

The Recruitment of Children by Terrorist Organisations: Legal Gaps and Enforcement Challenges

Riva Varshney

ENROLLMENT NO.: A032170123075 LLB(HONS.), Amity University, Noida

Abstract - The fact that terrorist groups recruit children is a burning and highly disturbing problem that undermines the legal systems on the global level and the means of their compliance. In this paper I have given a literature review on recent studies on recruitment of children by terrorist groups with a focus on recruitment methods, experiences and difficulties involved in the process of rehabilitation and reintegration. Recent reports indicate that a large number of minors around the world are coerced, manipulated, or systematically recruited to extremist groups due to a complex of vulnerabilities resulting in poverty, lack of education, social instability, and being exposed to violence. Children that are recruited into terrorist groups are greatly abused physically, emotionally, psychologically, and also, take part in attacks, terrorism acts, indoctrination, sexual exploitation and a total lack of familial and community based support systems. The fact that protection norms are not evenly followed, that the terrorist organizations cannot be held responsible, the insufficient enforcement of the norms and limited jurisdiction over the trans-national terror networks are still left as the essential items in the list of law gaps with references to the Convention on the Rights of the Child and the Rome Statute. To rehabilitate children enlisted by terrorist organisations, it is essential to identify the trauma and develop preventive and community-based programs that will help children to reintegrate with others.

Keywords- Child recruitment, Terrorist organisations, Legal gaps, Trauma, Rehabilitation, Reintegration

I. INTRODUCTION

Learning, play, and imagination should be the factors to promote child growth and development rather than violence, fear, or conflict. Sadly, the terrorist groups in different parts of the world are robbing the world of thousands of children by compelling them to join the forces. Rather than being in classrooms, most of the children are being taken to battlefields, being trained on how to kill them and being exposed to hardship such as forced labor and sexual exploitation as the extremists cram their brains with radical thoughts. These

experiences have a lifelong emotional and physical impact on their lives.

The aim of the paper is to examine the behavior and reasons behind how terrorist groups achieve their goals of enlisting children considering the social, political and economic frailties that enable these youths to be easy prey. Most of these children enter this practice after deep-rooted situations or due to dire circumstances and some children are abducted or people force them into the practice, as they feel that it is the only way they can seek protection and a feeling of belonging. As recruitment grows to take place outside of traditional conflict zones, oftentimes via online radicalizations and digital propaganda, this process has become quicker and more extensive, and crosses international borders easier than ever.

Although it is a fact that there are so many international humanitarian and human rights laws such as the Convention on the Rights of the Child, Rome Statute, and others, the practice of terrorist organizations recruiting children persists. Administration loopholes (like poor implementation of treaties by nations and absence of enforceable responsibility over non-state organizations) enable these groups to exploit children without much action and also to exploit children with impunity¹. Children taken are not only deprived of their innocence but they also suffer extremes in the physical and mental damages.

¹ United Nations Office on Drugs and Crime, *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System* (United Nations 2017) 5–10.

The discussion here is aimed at understanding their plight, legal loopholes and enforcement issues and coming up with ways of helping them to resume their lives when the guns become silent. The use of coercive child recruitment has emerged as a universal issue in the past few years but there are

estimates that in various parts of the world, tens and thousands of children are committing terror acts around the world with their rights being seriously infringed. A child recruit is defined by the world community as any child under the age of eighteen who is recruited into a terrorist organisation in any form, whether it is as a fighter, logistical provider, communicator or sexual slave. A mixture of forced, manipulated, and exploitation with vulnerability are common with terrorist organisations to recruit children. Some are blackmailed or forcefully taken with threats of violence and blackmail, some victims are even duped with false promises of safety, religion, protection, income, or belonging. The poor and war-torn areas make the lives of those residing there soft targets. Extremists like such young people who can be easily influenced and manipulated.

This paper will give an in depth-reading on the topic of child recruitment by the terrorist organisations, their experiences and legal loopholes and pitfalls in the application of laws. It will examine psychological and emotional cost of being a terror recruit and its variables of impact which make them become a recruit. The aim of this paper is to create awareness to end the enlistment of children in the terror operations and a twofold-way strategy is required- the enforcement of global legal responsibility and placing of trauma-based rehabilitation programmes to support the right of children to a safe, secure, and respectable future.

STATEMENT OF PROBLEM

Child recruitment by terrorist organizations is a complicated and many-sided question that impacts the lives of millions of child soldiers across the world. It is still a grave breach of international child care standards and it is present even though there are categorical bans within CRC. Conditions of poverty, displacement and bad governance are used by terrorist groups to enlist minors into fights, messengers, human shields or to be sexually exploited accordingly.

The topic presents a challenge to defend the rights of children since recruitment is involved and used in armed conflicts and terror attacks. Laws that criminalize recruitment are not clear in many states. The current mechanisms are insufficient to control hate speech radicalization and online

recruitment. The problem needs to be addressed in an integrated way, as a prevention, protection and enforcement strategy will guarantee the safety of children, and recovery assistance to those who have experienced the problem.

Hypothesis

The act of recruiting children in terrorist groups is a terrible infringement of their human rights. There is high violence, trauma and exploitation, faced by children recruited and may affect them in the long term, physically, psychologically and emotionally. These children can be healed and rehabilitated to participate in life through effective enforcement of laws and rehabilitation programs.

Primary Hypothesis- Legal gaps and poor enforcement in foreign and local systems are predominantly factors behind potential children recruitment into force by terrorist groups.

Alternative Hypothesis- There is no consistency in law and restrictions of jurisdiction which hinders prosecution of terrorists organisations through recruitment of children, thereby allowing the practice to carry on.

Research Questions

1. Child recruits more susceptible to mental health problems and trauma than adult combatants?
2. Has the international legal regime on the subject of child safety been effective in curbing their kidnapping by terrorist organizations?
3. Do social-economic and political susceptibilities largely make children more at risk of becoming terrorists in terrorist organisations?
4. Is child recruitment more prevalent in areas where there is poor governance and law enforcement by terrorist organisations?

Research Methodology

1. Comprehensive assessment of existing literature on recruitment of children by terrorist organizations to get a better and deeper understanding of the subject and identify gaps in the legal system, knowledge and comprehension.
2. Case studies: Using case studies, including

interviews with former rescued recruits and their families and community members, analyses the experiences of children in various locations. This will shed light on the reasons for recruitment.

3. Legal analysis: Identify gaps and contradictions in legal frameworks and enforcement connected to human rights and child soldiering, including policies and laws. A study on child soldiers would typically adopt a mixed-method approach, incorporating qualitative and quantitative tools such as literature review, case studies, surveys, and legal analysis.

LITERATURE REVIEW

1. Singer, P. W. (2005). *Children at War*. New York: Pantheon Books.²
Singer gives an in-depth examination of the use of child soldiers in conflicts around the world, noting the different variables that contribute to their recruitment, such as poverty, social marginalisation, and warfare. He also investigates the impact of armed war on children and the measures taken to remedy the issue. [Singer, P. W. (2005). *Children at War*. New York: Pantheon Books.]

2. Brett, R. (2018). *When the State No Longer Kills: International Human Rights Norms and Abolition of Capital Punishment*. Cambridge: Cambridge University Press.
Brett covers the use of child soldiers as a violation of international human rights principles, as well as the numerous legal structures put in place to prevent their recruitment and usage. *When the State No Longer Kills: International Human*

² Peter W. Singer, *Children at War* (New York: Pantheon Books, 2005), 23.

Rights Norms and the Abolition of Capital Punishment. Cambridge: Cambridge University Press.]

