

THE USE OF CHILD SOLDIERS IN ARMED CONFLICTS IN INDIA

Written by *Harsh Mahaseth**, *Shubham Sharma*** & *Ananya Shukla****

* *Lecturer, Jindal Global Law School, O.P. Jindal Global University, Sonipat, India*

** *LLM Candidate, Levin College of Law, University of Florida, USA; Law Graduate, NALSAR University of Law, Hyderabad, India*

*** *Law Student, Chanakya National Law University, Patna, India*

ABSTRACT

The use of children in armed conflicts as soldiers is a persisting issue globally, and India is not an exception. India is a signatory to the 2002 Optional Protocol and thus should not employ soldiers under the age of eighteen; however, non-governmental factions are using children within India as soldiers. This paper intends to discuss the use of children in armed conflicts and the life of children as ex-soldiers.

Keywords: Child, Soldiers, India, Armed Conflict

INTRODUCTION

The Use of Children as soldiers in armed conflicts can be dated as far back as the Middle Ages, references of minors in armed conflict can be found littered throughout ancient literature and philosophyⁱ. In Modern European societies, it was formerly commonplace for children to be enrolled in field regiments, although society was then substantially differentⁱⁱ. However, unlike most middle-aged practices, the use of children in armed conflicts is still prevalent in today's battlefieldsⁱⁱⁱ. Child soldiers are not found in the armies of the developed world, Child soldiers are found in the third world and conflicts that arise there, most notable are places such as the Middle East or Africa and in an unstable region^{iv}. Children find their way to the battlefield in many ways; some children become associated with armed groups and forces voluntary while others are abducted from their homes and are forced into submission by constant beatings. For some, the armed forces are an escape from poverty^v. In contrast, others justify it as a matter of pride to defend their communities, and sometimes revenge becomes a motivator or for other reasons^{vi}.

In 1967, Lorraine Schneider, a mother, started a campaign to remove children from the battlefield as she feared her son would be drafted in the Vietnam War. Along with a poster and a slogan, "War is not healthy for children and other living things"^{vii} the anti-war campaign gained wide support, which led to the Convention on the Rights of the Child of 1989^{viii}, where an attempt was made to raise the age restriction for children from fifteen to eighteen years old. Still, due to major opposition, it failed. However, With the release of the Graça report on "The Impact of Armed Conflict on Children" in 1996, she highlighted to United Nations International Children's Emergency Fund (UNICEF) and the United Nations (UN) the disproportionate impact of war on children and how children were the primary victims of armed conflicts. It was with the Graça report that momentum was created for protecting children during war and the issue of children in armed conflict was brought into the realm of mainstream policies and programs of the United Nations. With the help of the Graça report and international organizations such as, The International Committee of the Red Cross joined with Amnesty International and Human Rights Watch, the previous age, which was fifteen for children to be allowed in armed conflicts as prescribed by the 1949 Geneva Conventions, and the 1977 Additional Protocols was raised to eighteen years. Referred to as the Straight-Eighteen Standard, this standard was brought into effect by 2002, Optional Protocol to the Convention on the Rights of the Child.

As per the current definition of Child soldiers by UNICEF and the UN, as "any child—boy or girl—under eighteen years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity." The age limit has been prescribed in the Optional Protocol to the Convention on the Rights of the Child. With the 2002 optional protocol the 1949 Geneva Conventions and the 1977 Additional Protocols, which set the age as fifteen years as a minimum age for participation in armed conflict, the hope was to reduce the number of child soldiers and to meet varying cultural standards of maturity. However, it was noted that with the rise of the age limit, there was still a gap in the legislation as nearly 80 per cent of conflicts included child combatants below the age of fifteen, some were found to be as young as seven or eight years old^{ix}.

The Optional Protocol to the Convention on the Rights of the Child (OPAC), which prescribes the minimum recruitment age, and use of children in hostilities has been ratified by 167 out of 197 UN Member States. However, it was identified that at least forty-six States still recruit children under the age of eighteen into their armed forces, and as of 2016, there are at least eighteen conflict situations where children have been deployed as armed soldiers^x.

