



The Forced Marriage of Young Girls to Child Soldiers

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1 Post-Conflict Gender Justice and Forced Marriage

Empowering women in post-conflict justice requires action on many fronts from instilling in children that girls, as well as boys, have an inherent right to develop their potential to be treated with respect and dignity and afforded control over their life choices. This should consist of ensuring that girls and women have equal opportunity to education as well as equal access to economic, social, and political opportunities based on their aptitude and their abilities. It should also ensure that legislators are inclusive of the needs required by the entirety of their population in the legislation and processes of their land. Consequently, it should make certain that the laws reflect gender equality and that criminal laws recognize acts of sexual violence as serious crimes regardless of whether they are committed in times of war or peace [1]. All over the world, the demands by women for those in power to take responsibility for violations and abuses have gained more attention now than ever. This is a decisive moment for gender equality, with campaigns and movements around the world, such as #MeToo and #SheDecides, with women's marches, turmoil at the local and national level, and many governments and companies that highlight their commitment to change. These movements have exposed the disparity between the promise of justice and the realities with respect to the land, in the home, in the community, and in the workplace. Women and girls continue to face legal discrimination, disparate legal protections, and implementation uneven of the existing guarantees. This chapter will further address these challenges that girls face in relation to being forced into marriage with child soldiers, focus on the United Nations and international courts achievements in gender justice, the background

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and typologies of being a child soldier, and conclude with a discussion on the role of peace and conflict resolution for gender justice.

Women and girls have always been disproportionately victimized by conflict [2]. Despite, or possibly because of that fact, many women and girls have been involved in impactful efforts to end conflicts around the world. The courage and commitment of women such as Zainab Hawa Bangura, who is now the Special Representative of the Secretary-General on Sexual Violence in Conflict, emphasize the critical role that women play in ending conflicts and ensuring lasting peace [3]. However, all too often women and girls have been restricted to serving as waitresses at the table of peace negotiations as well as at the table of the creation of peace and justice enforcement mechanisms. At the Special Court for Sierra Leone in 2002, women were given their first major voice in the international conversation of peace and justice.

2 Resolution 1325 and the Special Court for Sierra Leone

The images that come to mind for Sierra Leone in the 1990s are those of brutality, mutilation, abduction, rape, murder, murder of children, children carrying weapons heavier than themselves, a campaign of terror by armed groups against innocents, unarmed women, and children... The systematic amputations of frightened, crying groups of people, repeated acts of sexual violence, and the Revolutionary United Front carving their acronym "RUF" with machetes into the bodies of children became hallmarks of the Sierra Leone conflict. As a result, the government of Sierra Leone and the United Nations brought together the Special Court for Sierra Leone and initiated trials in Den Haag [4–6].

The Special Court stands as tangible and substantial evidence that violence during conflict, including sexual violence, will be prosecuted by the United Nations and potentially by its member states as well, so that those who commit atrocities against women and children can and will be held accountable. This affirms that rape and other forms of sexual violence will be condemned as a war crime or as a crime against humanity. The creation of the Special Court assures there will be no place for anyone to hide from their heinous acts of violence and that every resource of the international community will be utilized to find and prosecute perpetrators to the fullest extent of the law. The Special Court is not only a guiding light but a living example of what domestic ownership and international leadership can achieve. The Court has groundbreaking jurisprudence in many respects on sexual violence crimes, especially justice for girls who are at risk for sexual and gender-based violence in the form of domestic violence, sexual assault as minors, school-related sexual abuse, harmful traditional practices like female genital mutilation, and then if married to a child soldier, marital rape.

The United Nations Security Council adopted Resolution 1325 for women's rights and peace and security on October 31, 2000. This resolution reaffirms the imperative role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response, and post-conflict

reconstruction. It also stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. One of the most significant elements of 1325 is that the resolution acknowledges how war has a tangibly different impact on females as opposed to males. In war, women and girls are often targets of rape and forced marriage. Women and girls are usually targeted because of what they represent in society with the inability of men and the state to keep them safe. The inspiration of 1325 comes from the mass atrocities of women and girls committed in Sierra Leone that occurred during their 11-year war, where women and girls were targets of the aforementioned rape, forced marriage, and targeted abuse.