3. Wessells, M. G. (2009). *Child soldiers: From violence to protection*. Cambridge, MA: Harvard University Press.³
Wessells delves into the experiences of child soldiers, including the physical, emotional, and psychological consequences of their participation in armed conflict. He also looks at the numerous rehabilitation programmes that have been established

to help people recover and reintegrate into society [Wessells, M. G. (2009). *Child soldiers: From violence to protection*. Cambridge, MA: Harvard University Press.]

4. Kimmage, D. (2005). *Child Soldiers: A Reference Handbook*. Santa Barbara, CA: ABC-CLIO.⁴

Kimmage gives an in-depth examination of the topic of child soldiers, including their recruitment and deployment in armed conflict, the international legal framework that governs their protection, and the different rehabilitation techniques that have been devised. [Kimmage, D. (2005). *Child Soldiers: A Reference Handbook*. Santa Barbara, CA: ABC-CLIO.]

5. Kriangsak, K., & Aksornkool, N. (2018). Child soldiers: A critical analysis of the global response. *Journal of Human Rights Practice*, 10(1), 87-100.

Kriangsak and Aksornkool examine the global response to the issue of child soldiers, emphasising the difficulties and limitations of prevention and rehabilitation efforts. They say that more attention should be devoted to the underlying reasons of child soldier recruitment, and that preventative efforts should concentrate on addressing poverty, social injustice, and conflict. [Kriangsak, K., & Aksornkool, N. (2018). *Child soldiers: A critical analysis of the global response*. *Journal of Human Rights Practice*, 10(1), 87-100.]

6. Machel, G. (1996). *Impact of armed conflict on children*. Geneva: United Nations Children's Fund (UNICEF).⁵

³ Michael G. Wessells, *Child soldiers: From violence to protection* (Cambridge, MA: Harvard University Press, 2009), 76.

⁴ David Kimmage, *Child Soldiers: A Reference Handbook* (Santa Barbara, CA: ABC-CLIO, 2005), 33.

⁵ Graça Machel, *Impact of armed conflict on children* (Geneva: United Nations Children's Fund (UNICEF), 1996), 43.

Machel's ground-breaking report examines the consequences of armed conflict on children, including their recruitment and usage as soldiers. The research emphasises the critical need for immediate action to address the issue of child soldiers and defend the rights of children in crisis zones [Machel, G. (1996). *Impact of armed conflict on children*. Geneva: United Nations Children's Fund (UNICEF).]

Scope of Research

1. Investigating the social, economic, and ideological factors that enable terrorist organisations to recruit children, including vulnerabilities that increase susceptibility to radicalisation and coercion.
2. Analyse the physical, emotional, and psychological impact of terrorism related recruitment on children.
3. Identify challenges faced by children during rehabilitation and reintegration and evaluate the effectiveness of existing support mechanisms.
4. Assessing the adequacy of enforcement of international and domestic legal frameworks governing the prevention, prohibition, and punishment of child recruitment by terrorist organisations.
5. Identifying the role of state actors, law enforcement agencies, and international organisations in preventing child recruitment and addressing the accountability gap for non-state terrorist entities.

2.1 EXPLOITATION OF CHILDREN AS A TOOL OF TERRORISM

Children are the most vulnerable group of any society. The emergence of children as the holders of rights is rather a new phenomenon due to the activities of reform movements in the 19th century. But now their vulnerability to being abused has risen drastically in the scenario of contemporary asymmetric warfare.⁶ The development of the terrorist groups into strong non-state actors has facilitated the use of children as military, logistical and ideological resources.⁷

The children are forcibly sucked into extremist networks on which they are made to fight, act as messengers, informants, suicide bombers, propagandists and human shields. They are easy targets due to their lack of developmental maturity and psychological addiction. The brainwash of children in most conflict areas is placed within the context of a certain kind of religious obligation or a certain kind of a moral obligation. Contemporary contribution of children to terrorist groups is a grave breach of humanitarian principles.⁸ It is also the cause of a repetitive cycle of violence perpetuating generations of radicalisation and generation-long harm to society than when the war is over.

2.2 CHILD ABUSE AND EXPLOITATION

Recruiting children by the terrorist organisations has been considered one of the most abhorrent acts against the rights of children as stipulated in international law. The targeted children are vulnerable due to their psychological condition and strategic importance because of the possibility of lasting militant activity.⁹ The purpose is not normally to recruit only but to transform their identity, religion, loyalty as well as agency turning the minors into terror tools. Studies by the United Nations Office on Drugs and Crime (UNDOC) in the project STRIVE Juvenile under the support of the European Union record various and intersectional maltreatment children experience

⁶ David M Rosen, *Child Soldiers in the Western Imagination* (Rutgers University Press 2015).

⁷ Mark A Drumbl, *Reimagining Child Soldiers in International Law and Policy* (OUP 2012).

⁸ Rachel Brett and Irma Specht, *Young Soldiers: Why They Choose to Fight* (Lynne Rienner 2004).

⁹ Drumbl (n 3).

when connected with terrorist and violent extremist groups in such countries as Indonesia, Iraq, and Nigeria.¹⁰

In the report, children are reported to be abducted, brainwashed, used to fight as well in non combat activities and they are also exposed to sexual violence and forced labor and lack of reintegration support. The major types of abuse in such networks are:

(a) Forced Recruitment and Abduction-Terrorist agents often kidnap children in schools and in refugee camps and conflict-touched communities, specifically targeting areas that are vital in security and education. According to the STRIVE Juvenile study, sixty two percent of child returnees interviewed were not taken against their will with many of those interviewed witnessing killings during the time they were taken. Abduction robs children of parental care, education and community membership thus eliminating structural protection.¹¹

(b) Ideological and Religious indoctrination-After the abduction, the children are exposed to systematic brainwash to strip them of their original identity and morality and brainwash them into extremist ideology. In Iraq alone 83% of boys, who joined ISIS went through religious-combat

indoctrination programmes of between 30-90 days.¹² This mental brain washing legitimises violence, martyrdom and unquestioned obedience, leading to dependency and being radically attached to the group.

(c) Military Training and Exposure to Violence- Minor recruited minors are often trained on dealing with weapons, improvised explosive devices (IEDs), ambush techniques and executions. According to UNODC in Nigeria, during the training process, children were subjected to killings or forced to watch it, which causes significant psychological damage in the long term.¹³ Children are desensitised to unending violence, which makes them incapable of empathy and contributes to increased trauma.

(d) Coerced Criminal participation- Children are forced to perform violent tasks on threat to self or even family, such as suicide attacks, executions and bombings. Research indicates that more than four hundred child suicide bombers of the ISIS group have

¹⁰ UNODC, *STRIVE Juvenile: Preventing and Responding to Violence against Children by Terrorist and Violent Extremist Groups* (2019).

¹¹ Brett and Specht (n 5).

¹² Bloom (n 6).

¹³ UN Security Council (n 4).

been used between the years 2015-2017 proving the process of institutionalisation of forced criminality in minors. Coercion also turns out to be a control mechanism since they tend to hold the children to the organisation owing to guilt and fear, and probable inability to get away.¹⁴

(e) Sexual and Gender Based Exploitation- Children especially girls are forced to endure rape, forced marriages, sexual slavery and forced domestic labour. Children who are not yet in the state of mature and full development are forced to go through the sufferings of life. Along with the hindering of children education, it is clear that using sex at early age is harmful to the children, which is evidenced by the emergence of so-called Vescio vaginal fistula (VVF) and other complications. The ISIS abducted around 6,000 Yazidi children in 2014, many of whom were sexually abused or exploited gender-based and often sold on several occasions in trafficking networks.¹⁵

(f) Exploitation in Subservient or Supportive Roles- Not every child is sent into front line battle,

there are those who work as cooks, spies, porters, informants, bomb carriers or financial mules.¹⁶

2.3 CONCEPT AND NATURE OF CRIMES

In discussing the nature of crime, the fact of the recruitment of children into the terrorist organisations is one of the most serious types of crimes against international criminal law and humanitarian principles. We will consider them in greater detail-

(a) Breach of Legal Norms- The use and enlistment of minors in military activities is prohibited by international law. Protection against non-participation in violence is a right of children.¹⁷ The Convention on the rights of the child (CRC) and its optional Protocol on the involvement of children in armed conflict prohibit such recruitment by the states.

