

## Reintegration of Child Soldiers and the Case of Pakistan

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### Abstract

Child soldiers are born whenever there is an armed conflict within or outside the country or in form of a civil war, but Pakistan has been directly involved in the war on terrorism and thereby making it incumbent upon it to make laws and take measures for the reintegration in society of these children of war. The next step after the hostilities have ended is the Disarmament, Demobilization, and Reintegration process, which is not an easy task and faced by series of obstacles. This paper will try to understand the process of reintegration of child soldiers by analyzing the laws of Pakistan, centres built for the purpose of deradicalization, and how experiences of other countries in dealing with the reintegration process of child soldiers can be helpful to Pakistan.

**Keywords:** Interim Care Centers; the Convention on the Rights of the Child; Juvenile Justice System Act, 2018; Anti-Terrorism Act (ATA), 1997.

### Introduction

The post war question, which needs to be answered, is what happens after the hostilities have ended. The developments in the aftermath of the conflict is the core theme of this article, focusing on the process of Disarmament, Demobilization, and Reintegration (DDR). This topic is of utmost importance as the armed conflict continues to grow around the world and use children as a weapon and a tool to win a war. The argument is simple when it comes to convicting an adult involved in atrocities and who recruit and train children to fight in an armed conflict, but when it comes to treating a child who commits such atrocities as a victim instead of an accused, the arguments become complex. The law dealing with child soldiers does recognize their right to be treated as victim and not perpetrators, and asks states to take measures for their reintegration in society. This is not so simple as people think that such

laws are accommodating the perpetrators and depriving the real victims from justice.

Same is the case of Pakistan as it has played an important role in the war against terrorism, and the process and laws for reintegration of children in society is haunted by same obstacles of whether treating these children as victim or as militants. The present article will try to discuss the laws and practices of Pakistan, especially focusing on the period starting from the massacre of Pakistani students in 1997 at Mazar-e-Sharif in northern Afghanistan and onwards, and also analyse the situation in other countries in order to attempt to understand the core of this phenomenon and the responses by other states under similar circumstances.

### International Law and Practices

Articles 37 and 39 of the Convention on the Rights of the Child (CRC) are very important contributions towards reintegration process Article 37 generally speaks about a child below the age of 18 years, not to be subject to torture or any other form of cruel, inhuman and degrading treatment, capital punishment or life imprisonment; and shall not be deprived of his/her liberty unless as a last resort and only in accordance with law, and even then, shall have the right to maintain contact with his or her family members through correspondence and visits.<sup>1</sup>

Article 39 speaks directly about reintegration process and binds states parties to take all appropriate actions to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, abuse, torture or any other form of inhumane, cruel and degrading treatment or punishment, or armed conflicts.<sup>2</sup> It also provides for the process of recovery to take place in an environment which fosters health, self-respect and dignity of the child.<sup>3</sup> The Committee on the Rights of the Child, 'Day of General Discussion' recommended that states parties should review all relevant legislation to prohibit all forms of violence against children, however such legislation ought to incorporate appropriate sanctions for violations and the provision of rehabilitation for victims and to ensure that children under

<sup>1</sup> OHCHR. Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49. Retrieved at [http://www.ohchr.org/en/professional\\_interest/pages/crc.aspx](http://www.ohchr.org/en/professional_interest/pages/crc.aspx)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

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18, who are in need of protection, are not considered as offenders but are dealt with under child protection mechanism.<sup>4</sup>

Besides CRC, which Pakistan ratified in 1990,<sup>5</sup> the juveniles are entitled to be treated and dealt with fair trial guarantees that apply to adults, along with additional protections under the International Covenant on Civil and Political Rights, which Pakistan ratified in 2010,<sup>6</sup> and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), which provides for the conditions that will ensure for the juvenile a meaningful life in the community, and foster a process of personal development and education that is free from crime and delinquency.<sup>7</sup>

After the war is over, the next step is the DDR process, that is, disarmament (collection, documentation, control and disposal of weapons), demobilization (formal separation and removal of active combatants from armed forces and armed groups) and reintegration (ex-combatants return to full civilian status and obtain regular employment and income).<sup>8</sup> Some countries, like Liberia, would add an additional 'R' for rehabilitation, making it DDRR process.<sup>9</sup>

In military disarmament (distinguished from civilian disarmament of militias and a society), armies enter into secured reception areas or cantonment sites where arms are surrendered, the weapons are then registered and soldiers are provided with a card or written paper for the purpose of documenting the surrender, symbolising the end of hostilities and beginning of transition out of military life. However, the process is dangerous as the surrendering soldiers can be attacked while entering the reception area and may have doubts about their treatment due to the rumors, and such rumors, empty promises, previous failed efforts for peace and false expectations of receiving cash

<sup>4</sup> Trevor Buck, *International Child Law* (London and New York: Routledge Taylor & Francis Group, 2014), 184.

