

**AN ANALYSIS OF THE UGANDAN LEGAL FRAMEWORK GOVERNING THE
REINTEGRATION OF FORMER CHILD SOLDIERS (BETWEEN 2006 AND 2019)**



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G62/11290/2018

*Research paper submitted in partial fulfilment of the requirements for the award of Master of
Laws (LLM) Degree programme, University of Nairobi Law School.*

DECEMBER 2019

Declaration

I declare that this research paper which I submit for the degree of Master of Laws at the University of Nairobi is my original work and has not been presented for an award of any degree in any other university.

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Dedication

This work is dedicated to my beloved husband, Phillip Gakunju Wanjau, for his immense support in ensuring that I complete my postgraduate studies, my son Leroy Wanjau Gakunju who has been the drive behind my hard work, my parents Justus Simiyu and Margaret Nekesa who brought me up and laid the foundation for my education, and my younger siblings who look up to me as a good example and have played a significant role in cheering me on.

Acknowledgement

My sincere thanks go to my supervisor Dr. Kenneth Wyne Mutuma for taking me in under his wing as a late entrant and encouraging me that it was still possible to catch up with the rest of the supervisees under him. I am grateful for his time, patience, guidance, and dedication in ensuring that this research is completed within the time limit.

My heartfelt gratitude also goes out to all my lecturers and classmates at the University of Nairobi. The lecturers made it clear that it was possible to graduate within a year. This inspired diligence in my school work and encouraged me to stay on track when the going got tough. I am grateful for the knowledge they imparted in me and intellectually making me a better person. Sharing our challenges as classmates made us to realise that we were going through similar struggles and with this we were able to hold each other's hands in ensuring that we finish the journey together.

I am grateful to my seniors in the profession as well as other colleagues at work. They understood that I was pursuing postgraduate studies, encouraged me to keep working hard and prayed for me. Their support was particularly felt where they gave me ample time to study and stepped in my roles at work when my attention was needed at school.

I thank my husband, son, parents, and siblings for their love, encouragement and financial support. I particularly thank my husband and son for their patience when I needed to stay up late, wake up early, be away from home over the weekends, and when I could not be there for them as often as I was required to. I will forever be indebted to them.

List of Abbreviations

ACHPR	African Charter on Human and Peoples Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
BUNADER	National Office for the Demobilization and Reintegration of Child Soldiers
CCCs	Core Commitments for Children in Humanitarian Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CONADER	National Commission for Disarmament and Reintegration
CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
FARDC	Armed Forces of the Democratic Republic of Congo
FPLC	Force Patriotique pour la Liberation du Congo
GUSCO	Gulu Support the Children Organization
ICC	International Criminal Court
ICCs	Interim Care Centers
IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
IDPs	Internally Displaced Persons
IHL	International Humanitarian Law
LRA	Lord's Resistance Army
LURD	Liberians United for Reconciliation and Democracy
MONUC	United Nations Mission in the Democratic Republic of Congo
NGOs	Non-Governmental Organizations

OP II	Optional Protocol II
PRDP	Peace, Recovery and Development Plan for Northern Uganda
PTSD	Post- Traumatic Stress Disorder
UEPN-DDR	National Implementation Unit for the National Disarmament
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNICEF	United Nations Children’s Fund
UNIOSIL	United Nations Integrated Office of Sierra Leone

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Paris Principles and Guidelines on Children Associated with Armed Forces and Armed Groups 2007

Rome Statute of the International Criminal Court 1998

United Nations Convention on the Rights of the Child 1989

United Nations Integrated Disarmament, Demobilisation and Reintegration Standards 2006

Abstract

Uganda has numerous legal frameworks on reintegration in place. However, the exercise has been marred by the ineffective implementation of the laws and policies, caused by gaps and contradictions within the regulations, as well as unsuccessful reintegration which results from social and cultural breakdown, unstable government, poverty, inadequate funding, corruption, and lack of coherence in transitional justice mechanisms. This research hypothesises that the successful reintegration of child soldiers in Uganda is contingent on the effective ratification and implementation of legal frameworks. In arriving at this position, reintegration of former child soldiers in Uganda has been analysed through doctrinal and non-doctrinal studies comprising qualitative research methods whereby doctrinal studies undertook a rigorous exposition of legal doctrines, concepts, principles, and rules while non-doctrinal studies focused on other disciplines such as the political, economic and social aspects. Lessons from other jurisdictions (Sierra Leone, Liberia and the Democratic Republic of Congo) have been used to analyse the approaches used in reintegrating former child soldiers back in society.

Key Words: armed conflicts, former child soldiers, recruitment, reintegration

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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The Lord's Resistance Army (LRA) first emerged in Northern Uganda in 1987 as an insurgency group of Christian extremists to retaliate against the central government in marginalising the Acholi.¹ In 2006, peace talks were held between the LRA and the Ugandan government which ceased operations of the LRA in Uganda.² A ceasefire between Uganda and the LRA was then signed on 26th August 2006. The LRA was responsible for displacing at least 1.6 million people, killing at least 100,000 civilians and kidnapping at least 30,000 children.³ After the departure of the LRA from Uganda, abductees and child soldiers struggle with reintegration into the community.

Most former child soldiers are undergoing mental and physical health challenges, severe education deficiencies, non-existent vocational skills for self-sufficiency, and worsening of personal conditions for those who isolate themselves.⁴ These former child soldiers also experience difficulties in concentrating, eating disorders, bedwetting, insomnia, nightmares, behavioural problems in their interaction with others, resorting to violence in solving problems,

¹ Anselm Crombach, Roland Weierstall, Tobias Hecker, Inga Schalinski, and Thomas Elbert. "Social status and the desire to resort to violence: Using the example of Uganda's former child soldiers." *Journal of Aggression, Maltreatment & Trauma* 22, no. 5 (2013): 559.

² Ibid, 560.

³ Vindevogel Sofie, Maarten de Schryver, Eric Broekaert, and Ilse Derluyn. "War-related experiences of former child soldiers in northern Uganda: comparison with non-recruited youths." *Pediatrics and international child health* 33, no. 4 (2013): 281.

⁴ Roland Weierstall, Inga Schalinski, Anselm Crombach, Tobias Hecker, and Thomas Elbert. "When combat prevents PTSD symptoms-Results from a survey with former child soldiers in Northern Uganda." *BMC Psychiatry* 12, no. 1 (2012): 41.

and depression as well as suicidal tendencies in others.⁵ Girls who are raped face stigma with those raising children born from rape being the most affected. Society is also finding it difficult to take them back reason being that some of these children robbed villages and killed their family members.

Sacred human law is that children should be safeguarded from cruelties on the premise that they are the future of humanity.⁶ Their rampant abusive recruitment is a dire impediment to this sacred law. Furthermore, the most crucial issue is the burden of rehabilitation and reintegration of children who were previously involved in armed conflict back in society.

Reintegration is a component of the trinity referred to as Disarmament, Demobilisation and Reintegration (DDR).⁷ However, reintegration is only possible where there is proper implementation of the other two aspects. Achieving sustainable development, security and peace would require the application of the trinity in a society that underwent armed conflict. The component of reintegration is more difficult in cases where former child soldiers are involved. The negative behaviours acquired by the children from the bush make it a daunting task for them to readjust and reorient considering their childhood was lost and personalities changed by the commission of atrocities and crime. Therefore, proper procedures are needed to return them to the civilian way of life.

