armed organisations and child employment, as well as the legal entitlements of children involved
in violence, rely on the presence of an armed conflict according to the law. They are implementing Common Article Three of the 1949 Geneva Protocols and Protocol I of the Supplemental Protocol 2, which yield specific meanings. In contrast to a dispute between non-state militias, Article 1 of AP2 defines a conflict more narrowly by requiring that the government be one of the parties to the disagreement and that the non-governmental organised organisations participating have some level of territorial authority (Drumbl, 2023, pg. 2). This limitation, nevertheless, only affects specific applications of AP2 and has no bearing on IHL in general. Therefore, the dependence on the definition of an armed organisation and the presence of a violent dispute unites these explanations of the computerised recruitment procedure that is humanitarian and legal and the use of minors (Legassicke et al., 2023). Therefore, except for recruitment and utilisation by state military personnel, both prohibit the use of children in aggression that is not related to an armed conflict.

In the final analysis, these definitions also hinge on how one defines a child. Many professionals in the legal, humanitarian, and other fields work on the definition of under-18 provided by the CRC or under the applicable national law if otherwise. They even distinguish between recruitment and usage rules at 15 and 18 in certain situations. It is legitimate to keep concentrating on all minors under 18, irrespective of whether their hiring is lawful, because of the safeguards this affords them. Nonetheless, early warning scholars and professionals need to be aware of how childhood politics and the social order affect how children can be safeguarded or participate in their safeguarding. This study looks at the terms used by equipped conflict databases to refer to the conflict between armed and armed groups, as well as the encounters of kids who are enlisted and utilised by gangs or other criminal syndicate groups to highlight the significance of including children's lived experiences as well as legal, compassionate, and social scientific perspectives on conflicts in early-warning mechanisms (Faulkner et al., 2019).

Though this varies from crisis to conflict, the family's involvement is significant in explaining diversity in online child recruitment techniques. Sub-Saharan African parents and other carers are typically uninterested in the recruitment process; as a result, children are frequently kidnapped or forcibly removed from their guardians. On the other hand, the majority of the students in ISIS-run schools are either volunteers from their families or were discovered in orphanages. Several parents who support ISIS seem to be publicly encouraging their children to participate in the group as well as eager to let them
(United Nations Office on Drugs and Crime, 2017). Families of 'emigrants,' who have flown to Syria and Iraq to participate in the Islamic state, have posted to Western websites to share pictures of their kids standing with dismembered heads and mangled corpses, encouraging them to take on the role of victims in recruitment videos. ISIS indoctrination is similar to the actions of the Moro Islamic Liberation Front (MILF) in the nation of the Philippines in that both groups encourage kids to join their families in terrorist activities. In some situations, parents may willingly or under duress give their kids to militants. Instead of being preyed upon, children may believe that joining violent organisations is a safer option. Children in Afghanistan are driven to enlist by their need for warmth and sustenance. Taliban insurgents are buying off starving youngsters to lay mobile bombs, serve as traps, and carry out suicide bombings against Afghan and international soldiers stationed in the nation. They choose the young lads from a community of abandoned and needy kids. Young people who joined the LTTE stated various reasons, including sentiments of injustice or prejudice (De Lima et al., 2021). Outrage was often stoked by the state's insufficient distribution of benefits, particularly education. An interviewee explained.

All in all, it is noteworthy that ISIS progressively introduces its ideology, worldview, and eschatological vision to children online to recruit them through non-coercive tactics. To promote understanding of the group, the organisation hosts public and online gatherings where kids are enticed to attend by being offered toys, candies, or ice cream in exchange for their presence. At these rallies, local kids lend a hand by handing out flyers to onlookers or displaying the ISIS banner. ISIS's “soft” approach demonstrates the breadth of its marketing strategy, which obfuscates the line between brainwashing and recruiting (Bloom, 2020). ISIS has been using juvenile soldiers receiving education as propaganda from its inception. The group released three movies with kids in them, ages ten to fifteen, in May and July of 2015. The film shows kids trained as shooters and how to take out targets in motion. One of the videos showed little boys practising live fire outside an ISIS "kill house," which is an interior firing station. In a February 2015 video, 80 kids, some as young as five, were seen practising military training while dressed in disguise. They were also trained to operate AK-47s and decapitate individuals.