<sup>5</sup> <https://indicators.ohchr.org/>

<sup>6</sup> Ibid.

<sup>7</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules'), 1985; <https://resourcecentre.savethechildren.net/library/united-nations-standard-minimum-rules-administration-juvenile-justice-beijing-rules#:~:text=The%20Beijing%20Rules%20affirm%20member,and%20education%20that%20is%20as>

<sup>8</sup> David M. Rosen, *Child Soldiers: A Reference Handbook* (California: ABC-CLIO, 2012), 69.

<sup>9</sup> Michael Wessells, *Child soldiers: From violence to protection* (Cambridge: Harvard University Press, 2006), 154.

has a great impact on those child soldiers who grew up inside an armed group, and may cause riots and undermine the DDR process.<sup>10</sup>

In demobilization, the next step after disarmament, child will first enter demobilization centre where he/she is provided with official identity card, showing that he/she is not a deserter and protect him/her from re-recruitment and provide demobilization kits.<sup>11</sup> They are placed in Interim Care Centres, usually separate for girls, by international agencies for providing safe space, health services, reproductive health for girls, psychological support, orientation about the whole DDR process, stages of transition from military to civilian life, peer counseling for expression the pent-up feelings, expressive activities, such as drawing, songs, dance, storytelling and etc., while their lost families are being located for the purpose of reunification, and on leaving these centres, the children would receive a kit or transitional allowance to help them meet their basic needs.<sup>12</sup> It must be kept in mind that while disarmament and demobilization is a military process, reintegration is a process which is civil in nature.<sup>13</sup>

Whereas demobilization is a short-term process, measured in days, weeks or months, reintegration is a long term process, measured in years, typically involving five kinds of supports: first, family reintegration assistance; secondly, educational opportunities; thirdly, psychological support; fourthly, training in vocational skills, business management, and income generating activities; and lastly, community mobilization aimed at rebuilding the spirit of unity which was destroyed and shattered during the war.<sup>14</sup>

The shortcomings in a successful implementation of a DDR process includes lack of political will on both sides; preference of military agenda (standing down troops and restructuring the remaining forces into a unified national army); faster demobilizing produces immediate political gains than slower reintegration process; and the poor coordination among different actors (military and civilian) with different priorities such as funding which is directed more towards disarmament and demobilization and less towards the reintegration.<sup>15</sup>

<sup>10</sup> Ibid., 158-59.

<sup>11</sup> Ibid., 59.

<sup>12</sup> Ibid., 159-60.

<sup>13</sup> Ibid., 161.

<sup>14</sup> Ibid., 160.

<sup>15</sup> Ibid., 161.

### Reintegration in Pakistan

Although not new, the phenomenon of child militancy in Pakistan came into limelight after the story of Bahram, a 16 years old boy, was published, who was recruited along many others to fight for Taliban, by mullah Sufi Mohammed, and were taken in trucks to the city of Mazar-e-Sharif in northern Afghanistan to fight the US.<sup>16</sup> The story sadly ends with the massacre of Pakistani students in 1997, alongside Taliban.<sup>17</sup>

Pakistan has been struggling with the process of reintegration of child soldiers and the laws of Pakistan can help explain how Pakistan perceives this problem and its approach towards addressing and resolving it.

*Domestic Legal Framework:* The Constitution of Pakistan's article 11 deals with slavery, forced labour, human trafficking and states that no child below the age of 14 years shall be engaged in any factory, mine or any other hazardous employment.<sup>18</sup> Article 25 deals with equality of citizens and states that nothing in this article shall prevent the state from making any special provision for the protection of women and children.<sup>19</sup>

In light with these provisions as well as being the member of CRC, Pakistan has enacted, the Probation of Offenders Ordinance, 1960,<sup>20</sup> and the Juvenile Justice System Act, (JJSA) 2018, which play a crucial role in the rehabilitation of child convicts by allowing them a second chance to become an industrious member of the society. However, these laws only deal with minor offences, and when a child is dealt under terrorism laws or any other heinous crimes, they are usually not allowed to avail such concessions granted under such laws.

The JJSA provides special provisions under section 4 which provides establishing or designating separate juvenile courts;<sup>21</sup> section 6 deals with the bail of a juvenile;<sup>22</sup> section 9 deals with disposal of cases through diversion which is a special process involving social, cultural,

<sup>16</sup> Jeffrey Gettleman, 'Abducted innocence: Boy lured by Taliban, now held as slave', *The Seattle Times*, 29 July 2002. (<https://archive.seattletimes.com/archive/?date=20020729&slug=survivor29>)

<sup>17</sup> Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia* (London: Yale University Press, 2001), 58-59.