Failure of rehabilitating and reintegrating them would lead to grave consequences and affected societies would lose human capacity. Additionally, programmes for reintegration require

⁵ Frank Neuner, Anett Pfeiffer, Elisabeth Schauer-Kaiser, Michael Odenwald, Thomas Elbert, and Verena Ertl. "Haunted by ghosts: Prevalence, predictors, and outcomes of spirit possession experiences among former child soldiers and war-affected civilians in Northern Uganda." *Social Science & Medicine* 75, no. 3 (2012): 544.

⁶ Peter Eichstaedt, *First kill your family: Child soldiers of Uganda and the Lord's Resistance Army*. Chicago: Chicago Review Press, 2009: 316.

⁷ Bosede Awodola, "Comparative international experience with reintegration programmes for child soldiers: The Liberian experience." *Peace & Conflict Review* 4, no. 1 (2009): 5

factoring the trauma faced by these children. Economic and psychological aspects also have to be encompassed. Engaging children in armed conflict negatively affects their growth. Therefore, the physical and mental state of the child among other aspects must be included in the process of reintegration.⁸

1.2 Statement of the Problem

In spite of Uganda having numerous legal frameworks on reintegration in place, the exercise has been unsuccessful because of the ineffective implementation of the laws and policies.⁹ For instance, it is documented that 3 months after 300 children were rescued from the rebels between 2004 and 2005, no child was found living in the community where they were reintegrated.¹⁰ Also, in the crime unit of the juveniles in Gulu, 70% of the prisoners are former child soldiers charged with crimes such as theft, assault and rape among others.¹¹

1.3 Research Hypothesis

The existence of gaps and contradictions in the law are the reasons why the implementation of reintegration laws and policies has been ineffective. Reintegration has further been affected by social and cultural breakdown, unstable government, poverty, inadequate funding, corruption, and lack of coherence in transitional justice mechanisms. Therefore, this research hypothesises that the successful reintegration of child soldiers in Uganda is contingent on the effective ratification and implementation of legal frameworks.

⁸ Ibid, 7

⁹ Claire Breen, "When is a child, not a child? Child soldiers in international law." *Human Rights Review* 8, no. 2 (2007): 73.

¹⁰ Grace Akello, Annemiek Richters, and Ria Reis. "Reintegration of former child soldiers in northern Uganda: Coming to terms with children's agency and accountability." *Intervention* 4, no. 3 (2006): 229.

¹¹ Ibid

1.4 Justification of the Study

This research study analyses the Ugandan legal instruments in place on reintegration while expounding their weak points and ambiguities. It demonstrates the importance of amending the law to address the weaknesses. By understanding the underlying issues that affect its framework in reintegration the Ugandan government and policymakers gain insight on the nature of limitations, and identify where to improve the reintegration measures for former child combatants. As a result, the study generates succinct legal reasoning and validation on issues of reintegration of former child soldiers in Uganda which add value to pre-existing literature on the same area. Further, Uganda has several applicable laws on reintegration which are just on paper. Therefore, this research study demonstrates the significance of enforcement institutions in implementing the legal instruments and to hold State parties accountable for non-compliance, which complements the existing literature body.

The analysis undertaken by this study shows that policy and institutional framework for reintegration need to focus on the guiding principles on the rights of the child under the CRC for purposes of meeting all the needs of the children. This research study has a direct impact on policy debates by shaping the development of alternative policies on the extensive community-based network to accompany child soldiers from demobilisation to family reunification. It focuses on problem-solving in an interactive way, which further supplement suggestions inferred in the reviewed body of literature. Additionally, this research offers a foundation for the formulation of integral, effective and reliable reintegration policies. It proffers different suggestions based on proven frameworks on child soldiers being excluded from military

services,¹² how pre-existing child soldiers could get demobilisation documentation and benefits beyond the formal demobilisation assembly areas,¹³ making the recommendations proffered unique.

The study shows that sustainable reintegration strategies in the study can be achieved through funding to support institutions in place, to provide follow-up support to monitor reintegration and establish whether further help is needed for success in reintegration. Communities, where former child soldiers are reintegrated, can be mobilised to take up the exercise of follow-up support. This can be through networks based in the community such as churches and welfare structures on the basis that the community is always present. Therefore, the allocation of resources is needed for the achievement of these goals. The government benefits from this research study in the sense that further interrogation is required for purposes of allocating the said resources.¹⁴

Non-governmental Organizations (NGOs) work collaboratively with governments in solving social issues. The study offers insight into the importance of the government to set up its reintegration institutions that equally play significant roles as NGOs in reintegration. Therefore, this research is significant to the government and NGOs in sparking new ideas,¹⁵ getting different perspectives and informing funding decisions. For example, a partnership of the government and NGOs creates opportunities for reintegration programmes that address the local needs of former child soldiers with links to bigger projects such as the construction of hospitals,

¹² Jeannie Annan, Moriah Brier, and Filder Aryemo. "From "rebel" to "returnee" daily life and reintegration for young soldiers in Northern Uganda." *Journal of adolescent research* 24, no. 6 (2009): 641.

¹³ Grace Akello, Annemiek Richters, and Ria Reis. "Reintegration of former child soldiers in northern Uganda: coming to terms with children's agency and accountability." *Intervention* 4, no. 3 (2006): 231.

¹⁴ Theresa S., Betancourt, Stephanie Simmons, Ivelina Borisova, Stephanie E. Brewer, Uzo Iweala, and Marie De La Soudiere. "High hopes, grim reality: Reintegration and the education of former child soldiers in Sierra Leone." *Comparative Education Review* 52, no. 4 (2008): 577.

¹⁵ Mark A. Drumbl. *Reimagining child soldiers in international law and policy*. Oxford: Oxford University Press, 2012: 118.

schools and roads among others. This promotes centralised as well as decentralised development.¹⁶

1.5 Research Objectives

The main objective of the study is:

1. To analyse how the Ugandan legal framework governs the reintegration of former child soldiers.

Specific objectives of the study are:

1. To analyse different mechanisms used by various institutions in supporting the reintegration of former child soldiers in Uganda.
2. To discuss the challenges faced in interpreting, applying and implementing laws and policies in the reintegration of former child soldiers in Uganda.
3. To establish the impact of the lacuna between national strategies and the traditional, cultural and social expectations on the reintegration of former child soldiers in Uganda.
4. To find out how the legal framework in Uganda can be effective in accommodating the reintegration of former child soldiers.

1.6 Research Questions

This research paper seeks to answer the following questions:

1. What are the different mechanisms used by various institutions in supporting the reintegration of former child soldiers in Uganda?

¹⁶ Ibid

2. What challenges are faced in interpreting, applying and implementing laws and policies in the reintegration of former child soldiers in Uganda?
3. What is the impact of the lacuna between national strategies and the traditional, cultural and social expectations on the reintegration of former child soldiers in Uganda?
4. What measures can be put in place to ensure that the legal framework in Uganda is effective in accommodating the reintegration of former child soldiers?

1.7 Theoretical Framework

This study relies on two theories, the ‘Will’ and ‘Interest’ Theories that apply to former child soldier’s right to reintegration. These theories represent the function of rights to their holders.¹⁷ The Will Theory states that rights control the duty of others to conduct themselves in certain ways. This is whereby entitlement to certain rights control the free will of others from acting as they please. Violation of rights in this context means someone acting contrary to the will of the rights holder. The theory creates the link between normative control and rights whereby having rights determine what is done by others as well as the exercise of authority over certain affairs.