From fewer than 5% of kids in 1990 to more than 14% in 2019, the proportion of youngsters living in conflict regions has nearly tripled. In 2020, there were allegations of
child enlistment by war actors in areas where one out of every five kids worldwide was residing in conflict zones. Conflicts in the Congo (DRC), the Central African Republic (CAR), the Arab nation of Syria, and many other regions affected by conflict have recorded this ongoing and expanding issue. Previously known as ‘child soldiers,’ 170 countries signed an international agreement that prohibits the enlistment and use of minors in any legitimate or unofficial armed force or militant organisation for any purpose (Rasakandan & Tehrani, 2022). This includes prohibiting anyone under 18 from joining any non-governmental armed group or being drafted into the military. Although there has been some improvement, many young people are being persuaded to interact with the military and armed organisations.

Over 100% more children are now impacted by armed conflict than there were ten years ago. Four hundred fifty million young people, or over 25% of all children worldwide, reside in nations that have experienced natural and artificial disasters. Precisely, it is estimated that over two million adolescents have died, and six million more have suffered bodily injuries as a result of violent conflicts. Over 45 million people have experienced forced relocation, leaving them more exposed to severe loss and poverty, as well as increased vulnerability to abuse and violence (Bloom, 2018). Children deprived of parental guidance, essential social amenities, medical attention, and learning are the victims of conflict. Humanitarian organisations, such as UNICEF and the World Health Organisation, believe that 20 million adolescents worldwide are currently refugees or people who have been displaced as a consequence of violent conflicts. However, the current armed clash in Ukraine and Eastern Europe has shown that these kinds of events may occur suddenly rather than gradually, leading to complicated humanitarian emergencies. Children can become victims of violence while being denied contact with food, safe consumption of water, and necessary medical treatment.

Children are impacted by armed conflict in two ways: directly and indirectly. Physical harm, developmental delays, disabilities, poor mental and behavioural health, and even death are examples of direct repercussions. Military action results in the death and disfigurement of kids, drug trafficking-related violence, targeted airstrikes, and other types of warfare. The devastation of the physical structures that children need for the best possible development and survival, exposure to pollutants, and other upstream consequences on social health variables, like deteriorating living circumstances and carers' poor health, are all considered unforeseen consequences (Shenoda, 2018). For
example, vaccination programs, surveillance of illnesses, and access to medical and dental treatment are all affected when health infrastructure is destroyed and health institutions are disrupted. Due to indiscriminate gunfire, looting, or direct targeting, armed organisations have begun to impact traditionally protected settings for children (such as medical facilities, schools, and play areas).

Education is disrupted, and growth and economic expansion need to be improved. Acute and chronic starvation can have detrimental consequences on growth, the workings of the immune and digestive systems, and intellectual development. These effects can occur in surrounding people or in crops and fields that were wholly devastated. Thousands of kids are also believed to be soldiers in armed conflicts worldwide. Children who are part of armed groups—known as child soldiers—are severely violated in their fundamental rights (Shenoda, 2018). They might be given medicines, starved, intimidated by death, or coerced into engaging in military conflict in various ways. They run the risk of suffering from rape, abuse of sexuality, harm to their bodies and minds, and STDs. These kids run the prospect of being imprisoned for an extended period once they escape, where they will be treated more like criminals than like victims.

Youngsters who witness the regular spectacle of such occurrences are forced to internalise the violence. ISIS exposes youngsters to the corporal treatment of detainees or those who are charged with being rebels (Bloom, 2018). While some children who witness the beheadings may suffer bodily harm, the majority develop immunity to violence, a phenomenon that is called 'moral disengagement and the process of desensitisation.' Propaganda involves carefully posing and coaching children on appropriate behaviour and speech by those filming. The kids are sometimes commended for using a weapon or brandishing a severed head.