Due to the invisible nature of the problem, it is difficult to determine the exact number of children who are a part of an armed group, it as to be estimated that approximately 300,000^{xi} to 500,000^{xii} children are combatants in any of the conflicts worldwide. Moreover, an additional 500,000 child soldiers are believed to be parts of armed groups worldwide, whose armies are not currently at war^{xiii}. Therefore, it is estimated that nearly 40 per cent of the world's armed organizations have children in their ranks^{xiv}. However, post the ratification of the Optional Protocol, the number has declined, many armies, such as that of the United States of America. They have adjusted their enlistment policies to meet the compliance of the Optional Protocol.

METHOD

The authors have used the qualitative analysis method for the purposes of this research. The research is carried out by reading, analyzing and comparing various secondary sources available, which allowed the authors to conduct an in-depth analysis and gain understanding from the experiences and opinions available.

WHY CHILD SOLDIERS

Over the past few decades, there has been an increase in the number of child soldiers on the battlefields. This is due to the number of advantages child soldiers provide on the battlefield. The reason lies in both the physical and mental state of the child. Many forces opt to use children as soldiers as they can be easily manipulated; they are much easier to intimidate and follow orders without much resistance.^{xv} According to experts, children can be tenacious and daring in combat once they have been influenced either by drugs or by political or religious fanaticism^{xvi}. They never demand salaries unlike their adult counterparts and often never run away due to dependence on the armed group. Many armed groups see children as a tactical advance on the battlefield, Child units have been used to slow opposing forces progress either because of add to confusion on battlefields or due to engagement protocol against children that most armies employ when engaging children. What makes them more vulnerable to involvement in hostilities is the fact that they are economically cheaper, less careful about their own safety and follow orders readily^{xvii}. Due to the disposable nature of Children play various roles on the battlefield, such as scouts, minesweepers, messengers, bomb-makers, ambush attacks and suicide bombers.

The increase can also be attributed to the development of warfare technologies. With the creation of lightweight weapons, children have become more dangerous therefore more useful. Earlier, lethal weapons that were used in the front lines used to be too heavy and cumbersome for a child; therefore, the need for a child on the frontline was unwarranted. An argument could be made that a child could be sent to the battlefield equipped with a knife or a sword or a machete; however, a similarly armed adult would easily outperform any child. Therefore, with the advent of technology and the creations of lightweight weapons which were easy to use. Children were becoming just as dangerous as their adult counterparts. A child with an assault rifle such as an American M-16 or a Soviet-made AK-47 became a fearsome foe. Since these weapons were easy to use and easy to acquire, a child as young as ten could be taught to strip and reassemble an AK-47. Since these rifles were easily available and cheap to acquire, approximately six dollars each, any half-trained child taught to point and shoot posed as much danger as any armed adult.

Children also have a distinct advantage as soldiers due to being easily manipulated. In long drawn out, generational conflicts child soldiers become a precious resource. In disputes which have crossed the generational gap, and have influenced many generations, war and conflicts

become the lives of many children, growing up with violence and being surrounded by it as a permanent facet of life, often causes children to turn to fight, frightened, frustrated or bored many teens join armies when their schools are closed. Families fragmented as was the case in the Philippines, where an insurgency war lasted decades. Sometimes a military unit can sever as a surrogate family for orphaned children of war, as was in Uganda in 1986, the National Resistance Army had an estimated 3000 orphan children operating as combatants.

Cheap labour, coupled with the reasons mentioned above, child soldiers are indispensable to some armed groups who are trying to strengthen their forces. There are armed groups such as Sri Lanka based Liberation Tigers of Tamil Eelam (LTTE). They have specific propaganda aimed at the youth of Sri Lanka^{xviii}. The indoctrination of children happens within the school system^{xix}. There is numerous existing literature that provides structural explanations linked to broad social, political and economic conditions to the costs associated with recruiting and employing child soldiers in conflicts.

CHILD RECRUITMENT AND USE/ LIFE OF CHILD SOLDIERS

The recruitment of children into armies and subsequent conversion into child soldiers happens in two ways, either they are abducted from their homes and forced into a soldier's life, as was the case in Africa and Boko Haram, or they voluntarily choose to join armed groups, this can be due to cultural, financial or parental restraints^{xx}.