Proponents of the Will Theory are Hans Kelsen, Herbert Lionel Adolphus Hart and Immanuel Kant. Hart’s thinking was inspired by Kant whereby he acknowledges that holders of rights have the freedom of claiming what they are entitled to or waiving them.¹⁸ However, there are weaknesses to this theory. For example, there are no unwaivable rights where holders have no powers. Yet intuitively, important rights are unwaivable. Additionally, Will theorists hold the view that sovereignty is created by rights but there are difficulties in highlighting the rights in individuals (such as children) who are unable to exercise sovereignty.

¹⁷ Raymond Wacks. *Understanding jurisprudence: An introduction to legal theory*. Oxford: Oxford University Press, 2017: 89.

¹⁸ Alon Harel. "Theories of rights." *Philosophy of Law and Legal Theory* (2005): 194.

The Interest Theory posits that rights play the role of furthering the interests of the rights holder. It is within the interest of the rights holder to have rights to something while others have a duty of providing the said rights.¹⁹ In this case, the rights of an individual are violated where someone fails to perform their duty of providing something within the individual's interest.

Proponents of this theory are Jeremy Bentham, Joseph Raz and John Austin. According to Jeremy Bentham, rights are important in legal systems whereby someone is entitled to something against another person if the person has legal duties of providing the said thing. Joseph Raz further holds the position that interests are sufficient reasons for holding other people accountable for the performance of their duties.²⁰ However, this theory has weaknesses whereby there is misalignment with how rights are ordinarily understood. It is commonly acknowledged that on the one hand, there can be interests in something without having rights while on the other hand, individuals can have rights to something with no interests.

In criticising the Will Theory, the Interest Theory proponents raise two major arguments. First, they fail to support the view that the power of waiving another person's duty is the purpose of a right. Sometimes these critics argue that the waiver power can be restricted without the destruction of the substantive right. Second, they point out that a distinction exists between substantive rights and the rights of enforcing the same. For example, it is impossible to say that children have a choice on the waiver of such rights. It is absurd to conclude that these children do not have rights.²¹

¹⁹ Ibid, 195.

²⁰ Ibid, 195.

²¹ Amartya Sen, "Elements of a theory of human rights." In *Justice and the Capabilities Approach*, pp. 225. Abingdon: Routledge, 2017: 225.

While the Will Theory focuses on the correlativity assumption of duties and rights, there is a possibility of independently postulating the Theory of Interest whereby enforcing the duty of one party requires the other party to exercise will.²² It may then be argued that conferring rights on former child soldiers constitutes acceptance that interests represented by the rights should be recognised and protected. The United Nation's Convention on the Rights of the Child²³ recognises and provides for the protection of the child soldier's right to reintegration and the same to be done in a proper environment.

Ineffective implementation of the laws and policies as one of the challenges faced in the reintegration of former child soldiers is worsened by weaknesses in the Interest and Will Theory. For instance, under the Interest Theory, there is misalignment with how rights are ordinarily understood whereby former child soldiers have a right to reintegration with no interest. Under the Will Theory where sovereignty is created by rights, it is difficult to highlight the rights of former child soldiers who are not in a position to exercise authority.

1.8 Research Methodology

The focus of this research study is the reintegration of former child soldiers in Uganda between the years 2006 and 2019. Uganda has numerous legal frameworks on reintegration in place but the exercise has been unsuccessful because of ineffective implementation of the laws and policies. Therefore, enforcement institutions need to put in more effort to bridge the gap between the law and implementation. In arriving at this position, the reintegration of former child soldiers in Uganda has been analysed through doctrinal and non- doctrinal studies that entail qualitative

²² Raymond Wacks, *Understanding Jurisprudence: An introduction to legal theory*. Oxford: Oxford University Press, 2017: 91.

²³ CRC 1989, art 39

research methods.²⁴ The doctrinal study undertakes a rigorous exposition of legal doctrines, concepts, principles, and rules. It reviews legislation and decisional processes as well as the underlying policies. Non- doctrinal study focuses on other disciplines other than the law²⁵ such as political, economic and social aspects that affect the Ugandan legal framework governing the reintegration. Northern Uganda qualifies to be the location of the study. The region was in conflict between 1996 and 2006²⁶ where the LRA rebels killed civilians, displaced people and kidnapped children. The target population includes former child soldiers from both genders, their family members, professionals involved in reintegrating former child soldiers, and community elders.

An analysis of lessons from other jurisdictions establish the approaches used by different countries²⁷ in reintegrating former child soldiers back in society. The countries selected for the analysis include Sierra Leone, Liberia and the Democratic Republic of Congo. In Sierra Leone, the reintegration programme began in 2002 where different reintegration programmes were put in place.²⁸ In Liberia, the first reintegration programme began in 1997 while the second exercise began in 2003. The second reintegration exercise was an improvement of the first exercise.²⁹ In the Democratic Republic of Congo, steps towards reintegrating former child soldiers back in

²⁴ Lawrence W. Neuman, *Social research methods: Qualitative and quantitative approaches*. London: Pearson Education, 2013: 37.

²⁵ Alex W. Edmonds, and Thomas D. Kennedy. *An Applied Reference Guide to Research Designs: Quantitative, Qualitative, and Mixed Methods: Quantitative, Qualitative, and Mixed Methods*. London: Sage, 2012: 141.

²⁶ Michael G. Wessells, *Child soldiers: From violence to protection*. Princeton: Harvard University Press, 2006: 17

²⁷ Carsten Q. Schneider, and Claudius Wagemann. *Set-theoretic methods for the social sciences: A guide to qualitative comparative analysis*. Cambridge University Press, 2012: 5

²⁸ Helga Malmin Binningsbo, and Kendra Dupuy. "Using power-sharing to win a war: The implementation of the Lome Agreement in Sierra Leone." *Africa Spectrum* 44, no. 3 (2009): 102

²⁹ Wolf-Christian Paes. "The challenges of disarmament, demobilization and reintegration in Liberia." *International Peacekeeping* 12, no. 2 (2005): 257

society began in 2000 where diverse bodies were set up for the process.³⁰ The experience of these countries in reintegration offers an insight into the implementation of reintegration programmes in Uganda.

1.9 Literature Review

Child soldiers and their subsequent reintegration have received a lot of scholarly interest over the years. Different scholars whose works are cited and relied on in this research have their contributions critically reviewed below.

Jeannie Annan and **Christopher Blattman** explain that the continued use of child soldiers is a time bomb that serves as threats to growth and stability. They posit that such children are lost because they do not understand the significance of development within their countries.³¹ They acknowledge that the 'lost' metaphor is many times applied to explain the mental state of children coming from war, and they are construed to be broken, stigmatised and traumatised.³² Annan and Blattman exclaim that a plethora of assertions are used to highlight the need for resources to be channeled in efforts to reintegrate former child soldiers. However, the use of these metaphors has had minimal effect on reintegrating ex-child combatants.