3 RESEARCH OBJECTIVES

This study reaffirms that legislation can stop electronic child recruitment if used for the intended purpose. The relevant legal requirements for preventing recruiting are included in the law, and the requirements for each category are suitable for most parties. In addition, the law's drafting was overseen by international specialists. These characteristics demonstrate the law's potential strength. The lack of interest shown by state officials or those in influential positions within the federal government triggers
recruiting. Authorised to exploit kids as interchangeable parts for their personal, self-serving gain, these persons in critical positions within the governing hierarchies are motivated by a desire for assets, political influence, and dominance over region and possessions. However, the same offenders are quick to point the finger at the law, accusing it of being brittle and uncoordinated, or they point the finger at the former colonial overlords for inequality, Impoverishment, and other societal ills. These combine to produce a flagrant disdain for applying and implementing these laws. However, because they needed to emphasise the importance of highlighting the law's role in protecting children, earlier research has also not been beneficial.

Furthermore, there has not been much public pressure—particularly from intellectuals—to insist that the law be implemented and enforced immediately. Perhaps if this takes place, kids who are soldiers will be allowed to see some hope. In light of this, this research will keep pushing for the law's immediate adoption in all areas affected by violence.

4 MATERIALS AND METHODS

The study's inductive data gathering and analysis method ensures that data evaluation is continuous, recursive, and self-reflective. The study refers to pertinent initiatives about the peace security goal and relevant youth decisions, tranquillity, and security strategy. It also draws upon the General Assembly resolution (1996) and the UN Security Council's measures on young people and conflicts that have been adopted (OCHA, 2023). It also references pertinent legal documents, such as the Geneva Conventions signed in 1949, the Contract on the Safeguarding of Minors in Armed Wars, and the Optional Protocol (Tremblay, 2023). It draws insights from the International Legal Court's Rome Statute, the Geneva Rules, the Agreement on the Avoiding and Punishing Crimes of Mass Murder, Protocols I and II, Social, Cultural, and Economic Rights, and international relations. Labour Organisation, the Convention against Torture, the International Covenants on Civil and Political Rights, and other pertinent musical instruments, including geographic regions, are all notable examples of international agreements (International Criminal Court, 1998). The report cites several other sources, notably non-binding documents like the Safe Schools Declaration and the Paris Guidelines. The recommended documentation is located at the end of the study.
The study also quotes reports on the mandate from pertinent United Nations agencies, advocacy groups, non-profit organisations, academic institutions, and other relevant secondary literature presented by organisations, investigators, educational institutions, and distribution centres. A range of research instruments made theoretical sampling possible, guaranteeing that data are analysed from different angles. Additionally, the study instruments made the data verification and comparison possible. The United Nations has duly validated the numerical data about grave breaches against children in armed conflict through the MRM, as it is derived only from the Secretary-General's reports on the subject. External collections of information on children and armed conflicts are not included in the study because the UN might not have verified them or might have been gathered using other techniques.

Examining the law regarding electronic child recruitment through the qualitative doctrinal method is an excellent place to start. This entails a critical examination of the pertinent treaties, case law, and precedent that comprise this study's primary source of information. Applying inductive and deductive thinking and logical analysis makes it possible to determine if the law shields youngsters from enlistment. After doctrinal research has shown that the law is applicable for the intended purpose, further investigation is required to determine whether any proposed changes to the law are pertinent. The required information was obtained from relevant secondary sources, like UN publications. The balance of power and military prowess of the warring powers could be included in this strategy, among other things. This method accomplishes two goals: first, it confirms the existing legal framework regarding the enlistment and utilisation of minors in armed conflict and then confirms the ideal legal framework. In this instance, the court will likely agree that the current legal system is perfectly sustainable and does not require immediate revision.
5 RESULTS

