

REHABILITATION OF CHILD SOLDIERS:A MOVE TOWARDS TRANSITIONAL JUSTICE – PROCESS AND CHALLENGES

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Abstract

In the light of increasing involvement of children in armed conflicts, the problem of child soldiers has become a major cause of concern for the international community. It is the most egregious forms of human right violations that pose a challenge for the international humanitarian, criminal and human right legal regimes. Most of the countries have been privy to this form of incivility in spite of having ratified plethora of international legal instruments dealing with child soldiers. Moreover, these countries are parties to some of the key human right conventions and have enacted legislations to implement them within their national jurisdiction but still the gravity of the problem has been underestimated. This is evident from the fact that there are about 300,000 child soldiers serving in both government as well as non-government armed groups. These 300,000 child soldiers not only serve as combatants but also as medics, spies, porters, laborers, cooks, domestics, bodyguards and sex slaves. Is the phenomenon of child soldiering an end itself? Can child soldiers be assured of a decent life and can they be effectively reintegrated into society? This paper attempts to address these questions and underscores the importance of transitional justice in the life child soldiers in post-conflict scenario. The paper will further address the most important challenges faced by the child soldiers during the rehabilitation process that comes in the way of achieving the most laudable goal of transitional justice.

Key words:

**Transitional Justice – Disarmament – Demobilization – Rehabilitation –
Reintegration – Challenges**

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Introduction

War inherently creates a devastating impact on any society and its overwhelming nature makes children the worst victims of its consequences. The most daunting task in the aftermath scenario of war is the process of reintegration. How to reintegrate the victims of war into normal civilian life becomes an overarching challenge in a war torn society. The issue becomes more pertinent in the light of mass atrocities and abuses committed against these vulnerable groups and the way it impairs their psychological and physical well-being in the future life ahead. In case of child soldiers, an armed conflict undermines the very fundamental right of a child to lead a decent life and its potential harm has to be seen in the wider context of the challenges that comes further in recuperating these children from the traumas caused by war. Here comes the importance of rehabilitation process which helps children to recover from the traumas of war and facilitate their reintegration with the families and there by helps in returning back the lost childhood in their lives again.

Importance of transitional justice

The concept of 'Transitional Justice' has been gaining much importance in recent years especially with the sensitization of human rights discourse in international arena. The role of transitional justice is decisive in the life of child soldiers especially in the post-war scenario as it plays a pivotal role in facilitating their reintegration in society. Here comes the need to conceptualize the transitional justice mechanism through the process of rehabilitation. In this context it is quite imperative to understand the meaning of the term 'transitional justice' and how it is differentiated from rehabilitation process. To define, 'Transitional Justice', it "comprises the full range of processes and measures associated with a society's attempts to come to terms with a legacy of large scale past abuses in order to ensure accountability, serve justice and achieve reconciliation".² In a common parlance the term 'transitional justice' mean set of judicial and non-judicial measures incorporated by state mechanisms to set right the abuses caused by abhorrent practice.³ According to the United Nations Secretary General Report on 'The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies'-2004 'Transitional Justice' to include

- Domestic, hybrid and international prosecutions
- Truth telling initiatives to determine and document violations that have occurred
- Promoting reconciliation with divided societies
- Reparations to victims including collective and symbolic reparations

²United Nations Security Council, *Report of the Secretary-General on the Rule of Law and Transitional justice in Conflict and Post-Conflict Societies*, (UN DOC-S/2004/616, 2004).

³ Report of the Secretary General, *The Rule of law and Transitional Justice in Conflict Societies*, (UN.Doc. S/2004/616, 2004), para 8.

- Constructing legacy and monuments for education of generations
- Institutional reform⁴

Understanding transitional justice in the context of child soldiers would mean incorporating measures to correct human right abuses and atrocities committed against child soldiers being a part of armed conflict and help them to get out of the impact that lasts beyond the conflict.