The suggestions by Annan and Blattman are that there is more sensationalising of the impact of wars on child soldiers than facts that have been drawn on interviews with past participants.³³ As a result, the sensational is what finds its way to discourses, and this could contribute to a lack of

³⁰ Emily Schroeder. "A window of opportunity in the Democratic Republic of the Congo: Incorporating a gender perspective in the disarmament, demobilization and reintegration process." *Peace, Conflict & Development* 6, no. 6 (2005): 4

³¹ Annan, Jeannie, and Christopher Blattman. "Child combatants in northern Uganda: Reintegration myths and realities." In *Security and Post-Conflict Reconstruction*, Abingdon: Routledge, 2008: 103

³² Ibid

³³ Ibid, 105

understanding of the far-reaching ramifications of failure to have proper working structures and frameworks to ensure efficient reintegration of child soldiers.³⁴ The contributions by Blattman and Annan are relevant to this study because they acknowledge that there are a series of studies that have provided significant insights into how young ex-fighters can be reintegrated. However, the evidence base they have is quite thin. This underpins the need to undertake additional evaluation before generalising any findings.

Caroline Bragg commences her inquest on the challenges to the standard practice and policy in Liberia regarding the disarming, demobilising, rehabilitating and reintegrating (DDRR) young combatants by acknowledging that the poignant problem is to reintegrate and resettle the displaced population successfully.³⁵ It is only through their resettlement that other measures that there can be peace, and other efforts to demobilize, disarm and rehabilitate ex-youth combatants.³⁶ Bragg explains that before success can be achieved in implementing DDRR, the reasons that pushed the youth to join the armed forces have to be interrogated, and the factors identified have to be fully addressed via the DDRR measures and framework³⁷ to safeguard against any instances of re-recruitment.

Bragg's contribution is beneficial to this research because she acknowledges that it is important to have targeted opportunities in the short term, particularly when implementing demobilisation and disarmament measures. This achieves the most considerable success concerning reconciliation in the long-term and ensuring that the war-affected population in Liberia is

³⁴ Ibid, 122

³⁵ Caroline Bragg. *Challenges to policy and practice in the disarmament, demobilisation, reintegration, and rehabilitation of youth combatants in Liberia*. Sussex Centre for Migration Research, 2006: 3

³⁶ Ibid, 4

³⁷ Ibid, 16

secured.³⁸ In supporting the presupposition of Bragg, this thesis appreciates that a thorough appreciation of the cultural, socio-political and political context that led to a flourishing of wars in the past, ensures that measures implemented to address DDDR succeeds.³⁹ Additionally, this research supports the position by Bragg highlighting the need to tackle poverty, and providing vocational and educational opportunities, youth empowerment and psychosocial assistance. Therefore, these attributes can be imposed on Uganda's efforts to ensure child soldiers are successfully reintegrated.

Vera Chrobok and **Andrew S. Akutu** discuss different perspectives of how reintegration can succeed, by focusing on the children who have been abducted by the LRA in Uganda and later turning them into soldiers.⁴⁰ Details from the view of the democratic governance show how peace as an essential component can be used to develop measures and programs to safeguard against the use of child soldiers in Uganda. They explain the significance of actions and policies to enhance peace. In support of their findings, this research contends that there is a dire need to formulate conditions that are conducive to opportunities and peace necessary for perpetuating better lives for the children and the affected communities.⁴¹

Chrobok and Akutu explain that there is no fixed solution for everything or one formula of tactics that when implemented leads to peace and end the child soldier catastrophe. The only solution is to have all the stakeholders and actors become fully committed to development and peace. This research echoes the position of Chrobok and Akutu in supporting the need to develop and implement proactive policies that improve the reciprocal relationship between development

³⁸ Ibid, 15

³⁹ Ibid, 19

⁴⁰ Vera Chrobok, and Andrew S. Akutu. *Returning Home: Children's Perspectives on Reintegration. A Case Study of Children Abducted by the Lord's Resistance Army in Teso, Eastern Uganda*. Coalition to stop the use of child soldiers, 2008.

⁴¹ Ibid, 28

and the peace process as the only way that the recruitment of children as soldiers can be prevented in Uganda. Further, they added that it is necessary to incorporate empowering and integration procedures for child soldiers and formulate clear opportunities to employ them, or at least engage in activities that lead to revenue-generating and self-sustaining opportunities.⁴²

Mark A. Drumbl interrogates different international law focusing on the reintegration of child soldiers and quizzes their efficacy.⁴³ Drumbl's work is timely and resonates entirely with this research. He reveals the extent to which the international law and policy body is emaciated, in terms of being consistently fed by unrealistic monoliths showcasing all child soldiers as being faultless victims.⁴⁴ More so, he points out how adult recruiters of such child soldiers are the primary target of international criminal prosecutions, whereas prosecuting child soldiers by the same commissions remain frowned upon.⁴⁵ More so, mechanisms of transitional justice are designed in a manner that is fairly uniform and tritely encourages the local communities to continuously find it in themselves to forgive child soldiers unconditionally.⁴⁶ This is because it is widely assumed that their involvement in the atrocious acts could never be construed as voluntary. Despite there being a decline in the practice of child soldiers, thousands of children are affiliated with armed groups or forces. Nonetheless, Drumbl contends that most, but not all efforts to reintegrate and rehabilitate child soldiers have proven successful.

In agreeing with Drumbl's position, this research opines the possibility of the international law and policies to recapture and re-imagine the practice of child soldiering in a way that reflects the different sub-groups that underlie their push to join these groups. When they can consider these

⁴² Ibid, 32

⁴³ Mark A. Drumbl. *Reimagining child soldiers in international law and policy*. Oxford University Press, 2012.

⁴⁴ Ibid, 7

⁴⁵ Ibid, 18

⁴⁶ Ibid, 180

factors, they stand an improved chance of ultimately eradicating it. This research disagrees with Drumbl that most of the child soldiers do not propagate acts of violence despite having voluntarily been enlisted to join such armed militia groups.⁴⁷ Another area that this research disagrees with is that the post-conflict needs of child soldiers tend to differ to a certain degree, and their conduct varies at an extra-ordinary level, but their ability to reveal the extent of discretion even in situations that are most oppressive is hindered. This research contends that more needs to be done by international communities, international policies and laws that are ratified by different countries, and it articulates how the same can be achieved in Uganda.

Peter Eichstaedt poignantly describes the reality on the ground in Uganda of how children are forced to kill their families to become child soldiers and rise in the ranks.⁴⁸ These actions serve to harden them and further indoctrinate them into wrongdoing. When the rest of society witnesses how these children traumatised, mutilated and murdered their loved ones, it complicates the possibility of the children ever being reintegrated into society. This hampers the intent of any reintegration program in Uganda.⁴⁹ The communities are small, and they are brought together by misery, poverty and trauma, they know the name of the children who caused harm and chaos in their lives. It is difficult for them to be accepted back into society, and on their part, the children are aware of the hostility and resentment that they would experience if they went back to society.

The trouble with Eichstaedt's book is that it details too much despair, the child brides, the witchcraft beliefs, and how entire communities have been ravaged by child soldiers. In the process, he paints a gloomy picture of how these children cannot be accepted by society because

⁴⁷ Ibid, 164

⁴⁸ Peter Eichstaedt. *First kill your family: Child soldiers of Uganda and the Lord's Resistance Army*. Chicago: Chicago Review Press, 2009.

⁴⁹ Ibid, 231

ideally there is no society to come back to. Eichstaedt only dedicates a small section on how the international community can stop the violence cycle in Africa.⁵⁰ Eichstaedt is detailed in explaining the grimness of the situation on the ground. However, he fails to show how different programs instituted by the local communities, non-governmental organisations, and self-help groups can help to reintegrate child soldiers. Eichstaedt does not explain what is needed to work, what are the likely challenges, and the role of policies and laws in implementing the changes needed to ensure the successful reintegration of the child soldiers. This gap is filled by the undertaking of this research.