¹⁴ Mia Bloom and John Horgan, *Small Arms Survey on Child Suicide Bombers* (2017).

¹⁵ Human Rights Watch, *"They Came to Destroy": ISIS Crimes Against the Yazidis* (2015).

¹⁶ Drumbl (n 3).

¹⁷ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2000.

(b) Classification as a Serious Criminal offence- The use of child soldiers is a serious international crime. It causes long-term effects on the victims and poses a risk to the society. It is a war crime and can also be tried in international tribunals.

(c) It is the Law that took its Toll- The international community is in agreement that this practice is illegal. Those involved in child recruiting, whether the state or insurgence groupings, may undergo a court of justice within their country or an international organization like the International Criminal Court (ICC).¹⁸ The principle is affirmed in a landmark case of the prosecutor *V. Thomas Lubanga Dyllo* which the ICC found a guilty leader of the militia group of abducting and using children who were under the age of fifteen to wage war against them.

(d) Ethical and Social Views- Worldwide, no justification of use of child soldiers is accepted by the international community. Children are not emotionally matured and do not have sufficient knowledge to make life threatening decisions and

obligating them to fight is morally and legally unacceptable.¹⁹

(e) Contributing Factors- They usually abduct, coerce or even threaten children into joining terrorist forces. They are easily targeted as they are vulnerable to any attacks by the extremist groups that want to obtain obedience and control.²⁰ They are instead exposed to danger, trauma and exploitation instead of learning and growing.

(f) Prevention and Response Mechanisms- Governments, NGOs, and international organisations engage in the fight against this crime by rescuing children under the control of armed groups, rehabilitating and reintegrating them back into civilian life, as well as prosecuting those who were engaging in the criminal activity to deter future acts of violation. It is not just intended to prevent the recruitment of teenagers but assist survivors as well.²¹

Child recruitment in terror groups is a very grave offense that contravenes international laws put in place to protect the most vulnerable of the society; children. Attempts are made to not only end this practice but also to assist them in healing, and help the children affected have normal and ordinary lives.

¹⁸ *Prosecutor v Thomas Lubanga Dyilo* (Judgment) ICC-01/04-01/06 (14 March 2012).

¹⁹ Drumbl (n 3).

²⁰ Brett and Specht (n 5).

²¹ UNICEF (n 7).

3.1 RECOGNISING CHILDREN RECRUITED BY TERRORIST ORGANISATIONS AS VICTIMS UNDER INTERNATIONAL LAW

The modern international system of security demonstrates a disturbing and very deep tendency: the recruitment of children and their use by terror and extremist groups are becoming an organized task.

The forces that have become more and more involved in the work of groups like Boko Haram, Al-Shabaab, the Islamic State of Iraq and the Levant, and parts of the Taliban involve children as the working components of their systems. These children are not by-products, but a careful manipulation of them in various and calculated activities such as combatants, suicide bombers, couriers, spies, human shields, and as a form of

sexual exploitation in the pretext of forced marriages.²²

Such organisations have calculated their psychological vulnerability, malleability and relative invisibility in civilians, reflecting in this strategic deployment. Children are less frequently suspected and are usually very useful in launching an attack or even in logistics. Moreover, brainwash during the tender age guarantees long-term conformity to the ideology, which consequently keeps the group going, generation after generation.²³ The involvement of children in this way does not only contribute to the particular tactical purposes but also to the greater ideological and propaganda ends, manipulating children as beacons of allegiance and tools of fear. The effects of this kind of recruitment are disastrous and manifold. When children are placed under these conditions their basic rights are grossly violated as their right to survive, life, development, education, and protection against violence. The damage to their physical and psychological health is unacceptable, which in many cases can lead to long-term trauma, social isolation, and a poor ability to become reintegrated with society.²⁴ Such contexts impose no accidental but inherent role in the operations of terrorist networks, which destroys childhood. The major problem is that it poses serious difficulties to legal and policy reactions taken by states. These children are often viewed through a security prism instead of being seen first and foremost as

²² UNICEF, *Child Recruitment by Armed Groups* (2017).

²³ Mark A Drumbl, *Reimagining Child Soldiers in International Law and Policy* (OUP 2012).

²⁴ Convention on the Rights of the Child 1989 (CRC).

victims of serious human rights violations: rather, they are radicalised, could be dangerous, or even terrorists themselves. The net result of this strategy is that they end up in detention, prosecution or surveillance through the counterterrorism frameworks, making their victimisation even worse. The collision between the laws against child protection in other countries with the demands of national security depicts a lapse gap in legal interpretation and practice.²⁵

It highlights the pressing necessity of child-focused approach which emphasises on rehabilitation and reintegration instead of punishment.²⁶ Profanity and

sexual assaults are subject to a broad range of overlapping violations of children related to terrorist organisations. These involve forcible enlistment in armed conflict, sexual slavery, forced labour, and killings and mutilation, kidnapping, trafficking, and enforced disappearance. They are also often the targets of assaults on schools and medical facilities, and are denied humanitarian aid. They are severe violations of international human rights law and international humanitarian law and may be characterized as war crimes and crimes against humanity.²⁷

Notably, even when children seem to have enrolled into such organisations out of goodwill, the legitimacy of such a choice is very much doubtful. They are forced into coercive situations that influence their choices often due to extreme poverty, inability to obtain an education, displacement, statelessness, and breakdown of family and community support networks.

In numerous instances, children are threatened, lied to or even conditioned in a sustained ideological manner that diminishes their independent decision-making abilities.²⁸ International law finds itself becoming more and more aware of the fact that children, due to their age and status of development, are simply not slaves to legal and moral agency to deliver informed consent in such situations. It follows that an increasing number of voices in international legal systems is holding the firm view that the victims of children recruited or used by terrorist organisations have to be clarified beyond reasonable doubt that children are victims.²⁹ This recognition plays a critical role in not only providing protection of them under international law but also help in

²⁵ UNICEF, *The State of the World's Children* (2019).

²⁶ UN General Assembly, *Global Counter-Terrorism Strategy Review*

²⁷ Human Rights Watch, *"They Came to Destroy": ISIS Crimes Against the Yazidis* (2015).

²⁸ UNODC (n 7).

²⁹ UN Security Council (n 1).

the recovery, rehab and reintegration into society.³⁰ Such a change in mindset; criminalisation turned to victimhood - is therefore essential in tackling one of the most topical humanitarian issues of the contemporary period.

3.2 GLOBAL RISE OF CHILD RECRUITMENT

The past twenty years have seen a dramatic increase in the number of women and children who are recruited by terrorist groups, and the trend is not an exceptionally explicit abuse of the war but rather an organisational policy. The proliferation of extremist propaganda channels, the collapse of authority in war-torn countries, and radicalisation over the internet have radically changed the extent and means of child recruitment.