Importance of DDR in securing transitional justice to child soldiers

The process of DDR is an integral part of transitional justice mechanism in the context of child soldiers as it facilitates a child soldier to usher into a new life in post-conflict situation and transform them from a 'soldier' to 'civilian' and assume positive roles in society. Rehabilitation is quite decisive in the life of a child soldier as it ascribes a new meaning to their lives through the process of reformation and helps them to establish their social identity. Being victimized with various atrocities, negligence, exploitation, abuse, torture and subjection to cruel and inhumane treatment being a part of armed conflict child soldiers are often sustained with physical and psychological trauma and are deprived from the real essence of childhood. Once the conflict is over, their life turns out to be more contemptible mainly because of no choices available to reintegrate with their families either because the family is lost during the conflict or the families have rejected to embrace such former child soldiers due to the fear of out casting and ostracization. It is here the importance of rehabilitation is asserted and an absence of which could make a child soldier's life even more despicable in a post conflict situation.

Process of DDR relating child soldiers

Disarmament

The first phase of DDR process is Disarmament. Disarmament is a formal surrender of weapons by child soldiers as soon as they enter the rehabilitation camps. It is the collection, disposal or destruction of weapons.⁵ It is an essential Programme as the collection and surrender of weapons will remove the image of soldiers which is an essential feeling that needs to be instilled in the young minds in order to facilitate the further process of reintegration. In general the internationally monitored weapons cantonment undertake the task of collection and disposal of weapons from child soldiers. In some cases arrangements are made to give inducement to child soldiers to recollect the weapons. It can be in the form of monetary inducements and sometimes it is referred as 'weapons in exchange for

⁴ Ibid paras 50-63

⁵ M A Drumbl, '*Reimagining Child Soldiers*', (Oxford University Press 2012) 6.

development programme' as seen in United Nations Development Program where disarmament is linked with providing legal and political inducements for child soldiers.⁶

Demobilization

The next stage in rehabilitation is the process of demobilization which involves formal release of ex-combatant from military groups and also complete disbandment of these groups. Here ex-child soldiers are shifted to shelter that is holistic and also provides a conducive environment for child soldiers to reintegrate into society. The process of demobilization is an essential task in the rehabilitation programme as it attempts to bring out the child soldiers from militarized environment and this act is very crucial in the transition phase of child soldiers because the segregation from the militarized environment facilitates the ex-combatants to understand the importance of civilian life and also to get rid of the memories of horrific life in military environment.

Reintegration

Reintegration is the last process of rehabilitation that attempts to return the former child soldiers back to their communities and effectively reintegrate with their respective communities. The process involves the rejoining of former child soldiers with their families and retrieves their lost childhood. This phase is important for the fact that it helps children to experience a transition from combat life to civilian life and also to enjoy the association with families which they were formerly deprived of. The impact of armed conflict last beyond the conflict phase and perhaps causes the most devastating effect on a child soldier. In order to get children out of the traumatic experiences reintegration comes with the promise to facilitate their reunion with families.

Challenges faced by child soldiers during DDR

Having discussed the meaning of DDR and also analyzing the success story of DDR programmes, the next section will deal with the challenges that are generally faced by all child soldiers in most of the countries during the rehabilitation process. This would enable in suggesting strategies for effective rehabilitation programmes

1.Tracing the lost families

The initial challenge comes in the form of tracing the families of former child soldiers. This is the most critical phase as many of the former child soldiers loose their families during the conflict or the military groups would have killed the family members or families would have relocated to other places owing to the fear of attack from militias. Tracing out these dispersed families and uniting them with their children is a major task. Even if the families are traced the success of reintegration is dependent on the level of willingness and

⁶ P W Singer, '*Children at War*', (University of California Press 2006) 188.

acceptance of former child soldiers by their families. Most of the parents considers child soldiers as potential danger to the population. This is mainly because of the aggressive nature of a child soldier incurred during their association with the military groups. The aggressive and impulsive nature of child soldiers and the underlying tag of being 'soldiers' make parents feel apprehensive about their successful assimilation with other family members. And it is this element of apprehension that acts as an obstacle in the effective reintegration of child soldiers. Even at the community front, the willingness to accept the former child soldiers becomes critical for the effective reintegration. Most of the communities exhibit strong reluctance to accommodate and welcome former child soldiers who have incurred bad images by indulging in mass killings and atrocities against local civilians. To make the process of reintegration more holistic it becomes necessary that the families and communities change their outlook towards former child soldiers.