Donatien Nduwimana discusses the challenges and prospects encountered in reintegrating child soldiers in DRC, by seminally acknowledging that the issue of reintegration has been addressed by a series of actors in DRC. However, Nduwimana explains that their efforts have been continuously hampered by instability in the region.⁵¹ The problem with the contributions by Nduwimana is that they are just highlighting problems associated with reintegration efforts such as lack of funding, re-recruitment and lack of follow-ups,⁵² and as such labels the entire process as complex and impossible to separate from the situation affecting societies in South and North Kivu. There is no hope or evidence or previous success in the measures supported in DRC. Nduwimana fails to identify how similar efforts have succeeded elsewhere in this world.

However, this research supports the position adopted by Nduwimana that a detailed analysis of cultural, socio-economic, political and security factors has to be undertaken to ensure the successful implementation of reintegration strategies.⁵³ There is a hint of pessimism with what

⁵⁰ Ibid, 210

⁵¹ Donatien Nduwimana. *Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects*. International Peace Support Training Centre, 2013: 1

⁵² Ibid, 21

⁵³ Ibid, 4

Nduwimana is talking about, and it is worsened by the fact that he is a lieutenant and he is supposed to have seen first-hand the adverse effects of the war on children and communities. This research is building on some of Nduwimana's recommendation that has to be enshrined in law for them to be fully implemented.

Alpaslan Ozerdem and **Sukanya Podder** discuss in detail the different phases between the recruitment of child soldiers, up to their successful reintegration in society.⁵⁴ They do not spare any detail as they delve into every trajectory of the lives of children in combat, highlighting the connections, interlinkages, and mediated impacts of being recruited into different rebel groups, socialisation in-group, indoctrination and training. This research agrees with the stance adopted by Ozerdem and Podder on how these factors can lead to post-conflict return and the result of reintegration for the different youth who have grown up as child soldiers.⁵⁵ Ozerdem and Podder focus on an area most researchers have shied from, that of understanding the normal life of the child soldier before they ventured into combat.

However, this research disagrees with Ozerdem and Podder's blame on children are recruited to becoming soldiers because of incomplete maturation processes and absent socialisation within their social settings, lack of in-group experiences, and a variety of distorting processual influences that affect young minds.⁵⁶ This research believes this is a myopic focus because there are a variety of different attributes that influence children to join rebel groups. This researcher further disagrees to an extent with Ozerdem and Podder in their assertion that when children join rebel groups, their relationship with leaders in the rebel groups provide a semblance of stability

⁵⁴ Alpaslan Ozerdem and Sukanya Podder. *Child soldiers: From recruitment to reintegration*. London: Springer, 2011: 3

⁵⁵ Ibid, 14

⁵⁶ Ibid, 51

and regularity.⁵⁷ This research argues that these children are scared into submission and obedience, failure to do as they are told means that they are denied food. It is to holistically discuss the reasoning and factors that contribute to the continued recruitment of child soldiers to date that inform the need for this research.

Elisabeth Schauer and **Thomas Elbert** have dedicated their book to understand the psychological effect of child soldiering.⁵⁸ They acknowledge, in shocking detail how at least 80% of the world's fighting forces comprise of children soldiers.⁵⁹ This is an attribute of new wars that constitute the primary form of violence and conflict that has gradually emerged over the last 3 decades.⁶⁰ They hold the view that the light weapons agenda has supported the surge in numbers of children soldiers as pre-requisite involvement for children in modern conflicts that entail forces that are irregular targeting civilians, and validated by identities. In agreeing with their assertions, this research accepts that the interests of exiled communities and the economic interests of other countries are the propelling factors.⁶¹

Their work is dedicated to understanding what pushes children towards recruitment to be soldiers. They note their limited ability to evaluate risks, short-sightedness and feeling invulnerable. Compared to their adult counterparts, the harsh reality is that child soldiers are the ones who add to the dead body count at the front line. Economically, they are less expensive as opposed to adult recruits because they receive far fewer resources including smaller equipment and weapons.⁶² This research agrees with Schauer and Elbert's stance that from a different point

⁵⁷ Ibid, 141

⁵⁸ Elisabeth Schauer and Thomas Elbert. "The psychological impact of child soldiering." In *Trauma rehabilitation after war and conflict*, pp. 311-360. Springer, New York, NY, 2010.

⁵⁹ Ibid, 311

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid

of view, becoming a fighter is always a more attractive option for adolescents and children who are encountering unemployment, starvation, and poverty, political or ethnic persecution.⁶³

Schauer and Elbert conclude that children are more adaptable and malleable, and this makes them attractive options insofar as indoctrination is concerned. The fact that their moral development is yet to be completed, and because of their diligence and willingness to listen to adults means that they listen to and are swayed by the leading soldiers without questioning them.

This research acknowledges that when child soldiers are recruited into the armies they are exposed to severe violence, take part and experience it and later commit atrocities and cruelties of the worst kind.⁶⁴ Therefore, this exposure to traumatic and chronic stress in the course of development of the mind of a child, they become susceptible to physical and mental ill-health. With these considerations, it means that reintegration is severely affected because the child is suffering from Post-Traumatic Stress Disorder (PTSD) and other personality changes.⁶⁵ The child has deprived a normal and healthy development, which adversely impairs their continued integration into society, and later becoming a member who is fully functioning and productive.

The dangers in unsuccessful reintegration are highlighted by Schauer and Elbert who explain that ex-youth combatants are always isolated and exposed to negative attitudes from society and the apparent psychological problems, which make it difficult for them to interact socially.⁶⁶ Therefore, this increases the risk of their re-recruitment into army zones. When they are unable to reintegrate socially and economically into their communities, they suffer from considerable economic damages, which was the reason they were recruited as soldiers in the first place.

⁶³ Ibid, 316

⁶⁴ Ibid, 313

⁶⁵ Ibid, 321

⁶⁶ Ibid, 332

Therefore, making a new cycle of violence is inevitable. From the foregoing discussions, this research supports the need to incorporate extensive mental health services check-up and wellbeing forums for there to be vital parts of rehabilitation and demobilization of child soldiers.⁶⁷ Schauer and Elbert believe, and this research also supports, that the incorporation of such aspects enhance the functioning of the individual and increase the capacity in the affected community, and it could be essential in breaking the violence cycle.

Amartya Sen examines the different elements that comprise human rights theories. She acknowledges in issues of child soldiers and their reintegration into society, there are fewer moot points that are as frequently mentioned as human rights.⁶⁸ Amartya explains the attractive attribute about the notion that all people across the world, irrespective of their background, nationality, and race have default basic rights that should be respected by all other people.⁶⁹ However, he questions whether there are proper frameworks in place in different countries, such as those perpetuating conflict and wars characterized by child soldiers, which work towards ensuring that basic human rights are not abused.

This research disagrees with Amartya's position because he contends that it is ethically based on all human rights to be upheld. This is because this should be a moral position that ensures even the legal provisions and principles advocated for to safeguard against the abuse of human rights. Nonetheless, this research agrees with Amartya that more needs to be done in sensitizing the masses about what exactly entails their human rights.⁷⁰ Also, policymakers should implement

⁶⁷ Ibid, 348

⁶⁸ Amartya Sen. "Elements of a theory of human rights." In *Justice and the Capabilities Approach*, pp. 221-262. Routledge, 2017: 221

⁶⁹ Ibid

⁷⁰ Ibid, 226

programmes that create channels where people including children can seek redress if they feel that their rights are being abused.