<sup>18</sup> Zaka Ali, *The Constitution of the Islamic Republic of Pakistan* (Karachi: The Ideal Publishers, 2019), 37.

<sup>19</sup> Ibid., 43.

<sup>20</sup> Hamid Rehman Anwar, *Juvenile Laws* (Lahore: Capital Law Publishers, 2018), 159.

<sup>21</sup> Ibid., 3.

<sup>22</sup> Ibid., 5.

economic, psychological and educational background of the juvenile, without resorting to formal judicial proceedings;<sup>23</sup> section 11 provides for in-camera court proceedings;<sup>24</sup> section 12 provides for a separate trial of a juvenile from the adult accused;<sup>25</sup> and most importantly, section 17 deals with the treatment of female juvenile.<sup>26</sup> This act has repealed Juvenile Justice System Ordinance (JJSO), 2000, which did not prevent the trial of juvenile before Anti-Terrorism Courts (ATC) and the Control of Narcotic Substances (CNS) Courts, and 2012, through presidential ordinance, empowered the existing anti-terrorism courts to exercise the powers of juvenile courts for four months by amending Section 4 of the JJSO, creating an impression as if the ATCs were previously not authorised to conduct the trial of minors, and a couple of days after the issuance of the notification, the Federal Investigation Agency had submitted it before an anti-terrorism court for the murder of Benazir Bhutto, in order to justify the trial of an underage accused as he challenged the jurisdiction of the ATC to try him, however, the amendment was neither extended nor validated through the parliament.<sup>27</sup> The injustice continued after the establishment of the military courts as the amendments provided that the government may transfer a case related to the enumerated offences under the Army Act from any court, which prima facie includes juvenile courts, to a military tribunal for trial,<sup>28</sup> which it did.

The previously discussed provisions of JJSA become ineffective as under Anti-Terrorism Act (ATA), 1997, section 12<sup>29</sup> which deals with the jurisdiction of the ATC, section 21G<sup>30</sup> which deals with trial of offences, and section 32<sup>31</sup> dealing with the overriding effect of the act, establishes exclusive jurisdiction of the ATCs to try scheduled offences and overriding effect upon other laws. ATA, while punishes the perpetrator who provides training for terrorism to a child under section

<sup>23</sup> Ibid., 6.

<sup>24</sup> Ibid., 8.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid., 11.

<sup>27</sup> Ishaq Tanoli, 'Ambiguity over ATCs' power to try minors intrigues lawyers', *Dawn* (Karachi), 28 May 2021 <https://www.dawn.com/news/1146453>

<sup>28</sup> Reema Omer, 'Children and military courts', *Dawn*, 14 December 2015 (<https://www.dawn.com/news/1226173>)

<sup>29</sup> Atta-ur-Rehman and Syeda Yasooob Zahra, *The Criminal Major Acts; compile* (Lahore: Key Law Reports Publications, 2019), 50-51.

<sup>30</sup> Ibid., 70.

<sup>31</sup> Ibid., 88-89.

21C,<sup>32</sup> however, it also punishes the child, and such laws and this very attitude of the government treating child as an accused instead of a victim directly strikes at the heart of the law dealing with child soldiers and their reintegration.

*Practice and Process:* The law with respect to child militants is incomplete if it does not provide a proper mechanism for their reintegration. Usually, the process of DDR is initiated after an armed conflict is over, but in case of Pakistan, the war against terrorism seems to be an endless war. But despite such limitations, some appreciable steps regarding de-radicalization and rehabilitation have been taken in this regard.

Pakistan army has launched several successful military operations in the Swat valley to eradicate armed militants, that is, Operation Rah-i-Haq-I in 2007; Operation Rah-i-Haq-II in 2008; Operation Rah-i-Haq-III in 2009, and Operation Rah-i-Rast, commonly known as Swat Operation in 2009.<sup>33</sup> These can be widely regarded as success stories as in 2009, Pakistani authorities rescued 20 young boys who had been among hundreds recruited by the Taliban, and in 2010 January, the Pakistani military uncovered a Taliban compound in Nawaz Kot, which was allegedly being used to train child suicide bombers.<sup>34</sup> The shops surrounding Khooni Chowk, or 'bloody intersection' were shuttered, their windows shattered, their walls pierced with bullet holes but afterwards, their walls have been rebuilt, the glass replaced, and the scars plastered over, and the name of the Khooni Chowk was changed back to Green Chowk, while the life returned to normal and after the military operation, children especially girls started going to school,<sup>35</sup> thereby contributing towards eradicating extremism and the return to normalcy in Swat valley.