Figure 1
Violations against children. Based on data from OSRSG

![Graph showing violations against children](https://images.app.goo.gl/dYEKVkbdxE2Ezi6k6)

Source: https://images.app.goo.gl/dYEKVkbdxE2Ezi6k6

Refer to Figure 1. These abuses continue unabatedly in specific post-conflict scenarios as well. Children enmeshed in conflict zones are especially vulnerable and bear the brunt of the consequences of conflicts they have not initiated. If ignored, these infractions can harm children for a long time and endanger a peaceful society by stoking resentment and anger that eventually turns into sustained violence and injustice.

The figure shows the number of recruited children in armed conflict in 5 countries.
Figure 2

When parties to an armed conflict employ strategies designed to damage children, such as recruiting child soldiers, it has a substantial negative impact on children's welfare.

Asia has the longest bar in Figure 2, indicating the highest numbers across all three categories. Africa comes in second with slightly lower numbers than Asia. Europe, the United States, and the Middle East have comparatively lower values (Østby et al., 2022).

This graph highlights the crucial problem of enlisting kids in conflict-related areas. Protecting children from such exploitation is essential for their prospects and overall happiness.

6 DISCUSSION

The findings follow the beginning and end of transgressions within nations due to developing conflicts and significant events, providing a long-term understanding of the development of this and other infractions within nations. The reports provide essential documentation and knowledge of the architects of these atrocities, as well as open up fresh possibilities for study regarding the actors engaged with digital recruitment methods. These reports document the government as well as non-state forces and groups perpetrating serious offences against children. Furthermore, these documentations track the number of children impacted by both enlistment and additional categories of severe violations, making it possible to evaluate the overall effects and sociocultural implications.
of violent conflicts on children. The UN MRM is a valuable tool for creating a comparative study of child recruitment policies in particular and child rights breaches in general during armed conflict.

The four 1949 Augusta Conventions serve as the fundamental foundation for humanitarian law, which is implemented in times of conflict. These supplemented the two more protocols in 1977 and 2005. Relevant provisions regarding child soldiers are found in the 1977 protocols. The two protocols, which ended on June 8, 1977, address different types of violence (American et al., 2011). The first deals with laws that apply during conflicts across borders, while the second covers wars between nations in a more streamlined form (American et al., 2011). It does not apply even in the event of intermittent violent acts or internal instability.

Armed minors no longer have protection under these regulations and can be considered lawful targets. Because of this, it is essential to protect civilians more broadly when it comes to children, who need to be avoided and protected, mainly to prevent conscription. Both sides must support children based on their traits, such as age or other factors, as mentioned in Protocol I’s provisions of the Article on the Protection of Children. It is the responsibility of people who have supported the war effort to ensure that kids younger than eighteen are not actively engaged in combat; in particular, they must abstain from enlisting in their Armed Forces. As a result, Protocol I establishes an entry age of 15; for minors between 15 and 18, the eldest child must be enrolled first. Although Protocol II also sets an age minimum of 15, it is more stringent than Protocol I, as it forbids recruiting minors under 15 into military organisations or other organisations and their involvement in hostilities. Since Protocol I makes inadequate mention of indirect participation, and Protocol II only references engagement, the interpretation of this issue needs to be clarified.

Kids under the age threshold of 15 who actively take into account combat operations and fall under the authority of the opponent party are protected explicitly under both agreements. This provision contradicts the preceding rules because it offers some exemption from conformity. Protocol I merely forbids the enactment of the death sentence, whereas Protocol II prohibits the application of the death sentence for people who committed crimes when younger than eighteen. This is the main distinction between the two protocols. A form of double restriction can be found in this, as Article 4 of Protocol 2 on fundamental requirements of equitable treatment can be connected to the
issue of children as soldiers in specific ways (United Nations Office on Drugs and Crime, 2017). Any violence that endangers a person's life, well-being, or psychological or physical psychological well-being is listed as the first of the acts against minors that are forbidden in all instances and all circumstances.