One of the worst hit areas is Africa where thousands of children are kidnapped and indoctrinated by Boko Haram and the ISWAP (Lake Chad Basin), Al-Shabaab (Somalia) and armed factions in the Sahel region. According to UNICEF reports, at one time, over 1/3rd of suicide bombings carried out by the Boko Haram were executed by minors which in many cases were girls.³¹ Middle East has witnessed rampant militarisation into children, especially within ISIS in Syria and Iraq, whereby the ideological indoctrination, armed training and suicide missions assignment on boys as young as 15 years of age in the so called Cubs of the Caliphate camps became institutionalised. Yazidi women who were trafficked to ISIS camps, both sexually enslaved and forcibly recruited at the same time, are victims of both sexual and forced labor. The hotspots are also South and Central Asia. The Afghan and Pakistani Taliban are recruiting with madrasa recruitment, force and propaganda targeted at boys. Poverty, displacement, and political grievances are leveraged by local extremist outfits to recruit children into militancy in Kashmir and Myanmar, in some areas. Recruiting past the war-torn regions is facilitated by digital radicalisation.³² Associates of terrorist groups have frequently used encrypted messages, gaming forums, and social media networks to introduce children into cyber-propaganda, fund-raising, and logistical successfully targeting children in Europe, North Africa, Southeast

³⁰ Bloom (n 4).

³¹ UNICEF, *Silent Shame: Bringing Out the Voices of Children Caught in Conflict* (2019).

³² UNODC (n 7).

Asia and in other war-torn zones around the world. Children are no longer being recruited as the alternative to adult combatants but as assets called upon to execute suicide bombings, spies, cyber attack, and extremist propaganda.

3.3 INTERNATIONAL LEGAL RECOGNITION

This guide is based on the Convention on the Rights of the Child (CRC), which has been used to internationally define these youngsters as victims. Children who are recruited by terrorist organisations come in the category of protected victims as Article 19 expressly prohibits any form of violence against children, physical, psychological as well as emotional abuse.³³

Article 39 obligates the states to offer social reintegration, physical and psychological rehabilitation to children affected by conflict or criminal exploitation. Rehabilitation and reintegration is thus a legal obligation to the states and not a humanitarian activity that was adopted by a choice. This recognition is extended in the Optional Protocol expands this recognition regarding the Involvement of Minors in Armed Conflict (OPAC) that prohibits the recruitment or involvement of minors under 18 in hostilities by non-state armed groups.³⁴ This is important since terrorist groups usually function as armed non-state actors, and it is illegal for them to recruit youngsters.

At the same time, the protocol on the sale of children, child prostitution and child pornography tracks cases where forced marriages, sexual slavery, or child exploitation are committed by terrorist organisations to generate money or in military endeavors. In the policy on International Child Protection and Counterterrorism, the United Nations clearly recognises that the systematic recruitment of children by terrorist organisations is a threat to international peace and security and criticises the use of minors to perpetrate terrorist acts under its General Assembly Resolution 70/291.³⁵

It also renders it obvious that states have to treat children in accordance with their rights and dignity, even when children commit criminal or terrorist acts. This is indicative of an obvious globalization that rehabilitation should prevail over revenge. In cases where a child is the victim, recruitment by terrorist groups fits into the description of

Protocol (Article 3) where no demonstration of coercion is required. Terrorist groups act as trafficking rings to transport children to their destinations, forcing them to in sexual slavery or any form of crime. One of the international treaties that was most broadly ratified and that defines as a worst form of child labour the forced enlistment of children to armed conflict is the ILO Convention Number 182. Therefore, the manner in which child protection rights and an international violation of labour laws are infringed upon by terrorist groups is a two-fold violation.³⁶ Article 4(3) of the Additional Protocol II to the Geneva Conventions specifically outlaws the enlistment of children below the age of 15 into non-state armed forces and the OPAC later expounds on this to cover those below the age of 18. The Rome Statute of the International Criminal Court makes conscription, the forcible recruitment or forcible use of children under the age of 15 in hostilities victims of war crimes, and sexual slavery and forcible pregnancy victims of war crimes and followed by crimes against humanity when carried out as part of widespread or systematic attacks.³⁷

The landmark case, *Prosecutor V. Thomas Lubanga Dyilo*, has created an important precedent because it confirmed that despite the fact that recruitment may seem voluntary, there is force at play and the consent is regular meaning that the perpetrators of the same can be charged.

3.4 Persistent Enforcement Challenges

Although there are wide-ranging international legal guarantees to support upholding the rights of children against recruitment and abuse by terrorist groups, tension still exist between the normative principles and reality in the counterterrorism frameworks.³⁸ Although international law is starting to treat such children as victims who deserve care, protection and rehabilitation, state reactions tend to be security-based that erodes these protections in practice.

In most jurisdictions, the victims of groups like Islamic State of Iraq and the Levant or Boko Haram that were once territories experience this treatment of being children of

³³ CRC arts 19, 39.

³⁴ Optional Protocol to the CRC on the Involvement of Children in Armed Conflict 2000.

³⁵ Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 2000.

³⁶ ILO Convention No 182 (1999).

³⁷ Rome Statute of the ICC 1998, art 8(2)(e)(vii).

³⁸ UNODC (n 7).

trafficking of a person as defined in the Trafficking

suspects and not victims of intimidation and propaganda. Such an assumption leads to their outright arrest, often under circumstances that do not comply with the norms of juvenile justice. These people do not get directed to child protection systems but flow through counterterrorism systems which emphasize interrogation, surveillance and prosecutions.³⁹ National security classifications have been known to further limit access to rehabilitation and reintegration programmes.

Data on such children can be kept secret in the name of intelligence sensitivity, thus restricting the interventions of child welfare agencies, psychologists and social workers. Children are consequently denied important services such as trauma counselling, education and reintegration services-based in community. Lack of co-ordinated institutional arrangements between the security agencies and child protection organs further hinders this disconnect which leaves the affected children in situations of both legal or social uncertainty.⁴⁰

The priority of judicial systems in various countries remains based on punitive reactions as opposed to welfare-driven determinations. The courts can take into consideration the logos relating the child to a terrorist group as the manifestation of guilt, instead of considering the conditions of recruitment, intimidation or indoctrination. This strategy does not only ignore the weakened agency of children but also goes against the basic tenets of juvenile justice such as the best interests of a child and putting rehabilitation ahead of retribution. Other than institutional barriers, there is the societal stigma which proves to be a great challenge to successful reintegration. The once members of extremist organisations are also seen as dangerous or even ideologically setup and thus they are rejected within their families, communities and even within their educational institutions.⁴¹

This social marginalisation exacerbates psychological trauma and leads to isolation, thus making them vulnerable to re-radicalisation. Without being accepted and supported, children can go back to extremist networks, which provide them a belonging, identity, and a purpose. The long-term effects of prolonged exposure to extremist indoctrination can further deter reintegration efforts.⁴² The children might adopt violent

³⁹ *ibid*.

⁴⁰ UNODC (n 7).

⁴¹ CRC art 3.

⁴² UNICEF (n 6).

beliefs or experience warped identity and moral impressions, which might need specialised and lengthy interventions. In the cases where these interventions are either missing or are insufficient, chances of recidivism are highly realized, which continues the routes of violence and instabilities.

Thus, when we address the issue of children recruited by terrorist organisations as victims, the acknowledgement that this is not a decree or a theoretical statement of intent; it is a significant legal and policy necessity. The victim-centred approach can be used to develop rehabilitation models that focus on psychological rehabilitation and social reintegration. It further assists in breaking the cycle of intergenerational radicalisation by both cutting-off the flow of extremist ideologies and avoiding the marginalisation that is so often a source of such movements. Filling the experience of the discrepancy between the law and its application is, therefore, crucial towards the implementation of child protection as well as long-term counterterrorism goals.