Pakistan's militant rehabilitation programme was launched in September 2009, after successful completion of a military operation, Rah-e-Rast against Pakistani Taliban in Swat district, in the province of Khyber Pakhtunkhwa (KP), and was extended to the province of Punjab

<sup>32</sup> Ibid., 64-65.

<sup>33</sup> Kashif Abbasi, 'Chronology of military operations', *DAWN*, 16 June 2014 (<https://www.dawn.com/news/1112980>)

<sup>34</sup> Kalsoom Lakhani, 'Pakistan's child soldiers', *Foreign Policy*, 29 March 2010 (<https://foreignpolicy.com/2010/03/29/pakistans-child-soldiers/>)

<sup>35</sup> Fatima Bhojani, 'Pakistan's Success Story', *Foreign Policy*, 19 February 2020 (<https://foreignpolicy.com/2020/02/19/pakistans-success-story/>)

and Federally Administered Tribal Areas (FATA),<sup>36</sup> which was a semi-autonomous tribal region in northwestern Pakistan that existed from 1947 until being merged with neighboring province KP in 2018, through the 25<sup>th</sup> Constitutional Amendment.<sup>37</sup> The ten notable rehabilitation centres working in Pakistan include Saboon and Rastoon for juveniles at KP province; Mishal for adults at KP; FEAST for females at KP province; SPARLAY for the families of the militants at KP province; Navi Sahar for adults at FATA; and three centers under Khyber Programme for adults at FATA; and Punjab Rehabilitation Programme for adults at Punjab province.<sup>38</sup>

When over a dozen teenagers trained by the banned Jaish-e-Muhammad (JeM) and other militant agents in North Waziristan Agency, returned to their village of Sheikhan after the start of the military operation with the instructions to wait for further orders, their families were happy but knew very well that their children have now changed forever. These boys were between the age of 14 and 18 years and were recruited by volunteers of JeM for Tehreek-e-Taliban Pakistan (TTP) who would regularly come to mosque and appeal for charity and brain wash the children, while such activities were ignored by the police.<sup>39</sup>

Mishal is an army run centre, set up at Pakistan-Austrian Institute for Tourism and Hotel Management (PAITHOM), located at Gulibagh in Swat, in July 2010 to de-radicalise former Taliban supporters.<sup>40</sup> According to Major Khurram Bajwa, who heads Mishal, the recruits are in 20s and 30s, belonging to middle and lower middle class and supported Taliban for ideological reasons, but never indulged or participated in the terrorist activities.<sup>41</sup> Now, along with de-radicalization, they are equipped with skills such as being an electrician, mechanic, carpenters, tailor etc., thereby enabling them to earn a decent leaving once they left the centre, even though some have rejoined Taliban after graduating from the centre.<sup>42</sup>

<sup>36</sup> Abdul Basit, Pakistan's Militant Rehabilitation Programme: An Overview, *Counter Terrorist Trend and Analysis*, 7:9 (October, 2015), 10.

<sup>37</sup> Amir Wasim, 'President sign KP-Fata merger bill into law', *Dawn*, 31 May 2018 (<https://www.dawn.com/news/1411156>)

<sup>38</sup> Abdul Basit, op.cit., 11.

<sup>39</sup> Riaz Ahmed, 'Teenagers trained by TTP return home', *Tribune*, 18 August 2014.

<sup>40</sup> Sumaira Jajja, 'No Child's Play: A rare look inside an army run de-radicalisation center in Swat', *The Herald*, August 2012.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

During the radio takeover by Mullah Fazlullah, head of Swat Taliban, children who were helping militants get batteries for transistors, spying in the neighborhoods and blowing themselves up, were made to undergo rehabilitation at Sabaoon.<sup>43</sup> Sabaoon, Pushto word meaning light at daybreak, is a high security detention facility and a rehabilitation centre at Malakand which began in September 2009, and deals with youngsters of age between 12 and 17 years, who are either arrested by the army, or turned in by their parents or have voluntarily surrendered.<sup>44</sup> Sabaoon's team of psychologists, social workers and military advisers share a principal objective, that is, to prevent recidivism and ensure that its 'graduates' don't return to the fight.<sup>45</sup> The boys spend anywhere from six months to two years at Sabaoon. A few have spent as long as three years in rehabilitation.<sup>46</sup> The centre has faced many difficulties, including the death of Dr. Muhammad Farooq in 2010, who was a religious scholar and the chancellor of the proposed Swat University, and used to give lectures and hold seminars on the softer and moderate version of Islam.<sup>47</sup> Children at Saboon are either those who had not actively participated in terrorist acts but were Taliban sympathizers and worked for them for a meager sum, or who are hardcore Taliban and considered a high risk inmate for have taken part in the atrocities.<sup>48</sup> The former are usually success stories while latter make little if any progress and there is no likelihood of their release and since their family members are actively involved with the Taliban, they will likely rejoin the militants if allowed to leave Saboon.<sup>49</sup>