Often, in war-torn nations, joining a militant group is a matter of survival for most kids. In 1980s Cambodia, many kids were joining armed groups so they could gain protection and secure a steady supply of food. 1990 Liberia, there were reports of children as young as seven serving in combat groups, the reason being those who were armed could survive. Parents who are struggling to keep their children feed and secure offer their children to armed forces to ensure there are feed and cloths, as was seen in Myanmar, where the parents had volunteered their children to the rebel Karen army to ensure they were provided with two square meals a day and clothes.

For children who have been abandoned or orphaned a military unit can sever as a surrogate family for orphaned children of war, as was in Uganda in 1986, the National Resistance Army had an estimated 3000 orphan children operating as combatants.

Once recruited, the indoctrination involves various steps, often brutal. The process involves not only physical training but a mental restriction to insure the children conform to the political ideals of the army leaders, in Peru the indigenous children were forced to join guerrilla fractions then undergo long periods of forced political propaganda teachings. Some forms of indoctrination took more severe forms such as physical abuse to invoke fear and terror; this was a practice of rebel groups in Mozambique and Cambodia, it was referred to as 'socializing' children into violence. Similar to Cambodia, in 1995 Sierra Leone, similar cases of harsh indoctrination were used by the Revolutionary United Front, who had raided villages to abduct children and forced them into their ranks as soldiers, after which they were forced to witness or take part in the execution and the torture of their village members and relatives. The harsh indoctrination is followed by forced feeding of rugs such as crack; the cycle is repeated in the next village^{xxi}. These children were given drugs so that they would do what was ordered^{xxii}. The children continually drifted between committing acts of violence, and simultaneously being victims of violence by others^{xxiii}.

It is not a necessary requirement for child soldiers to be boys; girls are also indoctrinated into armed forces at a young age. It is estimated that girls make up roughly 10 to 30 per cent of child soldiers used in armed conflicts. This is an inherent problem as girls are more vulnerable to sexual violence in armies that have little to no regulations—the duties of Children's in actual warfare various as it can cover a wider range of military activities. When not in combat, children performed mundane daily tasks such as cooking or carrying water and other daily chores. However, during battle or in enemy territories, children are often used for their small bodies and inconspicuous nature as spies or messenger. The National Resistance Army of Uganda in 1986 used children as spies to study the government fortifications in the capital city along with times of shelling, they also acted as sabotages, where children threw hand grenades at trucks full of government soldiers and flee^{xxiv}.

POST-CONFLICT LIFE OF CHILD SOLDIERS

Children suffer disproportionately in war, and they benefit disproportionality less in peace^{xxv}.

Children who were once soldiers find it difficult to readjust to society once they resume their daily lives. Only a fraction of child soldiers returns to school post-conflict. Accounts of former child soldiers reveal the trauma that is endured by children post-war. Many children have reported having bad dreams of their experience of combat. Some of the more common dreams

involved loss or separation of family members especially parents, the dreams often took a dark turn when they would meet their parents in their dreams, but the dream would conclude with the death of the parent rather than a reunion.

It has been reported that children often had sudden fits of anger and rage amongst children who have been in combat situations. One of the more common coping methods for former child soldiers was to attend schools or gain some form of training as there was always an expression of ambition to help the community^{xxvi}. On the other hand, some children wanted to resume combat as soldiers as they felt they were too old for school. Girls who were recruited as child soldiers not only suffer alienation due to their affiliations with the rebels, but also because of sexual violence. Such women experience ostracism by their families and communities.

The interview with former Sierra Leone's child soldiers revealed the physiological burden that exists on children post-conflict, it was also evident that not enough was being done to treat children and reintegrate them into society, the inadequacy they felt is a roof of the same^{xxvii}. Some children expressed feared reintegrating into society, as they felt that the community would still hold them responsible for their actions as soldiers. Thus they would resent them and deny them acceptance, or they would seek revenge.

COUNTRIES WHERE CHILD SOLDIERS ARE DEPLOYED

Children become soldiers in different ways- while some are forcibly recruited, some are abducted, threatened, coerced or enticed with money and drugs. There are almost 250000 child soldiers in the world, in over 20 countries^{xxviii}.