Resolution 1325 reaffirmed the need to fully implement humanitarian and human rights laws to protect the rights of women and girls during and in the aftermath of conflicts. The resolution emphasizes the responsibility of states to end impunity and prosecute genocide, crimes against humanity, and war crimes, including those related to sexual violence and other forms of violence against women and girls. This understanding of 1325 makes the jurisprudential achievements of the Special Court for Sierra Leone an important pillar in the legal prosecution of violence against women and girls. The Court has made contributions to gender justice, international criminal justice, strengthening the stability in West Africa, and to bringing an end to impunity in completing the trial proceedings against former Liberian President, Charles Taylor, for war crimes and crimes against humanity [7, 8]. The Special Court for Sierra Leone has recognized and set meaningful precedents, which have institutionalized our understanding of 1325. Examples of this include: the Special Court for Sierra Leone had the first ever convictions in an international tribunal for crimes against humanity of sexual slavery and forced marriage, the Special Court for Sierra Leone set precedents on justice for sexual slavery, and the Special Court for Sierra Leone handed down the first convictions by a UN-backed tribunal for the crime of recruiting and using child soldiers [8]. Following, the Trial Chamber confirmed the elements of the crime and the contents of those elements, thereby developing gender jurisprudence and helping to build a unified legal understanding. In addition, there are precedents on forced marriage where the judgment details this as a form of inhumane treatment, thus looking at the way the whole notion of marriage has been abused when forced marriage happens. The Trial Chamber observes that the deliberate and concerted campaign to rape women constitutes an extension of the battlefield to women and girls' bodies. The Trial Chamber further comments on the individual acts that have taken place in the war and seeing how these fit into a larger pattern of events and more deeply explains the actual role and consequences of gender-based violence [4-6].

This resonates with the language of Security Council Resolution 1325, which calls on states not only to specifically ensure responsibility for war crimes related to sexual violence but to look at the differential impact of such acts of war on women and girls. 1325 not only highlights how important it is to support women as they fight sexual and gender-based violence but also to ensure that women are part of the decision-making processes at the front and center of them. In this regard, having such inspirational women working together sets an example for the way in which

1325 can be delivered. In the year 2000, after decades of struggling for human equality and women's rights, the United Nations Security Council's Resolution 1325 paved the way for women in conflict to be heard and has called on all nations and parties to respond to a conflict to fully respect the rights of women and girls.

3 Jurisprudence Evidence of Criminalizing Violence Against Women

There are three jurisprudence items to address in terms of violence against women and girls. The first involves recognizing forced marriage as a crime against humanity. The second is identifying and laying a foundation for the criminalization of the use and recruitment of child soldiers, including females that have been abducted and brought into combat situations. These women have a unique set of needs and suffer in a distinctly different manner from the way abducted males suffer. The third is recognizing sexual violence as a form of terrorism. They must be able to identify that the effects of sexual violence against women and girls extend further than just that individual women or girl and understand that acts of sexual violence against women and girls affect not only that one woman or girl, but her family and community. There is an interrelationship of those accomplishments in the jurisprudence of child soldiers in the foundation and acknowledgment of such for the International Criminal Court's first trial decision for Lubanga. Lubanga was found guilty on March 14, 2012 of the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities [9].

4 The Evidence Behind Forced Marriage

For young girls in armed conflicts, the burdens can be just as great, or much greater than that of their male counterparts. The child-soldier stereotype is an African boy with an AK-47 but, in fact, a considerable number of forced soldiers are girls. Girls carry out the same tasks as boys, and in most countries, this means carrying weapons and participating in combat [10]. Many are also sexually exploited. In northern Uganda, girls abducted by the Lord's Resistance Army (LRA) are forced to become wives of the commanders and subjected to repeated rape, exposure to sexually transmitted diseases and unwanted pregnancies. According to some estimates, there are currently more than 3000 children of girls who are sexually enslaved by the LRA.

The consequences of being a boy-girl soldier are profound. Children are often separated from their home for long periods of time, and they are severely lacking the familial bonds and community orientation of most. Brutal treatment and exposure to violence cause them emotional and psychological difficulties. Counselors who work with them explain that former child soldiers often suffer from sleep disorders, eating problems, anxiety, and fear for the future and for themselves. Many of them suffer from recurring nightmares about their experiences. In general, the education

of child soldiers is interrupted. After missing years of college, they have trouble going back to school after leaving the military. In some countries, high school fees make schools unaffordable for a child soldier. Without civilian training or education, the immediate challenge for many is to earn a living. This concern is even greater for girl soldiers, who often return with babies.