At the end of the day, the public opinion is divided into two. First argue that they are our children and they needed to be supported irrespective of their past actions, poverty and religious beliefs, however, the other side argues that army and private organization cannot, or at least should not, provide education, healthcare, or rehabilitation to ex-militants.<sup>50</sup> Another view, however, differs drastically as one mother had turned to the Taliban when she could no longer cope with her son's

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> John Horgan, 'Child suicide bombers find safe haven', *CNN*, 27 March 2013; <http://edition.cnn.com/2013/03/27/world/asia/pakistan-anti-taliban/>

<sup>46</sup> Ibid.

<sup>47</sup> Sumaira Jajja, op.cit.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

alcohol and drug abuse, since marijuana grows wild throughout Swat.<sup>51</sup> Initiatives like Sabaoon represent a change to the traditional approach of counterterrorism, and although it might not solve the problem of child militancy, but continuance of such initiatives is necessary to prevent the next generation of militants.

*Attitude towards Children:* The attitude of Pakistan is not kind towards its children involve in criminal activities and would never consider them victims who were exploited by an adult, or given them the benefit of being a minor. The decision of the Lahore High Court to revoke the Juvenile Justice System Ordinance (which was later on replaced by JJSA) was severely criticised by the Amnesty International.<sup>52</sup> Pakistan was also bitterly condemned when Death-row prisoner Shafqat Hussain was hanged to death at the Karachi Central Prison for the kidnapping and murder of a seven-year-old boy who lived in a Karachi<sup>53</sup> as according to Amnesty International, that authorities ignored pleas that Shafqat was only a juvenile when he was sentenced to death; that his 'confession' was tortured out of him; and that he was convicted under ATA, despite not having any links to a terrorist organization, by using the death penalty to punish him, and despite these problems, they denied him his right to life.<sup>54</sup> The Amnesty International also highlighted the case of Salamat Masih, a Christian juvenile sentenced to death on 9<sup>th</sup> February, 1995, but was released on appeal, that Pakistan is one of the few countries, such as Yemen, Saudi Arabia and the USA, that still use the death penalty against juveniles.<sup>55</sup> The majority of public of Pakistan also does not believe in giving minors or juveniles a second chance or even due process, making the reintegration process more difficult.

<sup>51</sup> John Horgan, op.cit., <http://edition.cnn.com/2013/03/27/world/asia/pakistan-anti-taliban/>

<sup>52</sup> Pakistan: Amnesty International's Comments on the Lahore High Court Judgment of December 2004 Revoking The Juvenile Justice System Ordinance, 30 September 2005; <https://www.amnesty.org/en/documents/asa33/026/2005/en/>

<sup>53</sup> 'Shafqat Hussain executed at Karachi Central Jail' *Dawn*, 4 August 2015 (<https://www.dawn.com/news/1186953>)

<sup>54</sup> 'Juvenile offender Shafqat Hussain executed in Pakistan' *Amnesty International UK*, 12 January 2018.

<sup>55</sup> 'PAKISTAN: THE DEATH PENALTY FOR JUVENILE', *Amnesty International UK*, 1 March 1995.

### Experiences of Other Countries

Understanding the situations in other countries can enable Pakistan to learn from their achievements as well as mistakes. Instances such as the US veterans of Continental Army suffered from widespread deprivation and alienation; or the US Bonus Army during World War I, of more than 17,000 personnel, whose lives were ravaged by the Great Depression, protested in front of Washington D.C. but were forcibly removed; or the GI Bill passed by the US Congress after World War II to provide funding to the returning US servicemen for their participation in the society,<sup>56</sup> prove that reintegration process of war veterans is not only extremely difficult, but also plays a vital role in postwar political instability and, therefore, it is incorporated into peace treaties between the contending parties, however, the solution becomes even more elusive and complex in the developing countries,<sup>57</sup> especially when veterans are children.