4.1 ENFORCEMENT BARRIERS IN PREVENTION AND PROSECUTION

Regardless of the obvious international bans, the practice of recruitment of children by terrorist organisations continues. It is clear under international law that no one who is below the age of 18 must be recruited into the armed forces (recruiting below 15 is an ICC war crime).⁴³ In reality, though, enforcement is disjointed. Thousands of children are still being kidnapped and trained and utilized by terror groups. According to UNICEF, there are more than 105,000 confirmed cases of child recruitment between 2002 and 2022.⁴⁴ Most of these children lack a birth certificate or a valid ID; hence their age is controversial. In cases where the authorities fail to substantiate the age, the minors are likely to be subjected to counter-terror legislation to undergo detention, prosecution or deportation rather than rehabilitation. The outcome is that even children that by international standards are the main victims who need protection are not noticed and protected by means of rescue, interrogation and trial.

The enforcement is very disjointed. The borderless internet is the exploitation of terror groups who are

well out of bounds of any single criminal justice system and domestic courts have strict territorial and procedural limits.⁴⁵ The consequence of this is that there is a mismatch between the law and the practice; child recruits are usually left unguarded, and their recruiters left unprosecuted.

4.1.1 Online/Transnational Recruitment and Borderless Terror Networks

Contemporary extremist factions and acts of terrorists are using digital media to recruit youths in various continents. They turn to social networks, encrypted applications and gaming platforms, to contact vulnerable children without having to meet physically.⁴⁶ The internet facilitates radicalisation, such as the use of algorithms to produce echo chambers, which draw isolated young people into violent ideas.⁴⁷ Groups such as ISIS and Al-Qa'ida have been particularly targeting the unprotected, vulnerable children in

⁴³ Rome Statute of the International Criminal Court 1998, art 8(2)(b)(xxvi).

⁴⁴ UNICEF, *Child Recruitment and Use* (2022) <https://www.unicef.org> accessed 20 April 2026.

⁴⁵ United Nations Office on Drugs and Crime, *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups* (2017).

⁴⁶ UNODC (n 3).

⁴⁷ Gabriel Weimann, *Terrorism in Cyberspace* (Columbia University Press 2015).

conflict zones or in weak states where governance is weak to create gaps in education and security to indoctrinate the children.⁴⁸

There are new challenges in enforcement by cyber recruiting. The digital evidence is difficult to track as terrorists are operating across the borders and they employ encryption. The conventional criminal law instruments such as Mutual Legal Assistance Treaties (MLATs) and data requests are much slower than online grooming networks. One analyst observes that law enforcement sometimes encounters legal/ethical constraints to tracking minors on the Internet, and counter-terror efforts are responsive, not preventative. This, in practice, implies that children may be groomed via social media or gaming chat without being promptly addressed.

It is at too difficult a stage to prevent the recruitment of a youth, and it is only after the youth has been

radicalised or physically mobilised that authorities will take action.

- Secrecy and anonymity- Terrorists utilize clandestine applications and forums in a manner such that content and discussions do not get monitored.⁴⁹

- International propaganda systems- Online magazines, live streaming campaigns and social media enable the extremist recruiters to target children all over the world in one swab.⁵⁰

- Fast internet grooming- Online radicalisation usually goes viral and faster than the law enforcement agencies can react.

These online means do not consider borders. A child in a different country can be influenced by recruiters without even encountering them. The consequences of privately owned technology and inconsistent national legislation imply that despite extremist content being reported, it is very slow to be removed or prosecuted. There is no one nation that can swiftly take over propaganda on international networks or force cross-border data transfer. Effectually, cyber recruitment is a continuous process in real time and the MLAT or extradition process crawls.⁵¹

⁴⁸ Mia Bloom and John Horgan, *Small Arms: Children and Terrorism* (Cornell University Press 2019).

⁴⁹ Weimann (n 7).

⁵⁰ Europol, *EU Terrorism Situation and Trend Report* (2021).

⁵¹ UNICEF (n 3)

4.1.2 Identification, Age Verification, and Witness Protection of Child Recruits

In cases where children are rescued or surrendered, one of the biggest challenges is to establish their age. In most conflict areas, there is no such thing as birth registration.⁵² A child can be without documents or with a questionable passport. In case of doubt about age, the officials can default to treating a youth as an adult suspect. But there is a problem with formal age assessment. Forensic techniques (x-rays, bone scans) can at best only provide an age range, but not the actual age of the child. The error of these techniques is approximately one year per decade and poses moral concerns.

Concisely, age testing is not accurate and child friendly. International best practices demand the benefit of the doubt to youth, and use

multidisciplinary evidence, including social history, family reports, and schooling records, to age.⁵³ As an example, the guidelines on age assessment in Afghanistan clearly indicate that any form of uncertainty must result in authorities considering the individual as a child under the age of 18 and disqualifying them to get recruited. However, these protocols are either not there or they are not well implemented on the ground. As a result, the child soldiers' risk being detained under anti-terror laws, not identified as victims. The next step is witness testimony even when the age and status of the child are identified rightly, it is a dangerous step. There are several, overlapping fears and traumas experienced by survivors:

- Fear of Retaliation: recruited children usually realize that their captors can find them or their families in the event that they complain.
- Coercion at detention or in camps: at refugee or holding facilities, children are surrounded by adults (ex-recruits or extremists) who intimidate them.⁵⁴
- Community Stigma and Suspicion: Local communities tend to distrust or even be hostile towards former child soldiers. UNICEF cautions that children might be treated with suspicion and even openly rejected by families and neighbours, further isolating them.

⁵² UNICEF (n 3)

⁵³ Committee on the Rights of the Child, *General Comment No 24* (2019).

⁵⁴ Ilse Derluyn and Eric Broekaert, 'Former Child Soldiers: Psychological Impact' (2008) 16 *Children & Society* 141.

- Trauma and Memory Problems: To cope with violence, children can distort memories of the violence. Most people are just not able to narrate horrible incidents in a hostile legal context. In fact, UNICEF observes that children find it hard to process and verbalise their experiences when they are psychologically troubled and are afraid to form stigmatization or how others would treat them. Most child witnesses will be silent without effective protective interventions, anonymity, interviewing that is trauma-informed, closed courtrooms, and long-term relocation. This, in reality, translates to huge amounts of evidence drying up. The courts

hardly ever achieve the testimony of rescued minor children, as children either fall under pressure or decline to testify in order to defend themselves and their families.

4.2 CHALLENGES IN PROSECUTION

It is extremely difficult to prosecute child soldier recruiters even in those jurisdictions which have anti-terror laws. Terrorist groups work in the shadows and there are only a few first-hand observers, in most cases it is the children themselves who witness. But these children are the most incompetent to testify.⁵⁵ A lot of them are loyal to their handlers, guilt what they did or be afraid of betraying others. The trauma may render courtroom testimony unfeasible. A study on extremist returnees, also discovered that the former child recruits were the most traumatised, fearful and socially stigmatised and, therefore, not psychologically fit to recount traumatic events.⁵⁶ Concurrently, there is little evidence. Electronic messages are destroyed or encrypted and evidence of recruitment hardly endures the anarchy of war. The silence of the victims is a problem that presents prosecutors with inadequate evidence. The overall outcome is that the conviction rates of people who groom or recruit children are very low.⁵⁷ In some countries, the children are criminalised. Instead of being considered exploited victims, minors who have either been escaped or rescued are occasionally prosecuted under counter-terror or immigration statutes. This penal method has serious repercussions. It deters cooperation, radicalisation and trauma, and prevents

⁵⁵ Bloom and Horgan (n 8).