UNICEF in 2014 launched a program called "Children, Not Soldiers" in an attempt to bring global consensus that children should not be used in conflicts as soldiers. The campaign concerned itself with targeted countries where the problem of child soldiers was ramped; these countries were Afghanistan, the Democratic Republic of the Congo, South Sudan, Sudan, Somalia, Yemen and Myanmar, representatives of each of these states expressed full support to ensure that children were removed from battlefields.

With three years of concrete effort, thousands of child soldiers have been relieved of their duties as a soldier and were able to reintegrate into society with the help of UNICEF, NGO, peacekeepers and political mission. All the concerned governments are implying the action plan laid out under the campaign which yielded significant progress and a reduction in recruitment and use of children by national security forces. The breakthrough was made by the

Democratic Republic of the Congo Afghanistan, Sudan and Myanmar^{xxix}. While the number of child soldiers has decreased, the method in which child soldiers are being used and the places where such children are being kept are becoming harder and harder to find and document.

CHILD SOLDIERS IN INDIA

India is one of the signatories to the OPAC. Therefore, the use of child soldiers in the Indian armed forces are nil. However, there are instances of child soldiers being used in India by non-state actors. According to the UN report on children and armed conflicts, children as young as six years of age are being recruited by armed groups in areas of India. These groups include Naxalites in the state of Chhattisgarh, Maharashtra, Bihar, Jharkhand, Odisha and West Bengal. The reports indicate that children were used in a unit called "Bal Data" where they carried out various tasks such as informants, couriers, planting explosive devices and direct fighting against the security forces. The Bharatiya Communist Party (Maoist) were reported to have forced village inhabitants of the Gumla district in the state of Jharkhand to join their armed rebel group as countermeasure parents have started to send their children away. Within the eastern provinces, children have been injured in a fight between the security forces and rebel groups. Communist Party of India (Maoist) fighters often include children dressed in uniform; these children are often killed in fights as was the case on June 12, 2016, in a joint police operation in Bhalwahi village, Jharkhand^{xxx}.

The Maoist groups in India have been linked to several abductions of children, boys and girls. These abductions have raised serious concerns because these children have been exposed to sexual violence, girls especially as they are more vulnerable to it, and boys have served in combat functions. These groups train children in the use of explosives and for intelligence work^{xxxi}. There are a number of reasons that cause the recruitment of children. In traditional societies, children are expected to assist in expanding their family's resources^{xxxii}. The majority of the Naxalites comprise the peasant class, making their children more vulnerable to such recruitments. The starvation rate in the states of Madhya Pradesh, Jharkhand, Bihar and Chattisgarh are alarming and higher than the rest of the states in the country. Further, basic infrastructure and other services such as health and education are severally lacking in these areas^{xxxiii}. The lack of socio-economic development in these areas does not favour the persisting Naxal-affected situation.

2013 REPORT BY ASIAN CENTRE FOR HUMAN RIGHTS ON RECRUITMENT OF CHILD SOLDIERS

In a 2013 report published by the Asian Centre for Human Rights (ACHR), it was reported that the recruitment of Child Soldiers is rampant across Indian districts that have been declared as ‘disturbed’ under the Armed Forces Special Powers Act (AFSPA), 1958. In 2011, India submitted its first report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict to the UN Committee, it had stated in the report that there were no recruitments of child soldiers in India. However, the report published by the ACHR painted a different picture altogether. It presented five case studies on the recruitment of child soldiers in North East India and six case studies highlighting the recruitment of child soldiers by the Naxalites^{xxxiv}.

The ACHR report alleged that India’s claim that “India does not face either international or non-international armed conflict situations” is refuted by the obvious evidence showing recruitment of child soldiers by Armed Opposition Groups (AOGs). The ACHR report also claimed that the Indian Government’s stand in the report which held that there existed no armed conflict was contrary to the official position at home where it had been recognized that the country’s security forces are engaged in armed battle with the AOGs. The ACHR report claimed that the periodic report submitted by India should be questioned in totality as there clearly existed an armed conflict, yet it was denied in the reports submitted by the country.