Peace building, development and protection are the top priorities after the war has ended, and is relevant to the reintegration process because peace can be achieved when the cycle of violence is broken. Development takes place when shattered economy and disrupted children's education can be restored, and protection is ensured when the child, after being reintegrated, is not re-recruited in the wake of post-conflict environment.<sup>58</sup>

In Angola (1994) the Lusaka Protocol was signed after the fighting ended, calling for restructuring armed forces, incorporation of the former National Union for the Total Independence of Angola (UNITA) soldiers into Angolan army, and reintegration of many other in society, however, there was no provision regarding child soldiers, but subsequently demobilization commission was created for the purpose of demobilization and reintegration of children.<sup>59</sup> After being delayed for a year due to the staff training, UNITA troops entered fifteen quartering area and identified 8,613 boy soldiers, but they manipulated the demobilizing process by recruiting new child soldiers and presented them for the purpose of meeting the target goals while the seasoned child soldiers remained active in the field.<sup>60</sup> Child soldiers were kept alongside with adult soldiers, waited for ten months in the fifteen quartering area to be registered by a poorly prepared three-person team who used military commanders as interpreters, and all this produced flawed data, therefore,

<sup>56</sup> David M. Rosen, *op.cit.*, 75-76.

<sup>57</sup> *Ibid.*, 76.

<sup>58</sup> Michael Wessells, *op.cit.*, 154.

<sup>59</sup> *Ibid.*, 161-62.

<sup>60</sup> *Ibid.*, 162.

only 57 percent of the former child soldiers were successfully reintegrated with their families.<sup>61</sup> The Interim Care Centers were not used but family reunification was prioritized, while the prolonged stay provided ample amount of time to UNICEF and other NGOs, like Save the Children UK, to conduct the identification and tracing families, but first several hundred boys soon disappeared after being released, giving raise to suspicion of re-recruiting them, while constant shuffling of the rendezvous points, where children were to meet their parents, made children easy targets of re-recruitment.<sup>62</sup> UNICEF and NGOs like Christian Children's Fund protected former child soldiers from re-recruitment and accompanied them to meet their families, and successfully reuniting 2,153 former child soldiers with their families through this strategy, but all this would end when the war erupted in 1998, until the cease fire in 2002, and another DDR process was designed with the intent to continue post-1994 process for the five hundred thousand soldiers and their families who stayed with them while providing logistics support.<sup>63</sup>

Ex-combatants received five months' back pay, a reintegration allowance, equivalent to US\$100, and a kit containing tools and household items, but the demobilization process was hampered by hunger and malnutrition among UNITA soldiers, delay in food assistance by the government, and lastly, the frequent changes in the release dates of the soldiers.<sup>64</sup> The national DDR plan only allowed for UNITA soldiers into Angolan army, followed by their demobilization, but not for those soldiers who were not registered as combatants, making them ineligible for official demobilization and reintegration, and effectively excluding child soldiers under 18, and making girl child soldiers practically invisible, but the boy soldiers were transferred to Family Areas where family lived on the land borrowed from the government and received aid such as food, and took in stray children including orphans and former child soldiers, and were also separated from the adult soldiers, reducing the chances of their exploitation and re-recruitment, however, the family support was gone after the government aid stopped, and the separation from adult soldiers also denied them benefits.<sup>65</sup>

The challenges to Angolan DDR process included lack of support for girl soldiers as every UNITA men had two or three girls and

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*, 162-63.

<sup>63</sup> *Ibid.*, 163.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*, 163-64.

women, suggesting the number far higher than previously known, exclusion of former combatants (demobilized following 1994) and reintegration of 3.8 million internally displaced people, suggesting absence of functioning community for the child soldier to return to and integrate.<sup>66</sup> Important lessons include ensuring the inclusion of children in the DDR process; secondly, support is needed for girls; thirdly, ensuring child protection mechanism to prevent re-recruitment and monitoring violations; and lastly, ensuring that entire process is driven by reintegration and not only demobilization, and the reason the post Lusaka DDR process failed because of the lack of political will.<sup>67</sup>

The Taliban emerged in Afghanistan in 1994 but was toppled by US in 2001 invasion of Afghanistan<sup>68</sup> and it was the aim of the new government under Hamid Karzai to integrate the adult soldiers serving under Afghan warlords into Afghan National Army under the Afghan New Beginnings Program (ANBP) aimed to disarm, demobilize and reintegrate such militants/combatants, while working along with UN Assistance Mission to Afghanistan (UNAMA), a political mission, maintaining a permanent field presence in 12 provinces across Afghanistan and liaison offices in Islamabad (Pakistan) and Tehran (Iran).<sup>69</sup>

Initially, ANBP included large adult component and smaller children's component, however, UNICEF subsequently took the responsibility for an independent children's DDR process, designed to assist eight thousand soldiers, first, opted for community based approach instead of separating children from their families, because many children lived in their home communities but served their commanders; secondly, created mobile demobilized units; thirdly, locally elected verification committees worked with local leadership councils (*shuras*) for the purpose of identifying children; fourthly, used the word 'minor' instead of children because local customs regarded children of 14 years as adults, and lastly, children received medical and psychological assessment, following their demobilization.<sup>70</sup>

The biggest advantage for incorporating community based approach in the processes of demobilization and reintegration was that it

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<sup>66</sup> Ibid., 164.