⁵⁶ Derluyn and Broekaert (n 23).

⁵⁷ Drumbl (n 4).

rehabilitation. Such consequences are a direct blow to the objectives of counterterrorism; traumatised jailed children cannot be intelligence sources and can re-enter extremist networks once released. Practically, the persecution of victims safeguards their recruiters.⁵⁸ Children recruitment as stressed by UNICEF is a serious breach of rights. The justice system must treat returned victims as worthy individuals to be assisted and not as terrorists to be punished.

- Repels Cooperation: Children are aware that they will be punished hence remain silent.

- Further Traumatizes and Indoctrinates: incarceration within oppressive legislation retraumatizes youths, reinforcing extremist accounts of persecution.

- Precludes Rehabilitation: Children lose the right to reintegration services as they have been treated as criminals.

The CRC and its Optional Protocol ensure that the minors affected by war are victims of exploitation first of all, and that they have the right to care and rehabilitation. Their criminalisation infringes on these principles and weakens the rule of law.

4.3 INSTITUTIONAL GAPS- Policing, Welfare, Intelligence and Courts

Cases of child-soldiers are on the borderline between the security needs and the humanitarian law, but the reality is that the responses provided by governments are often disjointed. Agencies are usually in institutional silos and this lack of coordination in important points of identification, investigation and rehabilitation. In most institutions police and military personnel give more weight to neutralising threats as they see them but this does not come with a parallel responsibility to determine when children are victims of coercions and exploits.⁵⁹

As a result of this, the minors who are arrested during a counter-terrorism activity are usually treated as criminals but not as people who should have protection in accordance to the child rights norms. Meanwhile, child-welfare authorities will seldom be

⁵⁸ Human Rights Watch, *In the Name of Security* (2019).

⁵⁹ Ben Saul, *Defining Terrorism in International Law* (OUP 2006).

incorporated in early-stage interventions. Late notification makes it impossible to verify age and perform psychosocial examination of patients and provide urgent care. Frequently, intelligence and counter-terrorist agencies that possess much valuable information about recruitment networks and patterns of coercion rarely provide the same to juvenile justice systems or prosecutors. This information vacuum compromises the flow of information to contextualise the involvement of the child to courts, as well as the accountability features

and protective measures.⁶⁰ Another aspect of this issue is a high degree of institutional fragmentation.⁶¹

Child recruitment is on the boundary of national security and child protection, but the majority of states do not have unified or integrated recommendations to combat child recruitment. This discontinuity comes in various forms. To start with, the organizations of security agencies and child welfare have a structural rift. Law enforcement organizations are mainly prepared and required to tackle threats, rather than to define victimhood amid populations of suspects. Consequently, children under custody are often deprived of early intervention by welfare authorities which is very vital in protecting the rights of children.⁶²

Second, the landscape is further complicated by intelligence silos. The counter-terrorism units can gain a lot of intelligence information related to recruitment networks, but this data is hardly shared with the juvenile or civil courts.⁶³

On the other hand, the child protection organisations and non-governmental organisations (NGOs) with specialised expertise in trauma related care, rehabilitation and even evidence gathering are usually not involved in investigations as a result of confidentiality laws or even national security reasons. This self-exclusion builds parallel systems which do not complement each other.

Third, the loopholes in the judicial system contribute to the problem. Judges and prosecutors are not often specially trained to deal with the cases when there is a difference between forced children recruits or voluntary adult offenders. Without specific legal provisions or child-sensitive procedures, the courts can use the general principles of criminal law, which would disregard the psychological pressure and

⁶⁰ Drumbl (n 2).

⁶¹ UNODC (n 1).

⁶² Anne-Marie Slaughter, *A New World Order* (Princeton University Press 2004).

⁶³ Slaughter (n 6).

indoctrination, as well as vulnerability of child-recruitment. Some jurisdictions lack a mandatory procedure that guarantees an immediate referral- at the time of arrest- to age ascertainment investigations, granting of counsel, or retention of child champion services.

Fourth, the lack of data management also undermines institutional responses. Information on cases often has to be fragmented amongst various agencies and there is no central database to locate child recruitment incidents. Isolation is an inherent part of military records, police records, and welfare reports, creating gaps in evidence, redundancy in effort, and the loss of important historical records. This disintegration sabotages prosecution and rehabilitation.

The real world effects of such disjunctions of the system are critical. There will be a risk of rescue operations being postponed as jurisdiction clashes between agencies, and detained children may end up spending extensive waves of time in custody waiting to have their age determined or be legally processed.⁶⁴ When rehabilitation and reintegration services are provided (eventually), they are often provided too late to work. At the same time, recruitment and exploitation offenders might go unpunished because prosecutions involving such incidents are lost in the institutional crevices. There are no joint task forces or standard coordination mechanisms, so each case is addressed in an ad hoc fashion creating inefficiency and inconsistency.

Furthermore, although there are instances in which NGOs have come up with successful models of rehabilitation, they are oftentimes not provided with avenues of influencing through the criminal justice process.⁶⁵ This omission lowers the effectiveness of reintegration activities. According to the requirements made by Human Rights Watch, sustainable reintegration of former child soldiers would need a multi-agency approach that is based on effective governmental leadership- an aspect that has not been effectively established in most of the states.

⁶⁴ Drumbl (n 2).

⁶⁵ Human Rights Watch (n 14).

5.1 PREVENTION AND ADVOCACY

Combating the recruitment and utilisation of children by terrorist groups is unfortunately a paramount part of the international child-protection framework. Gone is further than reactive actions and takes a preventive, rights-based perspective of recognizing the structural vulnerability, enhancing legal responsibility and resilience-based community. The preventive and advocacy approaches are necessarily multi-dimensional,

involving the elements of awareness-raising, legal change, and collaboration at international, and rehabilitative levels to undermine all the factors that allow the extremist groups to pursue minors.

5.1.1 Education and Awareness-

Child-rights networks and international organisations have continued international awareness campaigns to emphasise the extent and human impact of child recruitment to terrorist organisations. These campaigns are strategic in terms of digital presence, TV ads, documentaries, presence of school-based programs, and global advocacy forums which shed light on radicalisation trends, forced recruitment, sexual exploitation, and ideological indoctrination of inguibles.⁶⁶ Social media is turning out to be a very important weapon not only in the dissemination but also the countering of online extremist propaganda that particularly targets vulnerability youth. The idea of such campaigns is to transform the perceptions of the society by re-framing recruited children as victims of exploitation, but not as the perpetrators of violence. In the process, they question the stories pushed by extremist groups whose ideas aim at normalising or romanticizing child participation in war. The involvement of institutions such as UNICEF and Human Rights Watch, to record abuses, release reports, and organise international opinion has been important.

⁶⁶ Human Rights Watch, *Child Soldiers and Armed Conflict* (2020).

Finally, these attempts aim at delegitimising extremist beliefs, creating a political will, and prompting states to employ preventive and corrective strategies instead of merely punitive ones.

Community-Level Education Global campaigns are important in creating awareness of the problem on a macro level but community-based education efforts are the key element in effective grassroots prevention.⁶⁷ These are aimed at providing practical edification to parents and teachers, religious leaders and children themselves on the strategies of recruitment used by terrorist organisations. These tactics can involve grooming via social networks, economic exploitation, and playing with religious or ideological beliefs, and the promise of prestige, defence, or financial aid. Localised programmes

would be culturally sensitive and context specific such that the message can react to the targeted communities. Workshops, education in schools, peer-education model, and the interaction with local leaders assist the community to determine the early signs of radicalisation and intervene before a radicalisation process can take place.