Child soldiers are additionally categorised under this heading when considering the impact that the conditions and nature of their "work" have on young people's physical and emotional well-being. The abolition of brutality is an area that requires particular attention. Within this area, assault, abuse, and mutilation—all of which are forceful methods used by military personnel or other organisations that employ children—are addressed. Illegal acts of violence are also related to the research's subject because, in the modern world, a growing number of minors are hired as volunteer murderers and terrorists. It emphasises the intentional act of sexual abuse as a component of an enormous breach of human rights. Depending on the broader concept, kids utilised for immoral activities can also be categorised as kid militia. In general, Protocol II controls non-international military confrontations. The Protocol provides more robust assurance for safeguarding minors by prescribing a more precise and broadly defined ban.

The UN Agreement on the Children's Fundamental Liberties, commonly called the New York Convention, was implemented on September 2, 1990. It is noteworthy that, at present, it has 196 nations as members, surpassing the 193 countries that are members of the UN. All people below the era of eighteen are considered juveniles because of the norms, according to Article 1, unless they become adults earlier by other statutory laws (such as marriage) (Council of Europe, 2024). Despite all this, the age of 15 is now the legal limit for juvenile military duty. The provisions of Article 38, specifically points 2 and 3, virtually exactly mirror the implementation of the less precise Protocol I of the Geneva Protocol. Article II of the Agreement on the Rights of Children, which has stronger protections than the additional Protocol, can be seen as a step back because it covers all forms of armed conflict. Additionally, Protocol I declare reasonable steps by law to guarantee that those under fifteen are not actively involved in the battle and are not recruited into their ranks.

According to the convention, every effort will be made to guarantee that the oldest individual enlists first, even if they are between the ages of 15 and 18. Since the treaty does not mention it, one question in this situation is whether indirect involvement is possible. However, there is also the issue of the opposing forces, as it is challenging to
locate any mention of their electronic recruitment. It does not place any obligations on them; instead, it only protects kids from direct engagement. The word 'children' in every Article of the convention is intriguing. The second component of Article 37's statement is the condition, which prohibits execution or the possibility of parole for crimes committed by those less than eighteen, as well as the same Article's phrases two and three, which make provision for the previously mentioned recruiting and labour, is exemptions to this. In this instance, the phrase 'person' refers to the imposition of life imprisonment. This could mean that, in this instance, it does not matter if the individual in question attained the age of majority before turning 18 (or 15, in the context of Article 38); the clause still applies to him in all circumstances and does not take away his safeguarding rights.

Overall, little changed due to the Agreement; the age limit 15 remains, but there is no explicit promise to the states. Nevertheless, it is also advantageous that the UN's Council was established to supervise the treaty's operation and evaluate its progress. As a result, participating nations must prepare reports regularly detailing the progress made in their regions and the actions they have implemented.

The Rome Statute, which formed criminal international law, and the ICC, which examines criminal responsibility on a case-by-case basis, merit particular consideration in global criminal law. It is mandatory for nationals of nations that have joined or ratified the Rome Law. The Statute defines a war crime as the forced conscription or voluntary recruitment of children under the threshold of fifteen in the national military services throughout hostilities abroad and also their direct participation in warfare. Non-international wars: Recruiting or hiring children in military units or other organisations before reaching the age of fifteen by actively utilising them in hostilities is illegal in instances of civil wars. One can point to the fact that it did not violate the minimal requirement as a drawback. In their supplemental report, the Geneva Conventions I and II established an entry age 21 years earlier in 1977.

Additionally, the "active" term is occasionally used in place of the preceding "direct" structure when discussing kids' participation in fighting. Experts point out that because the adjective 'active' has a broader meaning, using it is preferable. The child's life may be placed in danger when doing "indirect" responsibilities, such as weapons, transportation, protection, and security duties, or investigation, even though they are indirect and or non-combatant actions, pain, or inhumane acts causing serious damage to
one's physique or physical or mental well-being", classified as offences against humanity under the Statute, should also be included, as these incidents invariably impact the child while he is serving in the armed forces. It designates sexual assault in any context as a conflict offence throughout both civil wars and global conflicts, in addition to being classified as a crime against humankind.