The ACHR report presented case studies from a number of villages in the North East region. In most of these cases, children between the age group of thirteen to seventeen went missing from their homes or were lured by offering them jobs. The families of these children didn’t hear from them again. Some of the families were later contacted by insurgents who threatened them so that they refrain from approaching the police or the authorities. Evidence and testimonies indicated that most of these children were taken away for the purpose of recruiting them in various groups.

RECRUITMENT OF CHILDREN IN KASHMIR

In a report published in 2021, the United Nations reported that a total of thirty-nine children were killed and maimed by means of various violent methods. It also expressed its concerns

about the grave violation against children in Jammu and Kashmir, the detention and torture of children, and the military use of schools^{xxxv}.

In a report on human trafficking which was published by a US State Department, it was said that non-state armed groups continue to recruit and use children as young as fourteen years in direct hostilities against the government in Jammu and Kashmir. The report also said that the Maoist groups in Jharkhand and Chhattisgarh recruited children as young as twelve and forced them weapons and IEDs, or to become human shields^{xxxvi}.

There have been shootings and killings which have affirmed that children are still being recruited in the Kashmir valley, such recruitment is done on behalf of the terror organizations. There is also a popular theory among conflict analysts which suggests that the over-ground networks of militant organizations have been using social media platforms to poison the minds of the youth between the ages of fourteen to twenty-four, and have motivated these children to join their ranks^{xxxvii}.

While the laws in India place a number of safeguards in place to safeguard the recruitment of child soldiers in the military, it cannot be said with certainty that these laws have been effective in curbing the recruitment of child soldiers by non-state armed groups^{xxxviii}.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, OPAC (2000)

The Optional Protocol came into force on February 12 and was adopted by the General Assembly on May 25, 2000. The protocols were created to protect children around the globe from the horrors of war. With an ever-increasing threat of child soldiers on the battlefield, the UN took cognizance of the threat child soldiers presented to troops on the battlefield and themselves. In the larger interest of child's rights, these protocols were to reaffirm the need for special protection of children and to ensure the continuous improvement of children throughout the globe without any distinction between children. The aim of these protocols was also to provide development and education of children during times of peace to ensure that children are given the best possible future^{xxxix}.

The provision of this Protocol recognized the impact of armed conflict on children and widespread harm it had on the children along with the long-term consequences on the development, security and peace of the region.

The Protocol in their thirteen articles condemns the use and targeting of children in armed conflict and direct attacks on objects protected by international law such as hospitals, civilians, religious structures, schools and generally places that a significant presence of children. Therefore, in pursuant to the same, the following conditions were to be met by all member states:

- Firstly, all member states will allow, nor recruit children eighteen or under and ensure they are not sent to the battlefield.
- Member States will not enlist soldiers eighteen years of age or under.
- States should take all possible measures to prevent such children under eighteen from being a part of hostilities, in pursuant to this, they must enact legislation that criminalizes the enrollment and involvement of children in hostilities.
- States will demobilize anyone under eighteen conscripted and will physical, psychological and administrations aid into social reintegration
- Any Armed groups which are not part of the country's armed forces should not for any reason involve children under eighteen in hostilities

PROTOCOL FOR ENGAGING CHILD SOLDIERS IN THE BATTLEFIELD

There are provisions for the inclusion of children of a certain age into the military, with the introduction of OPAC (2000), the consent of child soldiers is almost being done away with. UNICEF has created various programs such as “Children, Not Soldiers” to bring about a consensus at a global level that child soldiers should not be used during conflicts. The campaign aimed at generating momentum, political will and international support to ensure that the act of child soldiering is done away with.

With countless, campaigns and awareness programs to ensure children stay off the battlefield, there still exists a gap in the protection of children who are already on the battlefield. The question of whether or not to engage children on the battlefield is a question of moral obligation. The Just war theory and principles of noncombatant immunity create a distinction

that cretin individuals, noncombatants need to be protected during the war and form the horrors of war; child falls within this protection. However, anyone that bears arms is a combatant. So what is the position of child soldiers, legally, if a child is a member of the state military, they are "lawful combatants", if they are a part of a rebel group then they are "unlawful combatants", regardless they are classified as combatants, meaning they are treated as conventional soldiers on the battlefield, similar to any armed adult. Therefore any defensive action by soldiers against any combatants is lawful^{xi}.