Rehabilitation and reintegration programs for these girls are urgently needed. They need help locating family, getting medical help, going back to school or vocational training, finding a place to live, and being accepted back into their home community. They also need adults to help them. This means that general prevention strategies must apply equally to boys and girls, as many girls may join armed forces or groups to escape sexual and gender-based violence, early marriage or other harmful practices and exploitation.

Girls face numerous gender-specific consequences from their time spent in armed forces or groups. The stigma these girls face is of a fundamentally different type: being more persistent, terribly more difficult to reduce, and more severe by nature. In essence, many, if not all, of these girls have lost their value as perceived by their communities, especially regarding marriage. Therefore, reintegration programs should seek to establish positive values for girls in their communities and families. In addition, a girl will often have to deal with relationships or feelings that are maintained toward her captor often because he was her “husband” and the father of her child.

Likewise, girls may be seen as an additional burden on their families and of lesser value in terms of their potential for marriage. With little hope of earning an income, limited opportunities to participate in educational and vocational training programs, and without financial support or childcare, girls can become depressed and isolated from their peers and the community at large. Specialized and culturally appropriate responses should be identified or developed for such girls who become depressed and even suicidal; additionally, long-term support may be required. This long-term support can include mental and physical support to the girls, depending on their specific needs.

5 The Origin of Child Soldiers: A Social Phenomenon

In general terms, when one thinks of armed conflicts, regardless of the definition that one attributes to them, it is hardly possible to imagine an eight- or nine-year old boy or girl firing weapons on a combat front. However, the cultural figure of innocence that modern Western societies share as a social imaginary today faces a very different reality from the origin of child soldiers. In this reality, the minor civilians are no longer the victims to be protected as a priority and become efficient belligerents, especially for violent non-state actors.

In the pre-modern wars of medieval Europe, there were times when children were also used to support armies and navies [11]. The pages or squires were auxiliaries of the medieval knights, and on the other hand, there were the drummers and those who brought gunpowder to the cannon crews. In any case, they were not

considered combatants but helpers, and most importantly, they were not taken as legitimate targets nor were they on a combat front. Then, at the time of the second World War, the Hitler Youth trained young people as a political measure to maintain the Nazi regime; but although these already capable young men enlisted in the military forces effectively during their maturity, when the allied forces invaded Germany in the last months of the war, Hitler ordered these young children to fight also, along with the rest [12].

At first reflection on the subject, children have been used as army assistants in times of despair for military leaders when there seemed to be no more human resources. But it is key to highlight here that the very first concrete precedent of child soldiers, that is, not as assistants but actively fighting in a theater of military operations, is precisely in Nazi Germany, perhaps the most notable of genocidal regimes in world history of the last century. Nothing less than the Nazis then opened the antechamber of what we find today as the iron phenomenon of child soldiers at the head of a military-tinged operation and their exponential growth in new forms of warfare.

6 Being a Child Soldier

Crossing a border where guards are ordered to shoot to kill, leaving parents and homes knowing return is not an option, knowing the fear of attack and exploitation, the fear of being captured, imprisoned, or tortured... This is the life of a child soldier. Most of the world's child soldiers are linked to a variety of armed political groups [13]. These include paramilitary groups, militias, and self-defense units that operate, with governmental support, in many of the areas of armed conflict. Others include groups opposed to central governments; groups made up of ethnic and other minorities; factions or social groups fighting against governments or among themselves to defend territories or natural or economic resources. Government use of children has declined in many countries since 2001 but continues in others [14]. Government forces continue to use people under the age of 18 informally as spies or couriers, exposing them to serious harm, including death or reprisals from opposition forces. Some children become targets of government forces when they suspect their involvement in armed opposition groups. Often these children have been arrested, detained, tortured, and killed. Many boys and girls between the ages of 14 and 18 have enlisted voluntarily [15]. Despite this, research shows that they did not have many other options [16]. The armed conflict, the lack of education and work, and the desire to escape situations of domestic violence or sexual exploitation are just some of the reasons that lead to this voluntary recruitment [16, 17]. Many others, in response to violence, suffered in person or by members of their family in armed conflicts. In many countries, the forced recruitment and kidnapping of children link them to armed conflicts continues. Children as young as nine have been kidnapped [18]. Disarmament, Demobilization and Reintegration (DDR) Programs, aimed at child soldiers, have been established in several countries, both during and after armed conflicts. These programs, dedicated to former child soldiers,

aim to provide new opportunities for children, and the possibility of returning to their communities. However, these programs are often underfunded and rarely provided with adequate resources.