Overall, the Statute's substantial advancement has been achieved in holding those who illegally enlist and utilise kids who violate the rule of law accountable for their actions before global justice, even though it did not deviate from the minimum age requirement of fifteen years (Save The Children, 2011). This is because of the Hague Criminal Court's formation and execution of the Statute's provisions. Unfortunately, the exploitation of this power has contributed to the rise of terrorism, criminal activity, and other illicit behaviours, leading to anarchy as opposed to autonomous, successful states. However, as it stands today, establishing equilibrium between wartime needs and compassion is outlined in Article 38 of the CRC. They are seeking to give kids the best possible security. As an international humanitarian document, it might not seem permissible for the CRC to modify the requirements, such as the legal age of participation constituted by the legal framework for humanitarianism. Therefore, CRC has appropriately upheld the standards established by human rights laws.

Any employment that, because of the conditions or working atmosphere, is frequently regarded as being among the worst kinds of exploitation of kids jeopardises the well-being, security, or ethical conduct of minors. Child soldiers can also be categorised in this group due to the above factors. In this regard, provisions previously existed in ILO Convention No. 138, which was approved in 1973 and addressed the minimum age for participation. Article 3 states that one must be at least eighteen years old to engage in any position or profession that jeopardises minors' physical well-being, safety, or morality for the previously listed reasons (Tremblay, 2017). Health, safety, and ethics are fully covered by insurance, and they have undergone instructions appropriate for the particular industry. Despite the absence of explicit provisions about the defence forces in Convention No. 138, it is reasonable to classify the national armed forces under the third Article, given the current situation and nature of their operations. Convention 182, on the other hand, already makes specific mention of child soldiers. Therefore, there seems to be a "double obligation" when ending the use of young soldiers.
The nations must take ‘urgent, instantly noticeable and effective actions’ to achieve this. This involves implementing a rehabilitation program, particularly concerning learning, removing children from work, applying suitable penal stipulations, and providing personal assistance for their rehabilitation into the community while keeping in mind the unique circumstances of girls. This legislation can be positively evaluated because it was the first to proclaim that forcing anyone under 18 to identify their children was prohibited. It is the first worldwide treaty to establish age 18 as an appropriate criterion. Two extra Protocols prevent the recruiting and employing of children. This standard is the lowest feasible bar for protecting children. On the other hand, the OPAC-established average threshold of 18 years for terrorist organisations must be regarded as the most crucial criterion. However, it has yet to be confirmed whether the adjustments made by OPAC would significantly affect the challenges young soldiers face. The OPAC-created dispersal model for kid enrolment might be capable of manipulation; hence, eventually, integrity is necessary for the success of regulations.

According to the legislation, the two action variables of hiring and utilising act differently in three age groups. Children under 15, youngsters under 18, and minors between 15 and 18 make up all three age categories being recruited and used. The under-15 population seems to benefit both military personnel and armed organisations. Still, the federal armed forces are more inclined to meet the under-18 criteria, and armed organisations are less likely to do so. In the meantime, both terrorist organisations and government agencies enjoy a comparable level of autonomy and choice under the 15–18-year threshold. The law seeks to improve protection standards by reviewing and enhancing the relevant legislation using soft law tools while attempting to strike an agreement between the demands of government and non-government groups. As a result, three distinct requirements should not be seen as a cause of ambiguity or contradiction in the law but rather as a deliberate way to ensure that the legislation is practicable and effective. This balancing mechanism is required because worldwide agreements require adopting a "jeopardising approach."