Notably, the positive effect of these efforts is that children have been empowered as well; they have grown critical, digitally literate, and hardy against manipulation and propaganda. Moreover, creating informal protection systems through community-level education fosters open communication between communities and families. Parents and caregivers can know about risks and outcomes and thus be in a better position to educate and safeguard children. This understands prevention as a community duty and communities are no longer spectators of child recruitment; but vigilantes on the front line.⁶⁸

5.1.2. International Cooperation and Legal Frameworks –

-Strengthening Legal Instruments- The International community has established legal frameworks that forbid the recruitment and utilisation of child soldiers. Instruments such as the Convention on the Rights of the Child, the Optional Protocol on Involvement of Children in Armed Conflict, the Rome Statute and the National counter terror laws are used as frameworks to demand accountability and push the states to prosecute recruiters rather than criminalise child victims. Advocacy efforts encompass

⁶⁷ UNICEF (n 3).

⁶⁸ Bloom and Horgan (n 8).

the promotion and enhancement of compliance with various legal instruments and emphasise the need for juvenile justice provisions to prevent the automatic detention of returning children as terror suspects.

-Global Cooperation- As terrorist networks operate transnationally, states cannot address the problem in isolation. Countries engage in intelligence sharing, diplomatic initiatives, INTERPOL notices, mutual legal assistance, and joint investigations to detect child trafficking routes.⁶⁹ Utilising diplomatic pressure and imposing penalties can be used to discourage nations or armed factions from enlisting

child recruits.

5.1.3. Addressing Root Causes-

-Economic and Social Development- Advocacy points out that structural weaknesses such as poverty, poor education, and social instability should be overcome because they expose children to possible recruitment. Economic and social development programmes provide an option to children who can be susceptible to the recruiting process, making the incentives of extremists less appealing and offer them opportunities to a better and safer future.

-Educational Programmes- Education which is stable and quality is one of the best defences against recruitment and this also equips the child with the skills and understanding that will help him or her fight off coercive influence. Anti-recruitment measures are also focused on restoring schools that were destroyed by an act of terrorism, keeping track of extremist activity within religious schools, providing safe educational access for girls, and applying anti-radicalization or counter-story norms, which place schools in a more critical thinking and resilience state.

5.1.4 Rehabilitation and Reintegration-

-Psychological assistance- Children taken out of organisations that are terrorists, tend to be extremely traumatised. They require extensive psychological support to get over with the trauma that they are subjected to. Rehabilitation programmes thus, put a lot of emphasis on psychological attention and mental health. It is not only a matter of curing

⁶⁹ Anne-Marie Slaughter, *A New World Order* (Princeton University Press 2004).

trauma, but restoring identity and independence that was destroyed by extremist brainwash.

-Vocational Training- Reintegration needs to restore life opportunities. It focuses its attention on educating and training the formerly recruited children on how to get these children dignified jobs. Reintegration programs also collaborate with the schools and employers to lessen the stigma and inspire and urge social acceptance.

5.1.5 Community Empowerment-

-Community Resilience- Local participation increases deterrence and promotes accountability. Communities are the most appropriate preventative of terrorist recruitment. Engagement of communities to recognize and prevent the recruitment of children is important.⁷⁰ Advocacy frameworks, thus, promote models where local leaders, women groups, teachers, religious leaders and youth coalitions actively assume responsibility in identifying recruitment cues and keeping diligent children safe.

-Support of Family- Financial support to households that have been affected by extremism, parenting support programmes, family counseling, and mediation systems of safe returns of children who have been back to the terrorist organizations. Prevention and Advocacy against child recruitment by terrorist organisations work in multi multi-layered and collaborative way.

These programmes have the objective of eliminating the horrific event of child soldiering and creating a more promising and safer future to the children of the globe through global awareness, through legislation, by addressing the various causes of child soldiering and through rehabilitation and reintegration of child soldiers. The goal here is not just to stop recruitment but to create a future where all children, irrespective of their geographical locations or exposure to conflict, will be able to develop in safety, respect and tranquility.⁷¹

⁷⁰ Drumbl (n 2).

⁷¹ UNICEF (n 3).

6.1 CONCLUSION

Child recruitment and utilisation of children by the terrorist organisations portrays a disastrous failure of worldwide security and humanitarian guard. Nonetheless, all they do to protect them, in addition to banning the recruitment of child soldiers in the army, does not stop children's enslavement in armed conflicts and acts of terrorism. In this dissertation, there is an attempt to seek the various aspects of this problem and I found out that those children are not mere unfortunate victims of war circumstances and they are low cost and high impact assets as used by the extremist and the terrorist groups due to the vulnerable nature.

These organisations will deprive minors of agency

by indoctrinating, coercing and exploiting them, turning them into a weapon. The analysis that was conducted has shown that although an extensive international legal framework is in place and based on the Convention on the Rights of the Child (CRC) and the Rome Statute, there is a massive gap in terms of implementation. As well, in the digitised era, where the boundary has ceased to act as an obstacle to recruitment, and where a legal system that values national security above that of children, even in the context of a child soldier of digital nature, which no longer follows conventional boundaries and where the predisposition towards child protection is not always as strong at the national level.

When the states consider a former child recruit to be a terrorist or state offenders instead of victims, they unintentionally contribute to the evolution chain of radicalisation and recidivism. And finally, the issue of child recruiting is not merely a military action in itself and it is only then by altering our approach on the topic that it will become possible. The global community may only hope to break down the child exploitation machine by stopping legal loopholes, improving collaboration across borders and by investing in the reintegration of victims to life without violence and terror.

6.2 OBSERVATION AND RECOMMENDATIONS

Child recruitment to terrorist groups is a current fact that can only live and prosper in a place of gray law and state neglect. This paper has made it clear that the 21 st century child soldier is not only a battle soldier anymore, but a digital soldier, a logistic asset and a victim structural coercion.

6.2.1 The Conflict Between Anti-Terror Statutes and Juvenile Justice

There is an increasing trend of “legislative overreach” where special provisions on terrorism have the effect of depriving juveniles of their status as children if their crime was categorised as heinous in nature. This has led to a paradox, and the child is too young to vote or sign any contract but adult enough to be condemned to life imprisonment in a maximum security jail.⁷²

Changes in the domestic laws must be examined and adjusted in such a way that precedence of the JJ Act over anti terror laws is created. A child below the age of 18 years, should not be put to the

exposure of a standard trial. Individual Care Plans ought to be used as an alternative to sentencing; the idea is to de-radicalise.

6.2.2 The Grey Zone of Digital Recruitment and Artificial Intelligence

Recruitment environment today also has known a paradigm shift where the physical battle field has been replaced with a borderless digital trench where the terrorist organisations deploy high-definition AI-driven hyper-realistic propaganda through the use of high-definition AI-dependent deepfakes, where the cultural and linguistic sensitivities of the targeted minors are exploited to their advantage against them.

Moreover, children use encrypted online gaming platforms and chat facilities in-game (within the game) to engage with recruiters, as these systems are difficult to regulate by social media rules, grooming children in fake online realms they assume are secure by the parent and authorities. To adequately address the grey zone strategies, the global

⁷² Barry Goldson, 'Child Imprisonment: A Case for Abolition' (2013) 13 *Youth Justice* 77.

community must go beyond the so-called content takedown procedures and adopt an active idea of algorithmic responsibility.

To effectively deal with the grey zone strategies, the international community needs to move beyond "content takedown" measures and embrace a proactive concept of "algorithmic accountability".