It is interesting to note that certain communities perform local rituals and have spiritual cleansing as a part of the process of reintegration of child soldiers. Spiritual cleansing acts as an effective mechanism that expunge child soldiers from the sins incurred during their association with armed conflicts by indulging in killings, massacres and rape. Generally the local healers perform rituals and cleansing ceremonies where the child soldiers are given spiritual baths and their clothes are burnt as a symbolism of purification. Their family members often witness these ceremonies and also local civilians and this will help them to develop magnanimous outlook towards child soldiers. In some instances child soldiers are required to undergo confessions in public or congregation headed by the church so as to facilitate the process of reintegration in an effective way. Spiritual cleansing acts as an entry point for child soldiers to assimilate again with the traditional norms and also with the communities with a sense of being purified. The process of spiritual cleansing serves as a mechanism to restore the lost harmony in the lives of child soldiers and also support their reintegration. The importance of such rituals are mainly felt in societies which are governed by traditional norms and dogmas and also in the societies which lack technical and psychological aids to offer to child soldiers. Any attempt to provide medical aid and psychological support to former child soldiers would go futile unless and until the process is facilitated by traditional and ritualistic assimilation by societies. In this regard such process gain prominence especially in societies of third world whose functionality is still governed by traditional dogmas. One cannot denounce the importance of these practices in traditional societies where it renders strong psychological support to child soldiers. But at the same time it is important to note that it cannot solely be sufficient to initiate the reintegration process. It can rather be assumed as a facilitator.

2. Problem of stigmatization

The problem of stigmatization is another challenge faced during reintegration process. The communities often express serious concerns towards embracing child soldiers due to their former association with armed groups. The tarnished image incurred by child soldiers intensifies the fear among the communities that they might eventually be a potential threat to the society. This fear often stigmatizes child soldiers even after reintegration and the

threat of ostracization prevents the families to embrace their children back to family life and this acts as an obstacle in translating the goal of social integration of child soldiers into reality. The feeling of abandonment and disregard by communities places child soldiers in a hopeless situation and this increases the likelihood of child soldiers returning back to armed groups and assume soldiering.

3. Restoration of educational opportunities

Restoration of educational opportunities to former child soldiers is very crucial in post conflict rehabilitation phase. Children would have lost opportunities to avail the benefits of formal education system due to their association with armed conflicts. Poverty also plays an important role in preventing children from accessing education before entering into soldiering. Lack of education coupled with various other socio- economic causes contributes to child's unbridled choice to join soldiering voluntarily. Lack of education also makes them unaware of the consequences of war and dangers associated with it. This deprives them from appreciating right from wrong and act as a key enabler to child soldiering. One of the child soldiers in his interview with Human Rights Watch stated

“Most of our brothers have been fighting since 1990, so all they think about is war. But if you are educated you can think of other things. Many do not know right from wrong, they do not know the danger of carrying arms and the damage they have done to our nation, for our children and grand children”⁷.

To disdain the goal of education is to disdain the child soldier from childhood itself. Therefore a well-structured formal education becomes an immediate goal of any reintegration programme. But this is not an easy task. Child soldiers are often faced with the difficulty being stigmatized by other schoolmates due to the inherent fear of retribution and also the inherited aggressiveness. The age factor also becomes a problem as the grown up child soldiers are often made to sit with the younger ones. Owing to these difficulties child soldiers often tend to drop out from the schools. To avoid such risks countries like Sierra Leone have incorporated the model of ‘catch up program’ where in children are trained in the interim centers with necessary skills over six months that would compensate their lost educational grades so that they can join school with children of same age after the completion of training programmes. Another alternative could be to give special fellowship for former child soldiers as an incentive to push them to pursue higher education.