As of now there is no codified law, which dictates how to engage children as combatants, however various governments have developed their practices^{xli xlii}. For example, Canada is one of the first nations to codify its policy on how to engage child soldiers, for Canadian forces the aim is to deter child soldiers from participating in the battle by eliminating adult combatants and demoralizing the child soldier. However, the general rule of thumb is "engage if you must" as a means of last resort^{xliii}. The United States Military follows the Rules of Engagement, where they don't engage combatants that are not armed. During the Iraq invasion, US troops faced a whole host of questions and difficulties while engaging the troops of the middle-east because these troops were comprised of children combatants. In the face of these difficulties, a new protocol was created for troops to use in case they were engaged by a child unit or a unit that consisted of children.

The guidelines provided, for troops to first "Recognize the threat from child soldiers", meaning that it was understood that not all children were threats, but there was a possibility or even likelihood that some children could be combatants. Therefore, the children were put through the inspection and scrutiny as adults. Secondly, "develop rules of engagement", the Commanders were tasked with preparing their soldiers with the strict ROE guidelines on when to take this decision of firing on children if it was required. Thirdly, "Utilize fear first, rather than firepower", the soldiers would rather than engage child units directly would first attempt to engage then form a distance, and use shock and awe tactics to demoralize the child unit, therefore causing them to break up. Fourth, "Focus on adult leaders of child soldier units," the aim is to take out the adult chain of command for the child unit to cause the unit to break up or give up. Fifth, "Employ non-lethal weaponry," rather than shooting children with lethal bullets, alternative countermeasures such as but not limited to rubber bullets should be used by troops if possible. Sixth, "Employ PsyOps," this would mean to strike up a conversation to convince child soldiers to stop fighting and leave the union to commence the process of rehabilitation

which would be followed with reintegration into society. Seventh, "Follow-up yields success," it would be necessary for troops to follow up with children who have been disarmed, they must be welcomed and cared for escapees and Prisoners of war (POW), this would be done to encourage other child units to surrender, following the surrender, the child soldiers must be provided with the necessity such as food, clothing, and/or shelter. Once they have been provided with the immediate necessity and deemed that they are of less risk, the child soldier must be handed over to a health care provider or an NGO. Finally, "Protect our own" although this must be the last step and the last resort countermeasure by a troop. If in the larger interest of the unit, they must engage the child unit after employing tactics as mentioned earlier to deter engagement, then in self-defence troops can engage a child unit as if they were any other combatant unit because an armed child poses as much danger as an armed adult^{xliv}.

The Declaration of the Rights of Child, 1959, states "mankind owes to the child the best it has to give," the reasoning flows from that every child is innocent and thus represents "what could be". Children do not have the same responsibility in society as adults do, neither are they punished similarly for breach of the law, as they assumed to not possess the moral foundation that would allow them to understand the consequence of their action fully. Child soldiers are a distinction from other combatants in an armed force because they are minors and not complicit in their fate. Children who are soldiers have a corrupted childhood; it hampers their development which precludes any ability to form moral judgments; they are not only as innocent as another child in any nation. Therefore, any peacekeeper or trooper who has to engage a child soldier, must make the moral choice^{xlv}.

CONCLUSION

The recruitment and use of children in war are one of the six grave violations along with, Killing and maiming of children, Sexual violence against children, abduction of children, attacks against schools or hospitals, Denial of humanitarian access for children which have been identified by the United Nations Security Council in 1999. These six violations are the fundamental bases for monitoring, reports and response of the council in case of abuse of children in war. The Protocols were adopted with the view of ending and preventing these violations, and to this end, there had been a focus of advocacy and the Special Representative's work.

With OPAC in effect, there has been a drastic decline in the recruitment and use of children in war; however, there still exist regions where children are vulnerable to exploitation in times of war. To end the use of children in war, there is a need for a holistic, incremental approach that can deter voluntary enlistment and prevent the forceful interrogation into armed groups, to this end various programs have begun to lay the groundwork, such as Dallaire Initiative and Children, Not Soldiers^{xlvi}. Above and beyond this, there needs to be strict accountability for those who have used children as means of war because by introducing war to a child, they are removed from the agency of childhood.

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