- Compulsory Early Warning Systems (EWS) and Jurisdictional Harmonisation: as it stands now, the problem of fragmented, cross-border laws on data privacy impedes enforcing them. The global law needs to enforce the tech conglomerates to incorporate AI-powered EWS which are able to detect psychological grooming patterns as opposed to banned keywords. To address the enforcement, different privacy level problem, statutory safe harbour must be clearly established, and platforms must have the ability to identify behavioural anomalies and report them to juvenile protection authorities without breaking the domestic privacy acts.

- Public-Private Intelligence Sharing on demand: Statutory requisites on encrypted platform offers to proactively provide their services to law enforcement is a fatal restriction point of operation.⁷³

The legislature has heeded the need to embed in law the frameworks of Sovereign Tech-Watch where platforms would be urged, by law, to disclose anonymised metadata to experts in counterterrorism and juvenile justice. This closes the gap in enforcement, which will enable the authority to monitor arising recruitment funnels without infringing constitutional controls on user privacy.⁷⁴

6.2.3 Enforcement Challenges in Juvenile De-Radicalisation and Reintegration

Counter terrorism actions and international child protection norms often come into conflict with each other, and it is as a result that the state apparatus of security ends up victimizing the child recruited into it even more.

-Statutory Supremacy of Juvenile Justice: the most conspicuous execution agenda comes in playing with police fielding counter-terrorism forces which serve to be conducted within a wide national security frameworks which inherently regard the

⁷³ Tarleton Gillespie, *Custodians of the Internet* (Yale University Press 2018).

⁷⁴ Orla Lynskey, *The Foundations of EU Data Protection Law* (OUP 2015).

enrolled kid as a part adversarial fighter. Local laws have to be changed to indicate clearly that in any situation where the child indulged in minor acts of terrorist activities; the principles of the Juvenile Justice Act shall assume statutory precedence over the anti-terror statute.

- Uncoupling Rehabilitation and Punitive Enforcement: The existing enforcement models tend to keep recruited minors on the criminal justice system into a legal loophole that concerns state-funded deflection programmes.. The legislation should require the establishment of specialised non-penal task forces. In making de-radicalisation their business to be handled by child protection departments and psychologists, the state turns the problem of de-radicalisation into a penal enforcement dilemma but this time around into a child welfare requirement.

6.3. LIMITATIONS

The largest weakness of modern enforcement is a new digital-jurisdictional hollow, in which the fast-evolving technical lag of legal regulation cannot

keep up with radicalisation fueled by AI predations.⁷⁵ Old Westphalian structures of law, based on a belief in physical boundary and neat territorial assignment are fading rapidly in the face of the borderless digital trench of 21st-century recruitment

. The existing Mutual Legal Assistance Treaties (MLAs) are designed in a way too ineffective to respond to the speed of grooming, and an international data request may take months to be processed, the radicalisation pathway of vulnerable children can be walked within just a few days by use of formidable algorithms. Besides, the Encryption Paradox builds an enforcement blind spot that is here to stay. Though the rights to privacy on such platforms as Discord or Telegram is one of the fundamental provisions of civil liberty, it also becomes uncharted territory of recruiting agencies. The existence of no global definition across all nations of what life is considered to be in Algorithmic Accountability means that with no such standard in place the recommended engines, working with a hundred percent legal immunity, will churn out the unrecognised lonely and disillusioned children into extremist echo chambers by proxy without a human recruiter ever uttering a word. Moreover, the national security laws have an underlying

⁷⁵ Shoshana Zuboff, *The Age of Surveillance Capitalism* (Profile Books 2019).

doctrinal dissonance with juvenile justice ideals which, in systemic or structural terms, leads to the criminalisation of victimhood. The majority of domestic anti-terror laws have a cold, binary, guilty or innocent basis, which does not offer the statutory acknowledgment of the fine in-between-reality of structural coercion or developmental incomitence of a minor.

This is an age gap which results in a child being legally treated as being too young to vote, sign up to a contract or even be willing to undergo simple civil proceedings, but deemed an adult enough to receive life imprisonment in high security prisons should their exploitation be termed as a heinous act of terrorism. Since there is no generally established and enforced international law, a non-punishment clause on the recruitment of minors, children are regularly tried under the jurisdiction of the adversarial adult trial systems as opposed to the protective, rehabilitative ones, a limitation that

causes children in a war zone to be seen as a member of a cell, not due to any ideological commitment, but as one of the survival tactics.

And finally, even the current legislation suffers the lack of efficiency due to the resource asymmetry and the process of rescuing being turned into a military one, where the children that the state purports to save, get re-traumatised instead. Enforcement agencies are often designed to conduct kinetic counter terrorism (based on the principle of neutralisation, high-pressure interrogation and mining of tactical intelligence as opposed to the sensitive, long-term psychological needs of de-radicalisation). This poses a tragic Intelligence-to-evidence break. In many cases, state may have granted classified metadata over a grooming of a child but due to the sensitivity, they cannot be generated in an open juvenile court to safeguard a child or to convict the adult handlers. Additionally, the legal system has a severe form of vacuity of Post-Release Vacuum.⁷⁶ After neutralising the immediate danger of a child, seldom is there a statutory requirement or specialised budget provision to protect the child prosopo-socio-economically in the long term.

The state ends up performing only a transient, violent disturbance not a lasting refuge without an avenue to reintegration that is a courts safeguarded right. Such institutional non-execution is ultimately recycling the child to the same terrain of institutional child neglect and isolation that caused the false pledges of the terrorist organisations to

⁷⁶ UNICEF, *Child Reintegration after Armed Conflict* (2021).

become a life raft in the first place, seeing to it that the circle of recruitment is not broken by the law.

ACKNOWLEDGMENT

I would like to convey my sincere gratitude to my research supervisor, Ms. Meenu Sharma, for the pivotal role she played in helping me develop the title of my project, organize the project's layout, and complete the final submission. I would also like to thank Amity Law School Teachers, whose advice has been helpful to me throughout the research process.

I would like to thank my parents for their support and encouragement, and for their affection,

encouragement, and counsel over the entire year. I offer immense gratitude to my friends and classmates who supported me.

BIBLIOGRAPHY

Constitution & Acts / International Instruments

- [1]. Additional Protocol II to the Geneva Conventions (1977), Article 4(3)
- [2]. Convention on the Rights of the Child (1989)
- [3]. ILO Convention No. 182 on Worst Forms of Child Labour (1999)
- [4]. Optional Protocol on the Involvement of Children in Armed Conflict (2000)
- [5]. Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000)
- [6]. Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000)
- [7]. Rome Statute of the International Criminal Court (1998)
- [8]. UN General Assembly Resolution 70/291 (2016)

Books

- [1]. Brett, R : *When the State No Longer Kills: International Human Rights Norms and Abolition of Capital Punishment* (Cambridge University Press, 2018)
- [2]. Kimmage, D : *Child Soldiers: A Reference Handbook* (ABC-CLIO, 2005)
- [3]. Singer, P W : *Children at War* (Pantheon Books, 2005)
- [4]. Wessells, M G : *Child Soldiers: From Violence to Protection* (Harvard University Press, 2009)

Articles

- [5]. Kriangsak, K & Aksornkool, N : 'Child Soldiers: A Critical Analysis of the Global Response' *Journal of Human Rights Practice* (2018) 10(1), pp 87–100

Reports

- [6]. Machel, G: *Impact of Armed Conflict on Children* (United Nations Children's Fund, 1996)
- [7]. United Nations Office on Drugs and Crime (UNODC): *STRIVE Juvenile Project Reports*
- [8]. UNICEF: *Reports on Child Recruitment and Armed Conflict*

- [9]. Human Rights Watch : *Reports on Child Soldiers and Reintegration*

Cases

- [10]. *Prosecutor v Thomas Lubanga Dyilo* (International Criminal Court)