4. Financial empowerment

Financial empowerment of child soldiers is also an important goal of rehabilitation programmes. Unless and until child soldiers are made financially independent the process

⁷ M Wessels, *Child Soldiers from Violence to Protection*, (Harvard University Press 2006) 206.

of rehabilitation is rendered meaningless. Attaining economic stability through education is a long-term process. As soon as they are released from military groups child soldiers need to be made economically empowered so that they will be able to earn their livelihood. Therefore imparting basic earning skills becomes pertinent. One such way is through vocational training. This will not only enable children to gain mastery over the skills but also provide them an opportunity to earn livelihood for lifetime. Research has shown vocational training in carpentry, craftsmanship, tailoring, industrial training conducted in various rehabilitation programs of different countries have proved successful in achieving financial empowerment of former child soldiers. Once they attain mastery over these skills they are often provided with micro finances to set up their own small-scale business so as to enable them to support their families. One such initiative was undertaken by Christian Children's Fund in Sierra Leone which provided micro credit loan and also pay back program so as to enable former child soldiers to establish their business set ups. According to Wessels, "child soldiers views vocational training as a portal to new life, a means of transformation from their lives as soldiers to the world of civilian life".⁸ This statement justifies the importance of economic empowerment of former child soldiers through vocational training and its significance in shaping their civilian life in post conflict scenario. In a situation where former child soldiers are looked down upon with apprehension, doubts are raised with regard to their assimilation with communities, fear of stigmatization is all prevalent and are looked down upon as potential threat to societies, financial empowerment through vocational training boosts up their lost confidence to bring back normalcy in their lives and also enable them to support their families so that they no longer be considered as burdens in society. However the process of vocational training is not without drawbacks. There are instances where more number of people are trained in a particular skill than what is actually required by the society and this creates unemployment which further aggravates frustration among former child soldiers and this may eventually tempt them to get back to soldiering again. In order to avoid such negative impact on child soldiers it is essential to structure the program of vocational training based on prior market analysis so that no excess number of skilled workers in a particular job are trained than what a society can accommodate.

Another important problem faced during vocational training is the unwillingness of local business to accommodate the former child soldiers into their business. They over look the facilities given to former child soldiers as 'anti' to the interests of society because they are viewed as the rewards given to those who involved previously in mass killings and atrocities. The deprival of these facilities to former child soldiers creates distrust and would eventually result in social division. This further comes in the way of effective reintegration.

5. Plight of orphans

A harsh reality to fathom during reintegration is the plight of orphans. During the abduction many child soldiers loose their parents in massacres and mass killings. At time they loose their families as the families migrate to different societies owing to the fear of

⁸ Ibid, 204.

attack by military groups. This problem becomes pertinent when child soldiers are brought back to societies during reintegration process. The organization finds it difficult to reintegrate such children, as the process of family tracing is rendered useless. In such situations interim care centers play a vital role in providing temporary accommodation till an alternative living is ensured. Here it becomes crucial for the rehabilitation programmes to make necessary arrangements for orphan child soldiers and some of the alternatives could include shifting them to suitable orphanages, alternative families where a conducive environment is ensured for a peaceful living.

6. Health challenges

An immediate concern that needs attention in the rehabilitation process is at the health front. Generally children sustain severe health problems while associated with armed groups. Malnutrition is one such problem that poses a great challenge during rehabilitation process. Lack of proper food and adequate nutrition coupled with subjection to strenuous work in military groups render them weak and unhealthy. Many child soldiers are found in amputated conditions where they would have lost their limbs and hands in war. Permanent disability is a glaring feature among child soldiers who are released from the military groups and is manifested in the form of permanent blindness, loss of hearing, speech and loss of locomotive organs.

This bears testimony on the devastating consequence of war on child and also the way it impairs his functionality in future life. Drug addiction is severely noticed among child soldiers to the extent that without regular administration of drugs can cause mental dysfunctioning and sickness. In order to get rid of the addiction, intense anti-addiction facilities have to be provided to children.

7. Problem of sexually transmitted disease

The problem of Sexually Transmitted Diseases (STD) is particularly strong among child soldiers who are found suffering from diseases like HIV, Syphilis etc. In Sierra Leone nearly 70 to 905 of female child soldiers were found suffering from STD's and 50% of them were found positive of HIV. It is interesting to that in Mozambique nearly 1 million AIDS cases have been reported, the major concentration was found in areas that had recruited child soldiers.⁹ In Uganda 70 to 80% of female child soldiers and 60% of male child soldiers were found suffering from STD's. All these illustrate the devastating effects of war on children and calls for immediate health care. But in reality the health facilities in rehabilitation camps are quite poor, insufficient and unhygienic owing to the lack of adequate financial support from the concerned authorities as well as lack of skilled medical professionals. This exacerbates the plight of child soldiers even more.