Persuasion is the primary strategy for establishing global relations; coercion is used more sparingly. It is important to note that the under-15 age group not only strikes an agreement between humanity and tactical need but also has its roots in the 1949 Geneva Conventions, which uphold the longevity of customary law. In general, children below the age of fifteen are said to be ill-prepared to deal with the terrible difficulties of
warfare. Simultaneously, increasing the age limit to eighteen years of age poses numerous practical issues, particularly for armed groups. Since they are still unprepared for warfare, kids below the age of 15 are not recommended to be used in violence. That is the core of the intended protection philosophy.

Nevertheless, because of lingering questions about effectiveness, the compliance component presents a significant obstacle to achieving the law's goals. The unrelenting influx of young soldiers has led to the frequent use of legality as a defence tactic, unintentionally placing more of the load on the legal system. This strategy needs to be reevaluated, particularly in light of recruiting laws.

In addition to paying little consideration to what aid providers on the ground know, campaigning for children's rights in conflict zones has also been conducted without enough examination of the socioeconomic, political, and tactical aspects of specific wars. In real-world scenarios, this can be a significant barrier to advancement. The child rights movement must look beyond cries for compliance and consider the specifics of each struggle to achieve commitment and cooperation by forming alliances with experts in their fields—political scientists, analysts, bankers, national analysts, and others—who comprehend the factors that motivate a given dispute or rival group. The child rights organisation has thrown its support behind these promises, demanding reports from surveillance organisations and legal compliance. Still, it does not appear they have made inroads with the appropriate authorities.

Child rights supporters should establish connections with social scientists, academics, bankers, and business leaders who possess knowledge or influence over the factors underlying a given conflict or conflict party. This will enable them to create programs that enforce adherence to agreements and make non-adherence too expensive for a specific armed force or group to bear. All armed forces and groups have made agreements to demobilise or cease recruiting child soldiers, but these commitments have yet to be kept. Such groups hardly ever follow through on their promises. For the sake of publicity, many of these kinds of organisations promise to quit using kids as kids in combat, but they possess a sense of urgency and funding to keep their word. The child protection campaign has been sluggish in creating the required networks. By collaborating with political researchers, national analysts, the commercial sector, and other relevant stakeholders, the child rights movement can devise targeted initiatives that have the potential to enforce adherence to safeguarding child duties and pledges.
7 CONCLUSION

Different legal standards evaluate the phenomena of child soldiers in various ways depending on several issues, such as the age requirement, the recruitment process, the nature of the armed conflict, and the forces' place within it. Of them, the bans on opposition parties are frequently more precise and stringent, while they detect a more inadequate picture concerning the national forces. One of the main pillars of the campaign against child soldiers is the abolition of all these specific and universal legislative regulations. One way to demonstrate this is by looking at data that shows the number of juvenile soldiers has not significantly dropped since armed organisations put them into service. Furthermore, it is problematic that most global agreements need more authority to impose sanctions. OPAC offers a slightly different image. OPAC increased the age of enlistment and direct participation in operations to 18 years old for members of the armed services. It is strictly forbidden for armed groups to enlist and utilise minors younger than 18 in combat. Recruiting or enrolling minors under fifteen to be involved in warfare is prohibited by the Convention of Rome, making this behaviour illegal.

The goal of the legal system is to implement the idea that children should be protected during violent situations. Guidelines have been developed based on the age-related hiring procedure and dependent on risk usage. International legislation and conventional legal principles are among the frameworks. With proper regard to the challenges of future wars, a continual equilibrium between military requirements and humanism has been aspired to. Although a satisfactory investigation into the relationship involving law and acquisition rate is still pending, the regulatory structure is ideally positioned as the most effective means of controlling and regulating the enlistment and usage of minors in conflict zones. As specific investigations have indicated, the indisputable cause is the law's unenforceability. However, this study's focus is restricted to emphasising the benefits of the legislation; it does not attempt to stray into the topic of implementation. According to an authority in this field, the focus should now be enforcing the law rather than developing norms. This suggests that the necessary legislation is already set up to effectively carry out its intended purpose.
REFERENCES