<sup>67</sup> Ibid.

<sup>68</sup> Who are the Taliban?. *BBC NEWS*, 26 May 2016; <http://www.bbc.com/news/world-south-asia-11451718>

<sup>69</sup> UNAMA, United Nations Assistance Mission in Afghanistan. Mandate <http://unama.unmissions.org/mandate>

<sup>70</sup> Michael Wessells, op.cit., 171-72.

reduced social division, and all children were supported by programs to provide education, vocational training, psychological support and work opportunities, and not just child soldiers because all were equally affected by war, poverty and drought.<sup>71</sup> By March 2004, Christian Children's Fund (CCF) and UNICEF had demobilized more than a thousand child soldiers in the northeast provinces, but the entire DDR process suffered due to three years delay, leaving children for that time under their commanders; secondly, warlords cheated and went back on their words to demobilize a particular number of children; thirdly, scarce funding and donors failing to deliver on their promises; and lastly, disqualification of many children due to becoming 18 by the time the process began and also those who had left armed groups on their own years before the process began.<sup>72</sup> An important lesson here is that reintegration requires larger, long term funding which should be the ultimate goal, but demobilization process usually receives the spotlight as well as enormous funding which is only a first step.<sup>73</sup>

### Challenges and Criticisms

DDR process is often criticized, as it is adult driven, and marginalizes children's needs and ideas in its implementation. Secondly, it typically reflects universalized view of a child instead of recognizing children's social class, ethnicity, gender, disabilities and other vulnerabilities.<sup>74</sup> Such needs of children and children's entitlement under CRC for the DDR process benefits have been pointed out by UNICEF and child-focused NGOs; and official guidelines for the inclusion of children in DDR process have been provided under UN Department of Peacekeeping Organization, but instances such as armed groups admission or children preferring to be demobilized as an adult work against the inclusion of children in DDR process amounts to egregious violation of child's right.<sup>75</sup>

Another important aspect to be kept in mind is that in countries like Sri Lanka, Myanmar, and Uganda, many children escape armed groups while the fighting continues and there is no DDR process to save them, and there is a possibility of them being the target of a reprisal attack, re-recruitment, or a possible attack on the village sheltering them, but in countries like Burundi and Democratic Republic of Congo (DRC),

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<sup>71</sup> Ibid., 172.

<sup>72</sup> Ibid., 172-73.

<sup>73</sup> Ibid., 173.

<sup>74</sup> Ibid., 156.

<sup>75</sup> Ibid., 157-58.

international agencies have created DDR programs for such escaped children while the conflict continues.<sup>76</sup>

Disarmament is the first step in which weapons are collect and in countries like Mali, people celebrate the arrival of peace through symbolic gesture of burning the collected weapons in Flames of Peace, but in other cases, like Afghanistan where owing and using gun is culturally acceptable, complete disarmament becomes infeasible.<sup>77</sup>

Demobilization is the second step which is also filled with great complexities. In Sierra Leone, child soldiers had a long stay of six months in an Interim Care Centre where psychological support was provided and the staff was allowed to trace the children's family for the purpose of reunification, while in case of post-Taliban Afghanistan, the process took only a few days as location of the families was already known, and those who had already been reunited with their families outside the DDR process were not separated.<sup>78</sup>

The challenges involved in executing DDR process can be that families and communities to whom the children are supposed to return are themselves badly affected by war; or the children who once held the position of power and authority in military might find it difficult to resume as a child; or former child soldiers might inspire fear in the hearts of their families and communities; or girl child soldiers might carry a stigma after being sexually abused, raped and having children which would prevent their reintegration; or the communities and families themselves unwelcome the children for being responsible for the commission of war crimes and other atrocities.<sup>79</sup> Former child soldiers are not seen as the victim and receive economic, educational and social benefits so that they are not reenlisted, which the locals regards as them being rewarded instead of being held accountable for committing atrocities while the real victims continue to suffer.<sup>80</sup> The counter argument is that these children would wear old uniforms and sunglasses and gloat about their military exploits but would present themselves as victims only when they seek humanitarian assistance from humanitarian agencies.<sup>81</sup>

The primary aim of reuniting child soldiers with their families is neither always possible nor practical, therefore, children are then placed

<sup>76</sup> Ibid., 156.