Claudia Seymour offers a poignant discussion about the dangers of the current disarmament, demobilizing and reintegrating approach that is practiced in DDR. She bases her discussion on narrations provided by ex-child soldiers who fought and killed for armed groups. Her findings reveal how far removed the current measures of DDR are from remedying the experience of the child soldiers.⁷¹ This research agrees with Claudia that the current calls for DDR are selective, and it is dangerous because it overlooks the structural violence that is entrenched, and it deeply and adversely affects the future lives of the child soldiers in DRC.⁷² Additionally, this research agrees with the position adopted by Claudia that every image depicting a child holding a powerful rifle should underpin more reflection to identify the root causes and prevent future recurrence of the effects.

However, this research disagrees with Claudia's presupposition that the current measures implemented to ensure the successful reintegration of the child soldier to society as being ineffective.⁷³ This research holds the view that in spite of adequate resources, the efforts are ameliorative. More so, Claudia's focus on the global perception of children soldiers is being selective, which means that she is failing to focus on the nitty-gritty that is necessary to ensure successful reintegration. This research remedies her approach and adopts a holistic approach and focuses on what needs to be done from a legal perspective and implementation framework to ensure successful reintegration.

⁷¹ Claudia Seymour. "Selective outrage: the dangers of children's DDR in eastern DRC." In *Children and conflict: Disarmament forum. United Nations Institute for Disarmament Research, Geneva*, pp. 57-66. 2011: 59

⁷² Ibid, 64

⁷³ Ibid, 63

Gary D. Solis' work discusses how armed conflict operates, and the unfortunate benefits of having child soldiers within their ranks.⁷⁴ Using well-illustrated examples from around the world, Solis shows how the enemy is well aware of how military law does not permit the killing of children at war using this to their disadvantage.⁷⁵ Solis's work glosses over the dangers of child soldiers and how society can be involved in their reintegration programs as well as any disarmament measures. However, he is quiet on the purpose of the law, policies and implementation measures instituted by the government to reduce the number of children in war, or at the very least to ensure that they can resume normalcy with help from psychologists who can guide them into reintegration.⁷⁶ Solis faults international law on being too bleak in terms of how child soldiers should be reintegrated. Instead, he suggests the need to pass punitive laws that ensure the numbers of child soldiers are reduced significantly and subsequently abolished.

His work is essential in understanding the phenomenon of armed conflict, and child soldiers are a small part of the entire map. This research agrees with these contributions to the extent where the governments should be held accountable in putting measures to reduce instances of the number of children going into war zones. Programs should be fine-tuned to satisfy the purpose and need to demobilising and reintegrating child soldiers. Most of his examples and principles are used widely, but for this research, only the brief precepts and anecdotes guide the direction to be taken.

UNESCO persuasively details the relationship between armed conflict and education as a pivotal root to the growing number of child soldiers in areas affected by conflict. It acknowledges how peaceful societies cannot be constructed overnight, but the process can be hastened by ensuring

⁷⁴ Gary D. Solis. *The law of armed conflict: international humanitarian law in war*. Cambridge University Press, 2016.

⁷⁵ Ibid, 405, 412

⁷⁶ Ibid, 542

that more people access education and general understanding.⁷⁷ This research agrees with UNESCO's admission that international efforts are not as enthused to ensure the spread of education, humanitarian aid is often in the form of food and not to create awareness about the importance of education.⁷⁸ Because of this, many children are easily recruited by rebel groups and they become soldiers at a young age.

Nevertheless, this research disagrees with the position adopted by UNESCO in the sense that they acknowledge the need to be more effective at making use of different windows of opportunities.⁷⁹ This research contends that there are plenty of opportunities to achieve this, and there are already frameworks in place to assist countries that are emerging from conflict, and how child soldiers can be helped to reintegrate into society. This research highlights that peacebuilding efforts often focus on ensuring that the war aspect has been quelled, but fails to factor the price and costs of reintegrating child soldiers into society.

Mats Utas uses Liberian child soldiers as case studies to explain victim and social navigation. Utas asserts that the issue of child soldiers has received continued and extensive attention from the Western Worlds.⁸⁰ He notes that such children are depicted as possessing qualities that children ought not to have, and as being by-products of societies with qualities that societies should not possess.⁸¹ This research agrees with Utas that the amount of literature on child soldiers has been expansive where they have been reduced to films and magnified to the entire world.

⁷⁷ UNESCO. *The Hidden Crisis: Armed Conflict and Education; [Education for All (Efa) Global Monitoring Report 2011]*. UNESCO Publishing, 2011: 4

⁷⁸ Ibid, 202

⁷⁹ Ibid, 172

⁸⁰ Mats Utas. "Victimcy as social navigation: From the toolbox of Liberian child soldiers." In *Child soldiers: From recruitment to reintegration*, pp. 213-228. Palgrave Macmillan, London, 2011: 213

⁸¹ Ibid

Utas fails to identify the primary challenges with the findings of other authors, choosing instead to focus on films and how they have been received across the world.⁸² Utas does not focus on reintegration of child soldiers or the factors that contribute to their subsisting numbers. Instead, he maintains prose on the directorship of different movies and how they cast a reality-like situation on the ground. This research disagrees with his trajectory of using films as a basis to understand what child soldiers go through. This research borrows a few principles of the nature of handling child soldiers by different scholars as presented by Utas. Nevertheless, it adopts a more focused position on the challenges and what needs to be done to achieve fluency and efficacy of reintegrating children soldiers into society.

Tiny Vandewiele analyses how children are involved in different forms of armed conflict from an international law perspective. Tiny particularly discusses the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. Tiny notes that the inclusion and recruitment of child soldiers are equivalent of a war crime.⁸³ This research upholds the position adopted by Tiny that it is important that countries, even those involved in the conflict, to ensure that all parties who recruited to join the armed forces have to have attained a certain age.⁸⁴

This research disagrees with Tiny's commentary about the need to increase the age of fighters in a war to be more than 18 years.⁸⁵ It fails to factor the lawlessness that reigns in areas where child soldiers are recruited and the fact that rebel groups do not obey legal principles. Furthermore, this research disagrees with Tiny's position because it only serves as a blanket condemnation of

⁸² Ibid, 214

⁸³ Tiny Vandewiele. *Optional Protocol: the involvement of children in armed conflicts*. Vol. 46. Martinus Nijhoff Publishers, 2006: 9

⁸⁴ Ibid, 32

⁸⁵ Ibid

recruiting child soldiers. It does not provide succinct recommendations and examples of how recruiting child soldiers can be stopped, and how they can subsequently be reintegrated into society and implementing measures to ensure that they are not re-recruited. This research seeks to be more detailed and focused on the exact nature of reintegration, and what needs to be done by the government since already there are adequate laws and regulations.