Despite the growing evidence of the involvement of girls in armed conflicts, they frequently do not participate in DDR programs due to the invisibility and disenfranchisement; they suffer due to the simple fact that they are females. Girl soldiers are frequently subjected to sexual violence in addition to being involved in combat or other tasks. In some cases, they are stigmatized upon returning to their communities. DDR programs should be built to respond sensitively to their special needs.

A series of international legal mechanisms prevent the participation of children in armed conflicts. Among these is the Optional Protocol to the Convention on the Rights of the Child regarding the participation of minors in armed conflicts, which prohibits the direct use of persons under 18 years of age in combat; forced recruitment under 18 years of age in government forces and all types of recruitment before that age in non-state armed groups [19]. The Rome Statute of the International Criminal Court states that recruitment under the age of 15 is a war crime and provides for the prosecution and punishment of those who promote it. At the Worst Forms of Child Labour Convention in 1999, the International Labour Organization defined child soldiers as being the recruitment of children under 18 years of age for an armed conflict, in a forced or compulsory manner, as one of the worst forms of child labor. International Humanitarian Law (IHL) provides further protection.

7 IHL and Youth in Armed Conflicts

International Humanitarian Law provides general protection to girls in situations of armed conflict because they are civilians who do not participate in hostilities. Likewise, IHL provides special protection due to their age and their particular vulnerability. In this framework, the person under 18 years of age must not be recruited by the armed forces or by armed groups, nor must they participate in hostilities. However, most IHL rules set the age of 15 as the lower limit [20]. Specifically, IHL indicates that, on the one hand, boys and girls recruited and who participate in hostilities enjoy the legal status of combatant and, in the event of capture, benefit from the status of prisoners of war; and on the other hand, those who participate in the hostility, without being combatants under IHL, are subject to the national legislation of the country to which they belong, and in case of their capture, they are included in the category of civilians [21]. In addition, the IHL maintains that if the boy and girl who have participated in the hostilities do not have the right to a particular status, in accordance with the third paragraph of Article 45 of Protocol I, they should minimally benefit from the general protection recognized in Article 75 [22].

8 Culture of Peace and Conflict Resolution: The Best Choice of Weapon

Education is an intrinsic human right and an indispensable means of realizing other human rights. Education is the primary means by which economically and socially marginalized adults and children are lifted out of poverty and fully participate in their communities [23]. Education, the promotion of human rights, democracy, and peace all play a decisive role in the emancipation of women, the protection of children against labor exploitation, hazardous work, their use in armed conflicts, and sexual exploitation. Education is one of the best financial investments states can make, but its importance is not only practical, since having an educated and active mind, with freedom and breadth of thought, is one of the pleasures and rewards of education.

In 2015, the United Nations Security Council passed Resolution 2250, the first to be devoted entirely to recognizing the importance of the participation of young people of both sexes in peacemaking and peacekeeping [23, 24]. Resolution 2250 urges member states to include youth in their institutions and mechanisms to prevent violent conflict and support the work that youth are already doing for peace and security. The resolution also requests the Secretary General to “carry out a study on the progress achieved in relation to the positive contribution of youth to peace processes and conflict resolution, in order to recommend effective responses at the local, national, regional and international” [24].

9 Conclusion

Girls associated with armed forces or groups have specific needs for international protection and assistance that also arise in the processes of disengagement that put an end to their association with such groups, both in armed conflict and post-conflict situations and peacebuilding. At present, there seems to be a certain consensus around the need to develop the operational practice of combating forced marriage of girls to child soldiers. This framework based on a human rights approach must be appropriate for children associated with armed forces or groups. Consequently, internal reintegration mechanisms should be articulated and accessible to girls during an armed conflict. The processes of reintegration of girls associated with armed groups requires psychological work with the girls and the understanding of the specific community environment to which the girls return to is key for reintegration. Indicators are also necessary but should be developed to be sensitive to gender, specifically to girls, so that reintegration can be measured in the short and long term.

Discussion Questions

- How can large governmental bodies like the United Nations go about handling unique and personal situations involving forced marriage and child soldiers?

- What can individuals, organizations, and governing bodies do to support young girls who have been abducted and abused and are now seen as worthless by their communities?
- Where in the world are child soldiers and forced marriage most common? Why might that be?
- What can the average individual do to help support traumatized ex-child soldiers? Is this something that you could or would do? Why? Why not?

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