<sup>77</sup> Ibid., 157.

<sup>78</sup> Ibid.

<sup>79</sup> David M. Rosen, op.cit., 69-70.

<sup>80</sup> Ibid., 70.

<sup>81</sup> Ibid., 71.

in demobilization centre and foster care. The Darfur Peace Agreement, 2006, between Sudan Liberation Army (one of several rebel movements defending their villages against Janjaweed militia, Sudan government backed Arab force) and Sudanese government, laid down the groundwork for the demobilization of child soldiers, assisted by UNICEF, the United Nations Commission on Refugees, and ICRC in identification, removal, family unification and reintegration, however, the agreement did not completely end the conflict and a very small number of child soldiers were demobilized as over 20,000 possible participants were identified but only 36 were voluntarily demobilized and given material assistance.<sup>82</sup>

Poverty is not only one of the causes for the recruitment of a child soldier but also a problem when it comes to their reintegration. Countries like DRC, Liberia, and Sierra Leone have the gross domestic product that are among the lowest in the world and while unemployment rose from 11.9 percent in 2007 to 13 percent in 2009 throughout the world, youth unemployment has been cited as over 60 percent in Sierra Leone and over 88 percent in Liberia, making it difficult for the former child soldiers to earn a living or get education.<sup>83</sup>

It is also argued that the needs of the child soldiers are ignored which prevents from painting the true and complete picture when the decisions are made on their behalf in advance and forced upon them.<sup>84</sup> In a documentary film, *Returned*,<sup>85</sup> co-written by Brandon Khort, focused on the problems of the child soldiers which they face when they return home. The movie shared the story of Aisha, 13-year-old, a poor low caste girl from Nepal who left her home and joined Maoist because of the inequality she faced back at home and was denied education which she availed as a child soldier because the Maoist believed in egalitarianism, but was forced to marry a 22-year-old man from a distant village and ended up in a marriage with violence and domestic abuse.<sup>86</sup>

While it has been agreed upon that only through a successful DDR process, former child soldiers can be saved and reintegrated in the society, new questions surfacing only after understanding the criticism and challenges related to the DDR process, have open arena of academic

<sup>82</sup> Ibid.

<sup>83</sup> Ibid., 72.

<sup>84</sup> Ibid., 75.

<sup>85</sup> Robert Koenig, 'Returned: Child Soldiers of Nepal's Maoist Army'. *Documentary Educational Resource*. Retrieved at <http://www.der.org/films/returned.html>

<sup>86</sup> Ibid., 75.

debates and social tribulations which are neither recognized nor addressed by the international community. The situation beyond the books and in the field is much more complex, especially when a particular country is studied along with its cultural and political realities in isolation. Such as Pakistan, being no exception and witnessing its fair share of civil wars, refugees crisis, internally displaced people, natural disasters, ethnic violence, sectarian killings, extremism and terrorism, is also facing the problem of child soldiers.

### **Conclusion**

For Pakistan the challenge of reintegration of child soldiers is immense, and the ongoing unrest in the neighbouring Afghanistan after the withdrawal of US forces,<sup>87</sup> Pakistan can learn from the experiences and mistakes of other states as well as from the criticisms of the DDR process itself, enabling it to rectify and prepare itself for the future challenges. The world is at the crossroads answering a very difficult question of whether to take back the children of the Islamic State or not. In the detention camp in Kurdish-controlled northern Syria, many European countries previously denied allowing the return of people linked to the Islamic State, but now considering the advice of security experts and rights groups who say that repatriations are the safest option,<sup>88</sup> even though the children openly support the Islamic State, and if allowed to be remained there would create the next generation of child soldiers.<sup>89</sup> Pakistan will not be able to protect itself from this future danger as children in these camps belonged to Russia, Bosnia, France, China, and Uzbekistan,<sup>90</sup> raising the possibility and probability of engulfing Pakistani children to participate in future religiously motivated wars, unless it can prepare itself within time to face such a calamity by working on and enforcing the laws and mechanisms of reintegration of child soldiers.

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<sup>87</sup> 'US begins withdrawing last troops from Afghanistan', *DAWN*, 02 May 2021 (<https://www.dawn.com/news/1621551>)

<sup>88</sup> Elian Peltier and Constant Meheut, 'Europe's Dilemma: Take in ISIS Families, or Leave Them in Syria?', *The New York Times*, 28 May 2021.

<sup>89</sup> Mark Stone, 'Islamic State: New 'mini caliphate' forms at Syrian holding camp', *Sky News*, 11 November 2019.

<sup>90</sup> *Ibid.*