Beth Verhey discussed different issues on the prevention, demobilisation and reintegration of child soldiers.⁸⁶ Beth acknowledges that demobilising and reintegrating child soldiers is challenging.⁸⁷ However, there are some country case studies that underpin the possibilities of how they can eventually become productive and accepted by society. She notes that the underlying ingredients success to be political will and the inclusion of child soldiers in the drafting and implementation of peace agreements, the involvement of their families and communities, and the allocation of adequate resources to satisfy their needs.⁸⁸

Verhey's work is relevant to this research because she cites different case studies ranging from Mozambique, Cambodia, Liberia, and Uganda. She notes the presence of children as young as 4 wielding guns in the Ugandan NRA in 1986.⁸⁹ Demobilising and reintegrating child soldiers is often perceived as a hopeless pursuit, particularly because where the victims have been brainwashed and forced to take part in atrocities. It is because of these factors that it is not easy for a child to be re-engaged in civilian life in a productive capacity, as well as positive social relations.⁹⁰ Though Verhey maintains a positive outlook throughout her discussions, she is rife to the inherent challenges that come with the efforts of reintegrating child soldiers. For instance, it

⁸⁶ Beth Verhey. *Child soldiers: prevention, demobilization and reintegration*. The World Bank, 2001.

⁸⁷ Ibid, 1

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Ibid, 6

is nearly impossible for them to attend school since they have to seek income-generating activities to enable them to provide for their families.⁹¹ More so, it is always likely that their families are unable to afford school fees, uniforms and ancillary supplies, which could have contributed to their subsequent recruitment of the child into the army. Besides, the community could be suffering from inadequate teachers or the local schools have been destroyed.

Political will and change in policy comes where child soldiers have to acquire proper documentation, or they are not permitted to simply re-join requisite to their age because they lack the necessary papers. The child always feels shame, resentment and jealousy about going back to school with their peers.⁹² This research agrees with Verhey's contributions in that some of the foregoing concerns can be addressed by flexible programmes. However, economic factors remain the most poignant obstacles. More importantly, the current programmes for reintegrating soldiers have minimal opportunities to train and generate revenue. Additionally, vocational training measures that are offered have had minimal success. Verhey exemplifies this using El Salvador's training programs that were intended to demobilise adult soldiers, but only 25% of the total number of adults that they had trained were working in the area.⁹³ However, the apprenticeship programs from Angola targeting reintegration, as well as the micro-enterprise programs were as effective compared to vocational schemes for training. This is because they provide an astute and faster means of generating income from acquired skills.

Verhey further suggests the need for community-based networks as vital in ensuring the continued and sustained support for child soldiers that are demobilized and for reaching the

⁹¹ Ibid, 19

⁹² Ibid

⁹³ Ibid

excluded ones such as the disabled, and girls from being formally demobilised.⁹⁴ This research agrees with the assertions advanced by Verhey in the sense that reintegrating girls and the disabled requires better and more detailed attention from programs.⁹⁵ Perhaps, the use of reclusive programs would be helpful for that particular purpose. The problem with Verhey's work is that she makes solid statements regarding the need for enhanced links between the child soldier, mine awareness and disability programs, or any child soldier who has been injured as a result of engaging in war. She does not mention what the role of politics is in this and she fails to exemplify using sound policies, principles and legislation, and how it can be achieved. She fails to explain the reality of what would happen when society makes reintegration of child soldiers impossible which often leads them to take drugs, revert to crime, or even commit suicide. These are some areas that this study is seeking to explain and contribute to in terms of solutions.

Raymond Wacks explains the attributes of legal theory, questioning the link between law and justice, moral justice and obeying the law. Although Wacks does not strictly discuss reintegrating child soldiers into society, he explains the significance of law and moral legitimacy⁹⁶ in ensuring that children do not become victims of such wars in the first place, and for the affected, they should exist programs that ensure the children are reintegrated fully into society. Wack's contributions are used in this research to define a legal juxtapose and direction of what has to be done for the sake of upholding a moral base of laws that guides society.⁹⁷

⁹⁴ Ibid, 8

⁹⁵ Ibid, 22

⁹⁶ Raymond Wacks. *Understanding jurisprudence: An introduction to legal theory*. Oxford University Press, 2017: 154

⁹⁷ Ibid

Michael G. Wessells proceeds with ascertaining the growing number of children already recruited for armed conflict in different parts of the world.⁹⁸ He cites the UN's figures as presently standing at 300,000. Wessells details how the plight of child soldiers is often documented when they are thrust into warzones, but research tends to dwindle after the guns have died down and the war has ended.⁹⁹ Wessells is arriving at the fact that children are increasingly drawn into the chaos of war. They are seen as a ready tool that can be harnessed for selfish gain with little loss in resources. He discusses the attributes of the child that work against them. Notably, the proliferation of light weaponry, the physical vulnerability and psychology of the child coupled with their ingrained desire to constantly please adults tend to cumulatively conspire and act against their welfare.

This research agrees with Wessells' presuppositions that international law is struggling to comprehensively deal with this problem that is graduating in severity with each passing war, particularly in developing countries. This research further concurs with what Wessells alludes to, that the growing numbers of children in war are inextricably linked to ethnic violence, poverty, political instability and child labour of a place.¹⁰⁰ Whereas the spirit of reintegration measures and programs cannot be faulted, the reality is that much more needs to be done, and in particular, where policies and laws are concerned. Wessells admits that society plays a vital role in the success of any program or attempts to reintegrate child soldiers.¹⁰¹ Government and social service efforts to institute such programs are undermined by the promise for a better life back in the arms of their recruiters, since society has all but shunned them. Therefore, the child is re-recruited back into their initial fighting clusters, and they end up committing more crimes,

⁹⁸ Michael G. Wessells. *Child soldiers: From violence to protection*. Princeton: Harvard University Press, 2006.

⁹⁹ Ibid, 14

¹⁰⁰ Ibid, 31

¹⁰¹ Ibid, 209

causing harm on people and property, and in the process exposing themselves to drugs, sexually transmitted diseases, and the possibility of early death.

Wessells' works are relevant to this study because he conducted more than 400 interviews from victims and bodies working with reintegrating such children from South America, Europe, Asia, and Africa.¹⁰² He vividly explains the different pathways into and out of being a young combatant, from the points of recruitment to latter reintegration efforts into societies. Wessells addresses the plight of disabled and girl soldiers, the psychological and health ramifications, the intricacy of agency and coercion in the adaptation to life as soldiers for the children, sexual exploitation and gender-based violence.¹⁰³ Wessells discusses demobilising, disarmament, rehabilitation and reintegration programs, and connecting the successes of these efforts to peacebuilding and social development, as well as providing a myriad of case studies on the appropriate approaches for such programs.

On the contrary, Wessells fails to address how society can be sensitised into accepting children back into their fold. Wessells' timely contribution exposes the contention that child soldiers are all but beyond repair, they have no place in society and cannot succeed or become normal.¹⁰⁴ However, it only covers regional and global strategies to prevent their recruitment and highlights the structural factors that perpetuate their recruitment.¹⁰⁵ To reinforce these contributions, this study looks to use Uganda as an example and detail how society can be included in the entire process and showed how they can assist in ensuring that the children are fully reintegrated.

¹⁰² Ibid, x

¹⁰³ Ibid, 85

¹⁰⁴ Ibid, 127

¹⁰⁵ Ibid, 233

Review of literature on reintegration gives an overview of factors that lead to conscription of children in armed groups, the impact of extreme violence on child soldiers, how reintegration can be conducted, challenges faced in reintegration, measures to be implemented in successful reintegration, the role of society in reintegration, and the legal measures in place that support reintegration. However, the gap that exists in the literature is whereby authors are not only pessimistic about the success of reintegration but crucial aspects have been dealt with superficially. Therefore, this research study has undertaken to fill the gap.