⁹ Wessels, (n 7) 113, 114.

Without proper health care child soldiers find their reintegration process complicated. Unfortunately there is also an existence of general reluctance among communities to reintegrate children suffering from STD's especially those who are suffering from HIV. Society views them as the transmitters of chronic diseases. This makes the process of reintegration a complex phenomenon. Therefore it becomes quite decisive to calibrate the existing health care set up and also its limitations and device well operative health care facilities for child soldiers so that their reintegration becomes smooth and functional.

8. Addressing post-traumatic stress disorder

Assisting children in psychological recovery assumes a greater significance during the reintegration process. War generally disrupts the psychological attribution of children negatively and can cause lasting implications on their behavioral patterns. Psychological recovery is more complicated than physical recovery as it involves meddling with the intricate mental attributes of children and any disruption in the process may lead to impressionable damage to the psyche of children. The association of children in war imbues them with violence, retribution, hatred and desensitizes them from human feelings of love, affection, peace, empathy and co-existence. As a result of this most of the child soldiers after their release from militia are found suffering from post-traumatic stress disorders (PTSD) - a condition in which they are subjected to high levels of neurological arousals where the experiences of war keep haunting them through night mares and flash backs thereby disrupting their daily routines.¹⁰ According to a survey 50% of former child soldiers in Africa suffered from nightmares, 25% suffered from mutism, 28% experienced some form of paranoia.¹¹ Nearly 97% of child soldiers in general suffer from PTSD. Given the mental naiveté of children, the trauma caused by war is so intense that even after reintegrating into society children find it difficult to lead a normal life as the fear of war and its terror keep haunting them psychologically that adversely effect their functionality. The manifestations of PTSD is seen in the child soldiers suffering from depression, acute fear, sense of isolation, mental agitation, cognitive disabilities and suicidal tendencies.

The adverse effect of PTSD is more intense among girl child soldiers who were formerly subjected to rape and other kind of sexual abuses. In many instances either they develop acute fear or strong hatred towards men and this may even compel them to resort to retribution. In few cases they develop hatred for themselves for having their honor defiled and resort to suicides. In order to alleviate children from PTSD, it is very essential to device an effective modality to deal with the problem. One such modality that can yield immediate benefits is psychological counseling which has the capacity to erase the scary memories of

¹⁰ M Wessels, 'Psychological Issues in Reintegrating Child Soldiers' (2004) Cornell International Law Journal 37, 516.

¹¹ Wessels, (n 7) 194.

war. An effective psychological counseling can make child soldiers overcome their mental limitations and also a verbal expression of their plight with the counselor would reduce the intensity of their suffering. Their frequent interactions with the counselors would evade the ill memories of war and build confidence to enter the civilian life. An avowed aim of psychological support during reintegration should be to provide an effective psychotherapy as well as cognitive behavioral therapy to former child soldiers in such a way that at the end of the process each child soldier should be as normal as any other civilian child and should be ready to assimilate in the society with proper sense of sanctimony.

As afore said, psychological counseling to a greater extent can contribute to transition of former child soldier to normal civilian life. But the major challenge to this process comes from the lack of efficient medical psychotherapists needed for the process. The counselors are supposed to conduct themselves in such a way that the experiences shared by former child soldiers should be kept secret so that they would not be made vulnerable to the social attacks as a means of retribution to the injustice done by child soldiers previously. It therefore seems crucial that the psychotherapy provided to former child soldiers should invariably be of high standards and should aim at complete transmogrification of child soldier's mind to successfully integrate into society with no scars of armed conflicts and its bitter experiences.

9. Problem of reintegrating female child soldiers

The integration of female child soldiers back to their communities is challenging as well as relatively complex as compared to their male counterparts. This is mainly because of the gender discrimination that exists in societies and it is quite strong in traditional societies where the female chunk is still viewed as subordinate to their male counterparts. As we have seen in the previous chapter female child soldiers are found playing multitude roles in armed conflicts being cooks, porters, domestic helpers, bush wives and in some cases active combatants as well. Despite the fact that they play multitude role in armed conflicts society generally perceives them as being 'ex-slaves' and sport a negative outlook towards them. The stigma attached to rape and sexual violence perpetrated against female child soldiers carry a heavy toll along and blocks their effective reintegration. The potential causes that underlie their victimhood goes unnoticed as a result they are perceived as tarnished identities. This acts as a major barrier to their reintegration

10. Problem of unwanted pregnancies

A further problem that has compounded the reintegration process is the unwanted pregnancies of female child soldiers and the issue of children born out of sexual assault by military men. Having abandoned by their fathers, children born to female child soldiers face an additional risk of identity construction in the society. At the outset female child soldiers face with the problem of reintegration into their communities and to add on to the complexity of the problem these children born out of rape pose a greater challenge to the reintegration process. To some extent, after spiritual cleansing, societies show some concern to reintegrate female child soldiers but if she is found possessing a baby, it hinders

her reintegration owing to the fact that the baby is born out of illegitimate relation. At some instances even if she is reintegrated into her respective community she would never be allowed to enter into her marital bond and even the person in the militia who is responsible for her impregnation shows least interest to explicitly designate her as his wife as it would make him bear the responsibility of wife and child. As a result girl child soldiers become forlorn figures in the entire process of reintegration.

11. Community education

The reality reveals that no psychotherapy and counseling will yield laudable results as it is the acceptance of former child soldiers by the community and its members that can to a greater extent provide a sense of inclusion to child soldiers. This depends on to what extent the community is ready to incorporate the participation of former child soldiers in community-based activities. To facilitate this, the organizers of rehabilitation can indulge in educating the communities with regard to victimization of child soldiers in war and also the need to integrate them with society as normal civilians and also how an improved relation of the community can translate the lives of former child soldiers in positive direction. The communities should develop a magnanimous outlook toward child soldiers so that their reintegration becomes easier and they should be made to understand that children on their own never opted soldiering and it is the society and the compelling factors that induce them into combating and as such it is children who become the victims of deception in the entire process. Educating the communities on gender rights also assumes greater importance in rehabilitation process so that the atrocities young girls face even after their release can be avoided to certain extent. Establishment of child protection network can be an essential step as it can help the rehabilitation program to address the core concerns of former child soldiers in terms of providing basic necessities like food, health care, vocational training, access to education, protection against retributive attacks from military groups. This can in long run play a facilitative role in reintegration process at the grass root level.

Conclusion

The paper highlights the importance of rehabilitation of child soldiers in post conflict scenario. The rehabilitation process through the DDR programmes is assumed to be the most effective way in securing transitional justice to child soldiers. It is considered to be the most apt justice paradigm that can be applied in the context of child soldiers. It helps in recovering and restoring the childhood to a child soldier which was lost in the process of soldiering. The rehabilitation thereby contributes for their assumption of positive roles in future life.

The analysis of the three distinct phases of DDR i.e. Disarmament, Demobilization and Reintegration shows that these phases in the context of child soldiers are not effectively strategized limiting the effective implementation of their goals. The DDR process are devised in general to suit the adult and this has affected the child soldiers availing the benefits of DDR programmes .

The analysis of various challenges faced by child soldiers reflects upon the inherited inefficiency of the existing rehabilitation programmes in context of child soldiers. There is no universal organization or institutional set up with an effective mandate to govern the rehabilitation process of child soldiers. Each country devises its own rehabilitation programmes in the post war scenario according to the available resources to rehabilitate child soldiers. This has impeded the achievement of the most laudable goals of rehabilitation programmes. There is a need to create an international institutional set up with an international legal mandate to oversee the rehabilitation process so that maximum child soldiers are reintegrated in societies as productive citizens.

With the ascendancy of transitional justice in the domain of international law, the process of rehabilitation through DDR has gained importance. It is essential that the three 'R's i.e. 'Reintegration', 'Rehabilitation' and 'Reconciliation' should be made the essence of DDR programme so that the most avowed aims of rehabilitation programme will be convincingly implemented.

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