1.10 Limitations of the Study

In spite of the growing international attention devoted to the issue of child soldiers, this research focuses on Uganda where conflict has completely subsided. Therefore, research findings are inapplicable to the context of on-going conflicts and re-recruitment of reintegrated children.¹⁰⁶ Further, even though this research takes cognisance of the need to explore the psychological diagnoses of children affected by war and examination of the socio-political context to better appreciate the varying individual experiences of child soldiers, it does not pursue this route because a thorough understanding of the cultural context is needed. This is exacerbated by the difficulty of accessing different populations.¹⁰⁷ To this end, the literature used in this study concentrates on post-conflict cases and the findings are generalised to the full spectrum of former child soldiers.

¹⁰⁶ Theresa Stichick Betancourt, Ivelina Ivanova Borisova, Timothy Philip Williams, Robert T. Brennan, Theodore H. Whitfield, Marie De La Soudiere, John Williamson, and Stephen E. Gilman. "Sierra Leone's former child soldiers: A follow- up study of psychosocial adjustment and community reintegration." *Child development* 81, no. 4 (2010): 1080.

¹⁰⁷ Verena Ertl, Anett Pfeiffer, Elisabeth Schauer, Thomas Elbert, and Frank Neuner. "Community-implemented trauma therapy for former child soldiers in Northern Uganda: a randomized controlled trial." *Jama* 306, no. 5 (2011): 508.

1.11 Chapter Breakdown

The introduction of this research is tackled in Chapter One. It discusses the background of the study, statement of the problem, research hypothesis, justification of the study, research objectives, research questions, theoretical framework, research methodology, literature review, and limitations of the study. This chapter outlines what is contained in the entire research study.

Chapter Two undertakes an analysis of the law on the reintegration of former child soldiers at the national, regional and international levels. The said laws include the United Nations Convention on the Rights of the Child (CRC) 1989, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2000, the International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999, the Rome Statute of the International Criminal Court 1998, the Convention on the Elimination of All Forms of Discrimination Against Women 1979, Geneva Conventions 1949 and Additional Protocols I and II 1977, the Paris Principles and Guidelines on Children Associated with Armed Forces and Armed Groups 2007, the United Nations Integrated Disarmament, Demobilisation and Reintegration Standards 2006, the African Charter on Human and People's Rights 1981, the African Charter on the Right and Welfare of the Child 1990, Cape Town Principles and Best Practices 1997, the Constitution of the Republic of Uganda 1995, the Children Act Cap 59 Laws of Uganda 1997, the Amnesty Act Cap 294 Laws of Uganda 2000, and Agreement on Accountability and Reconciliation 2007.

Chapter Three focuses on how the law has been applied by Uganda in the process of reintegrating former child soldiers. The chapter analyses the enforcement of the right to reintegration. There is a discussion on various phases of reintegration which include physical

reintegration, social reintegration, economic reintegration, and psychological reintegration. Further, the chapter focuses on institutions playing significant roles in ensuring effectiveness in the reintegration process. The institutions included are the national government, family, the community, NGOs, and international organizations. Finally, there is a critical analysis of the progress that Uganda has made in reintegration, whether the process has been successful and the major challenges faced in the process.

Chapter Four focuses on lessons from other jurisdictions on the reintegration of former child soldiers. This chapter demonstrates how other countries have dealt with reintegration. The research looks at countries such as Sierra Leone, Liberia and the Democratic Republic of Congo. There is a critical analysis of the mechanisms used in the reintegration of former child soldiers as well as how the countries have failed and succeeded in equal measures in the process.

Chapter Five addresses the conclusion, findings and recommendations. The conclusion provides a summary of key points in the research. The findings of the study give an account of what has been revealed by an analysis of the Ugandan legal framework governing the reintegration of former child soldiers. The points state the strengths of the main arguments and elaborate on the significance of the findings. Recommendations in the study define and articulate critical suggestions on how to fill gaps raised in the research. The focus of the suggestions is on how the Ugandan legal framework can ensure effectiveness in reintegration.

CHAPTER TWO

LEGAL GUARANTEE TO REINTEGRATION OF FORMER CHILD SOLDIERS

2. Introduction

This chapter focuses on the international, regional and national legal instruments that guarantee the reintegration of former child soldiers in Uganda. On the one hand, the drafting of the regional and national legal instruments was informed by the international legal instruments. On the other hand, the regional and international instruments have been ratified by Uganda. Under the Judicature Act,¹⁰⁸ for international law to be applicable in Uganda, the treaties must be ratified according to Ratification of Treaties Act,¹⁰⁹ and then domesticated through an act of parliament. However, the Constitution of Uganda is the supreme law of the land that binds all persons and authorities in Uganda. In cases of any inconsistencies with the Constitution,¹¹⁰ the Constitution is given precedence and the custom or law declared null and void in respect to the inconsistency. These instruments defined who a child is for purposes of prohibiting their use in armed conflict and address the right of former child soldiers to reintegration. The obligation of states towards child soldiers extends to their reintegration.¹¹¹ The said obligation is guided by the four principles on the rights of the child which include the right to life, survival and development,¹¹² the principle of non-discrimination,¹¹³ the principle of the child's participation,¹¹⁴ and the

¹⁰⁸ Judicature Act, Cap 13 Laws of Uganda 1996, s 14 (2)

¹⁰⁹ Ratification of Treaties Act, Cap 204 Laws of Uganda 1998, s 2 (b)

¹¹⁰ Constitution of the Republic of Uganda 1995, art 2 (2)

¹¹¹ Mary-Jane Fox. "Child soldiers and international law: Patchwork gains and conceptual debates." *Human Rights Review* 7, no. 1 (2005): 37

¹¹² CRC 1989, art 6

¹¹³ *Ibid*, art 2

¹¹⁴ *Ibid*, art 12

principle of the child's best interest.¹¹⁵ However, these legal instruments have gaps that should be addressed for effectiveness in their implementation.

2.1 International Legal Instruments

Contemporary international law that applies to child soldiers is international criminal law, international humanitarian law and international human rights law.¹¹⁶ These international legal instruments aim to protect child rights on a global scale. However, the guarantee of protecting these rights emanates from the ratification and implementation of the instruments by Uganda.¹¹⁷

2.1.1 United Nations Convention on the Rights of the Child (CRC) 1989

The CRC is the most ratified instrument in history having been ratified by participating nations at record-breaking rates.¹¹⁸ The conscription of children in armed conflict was addressed by the CRC where States Parties are required to respect and safeguard international humanitarian law rules applicable to child soldiers. The applicable law is required to include treaties ratified by States Parties and relevant customary international law rules.

Drafting of the CRC aimed at filling the legal gap at the international level that lacked comprehensive laws solely for protecting the rights of children.¹¹⁹ Despite the CRC's global acceptance, several imperfections have made it difficult for the rights of children in armed conflicts to be protected. For instance, there was a failure in addressing the involvement of children in armed conflict.

¹¹⁵ Ibid, art 3

¹¹⁶ Mark A. Drumbl. *Reimagining child soldiers in international law and policy*. Oxford University Press, 2012: 23

¹¹⁷ Iona Topa. "Prohibition of Child Soldiering-International Legislation and Prosecution of Perpetrators." *Hanse L. Rev.* 3 (2007): 105.

¹¹⁸ Thoko Kaime. "The foundations of rights in the African Charter on the Rights and Welfare of the Child: A historical and philosophical account." *African Journal of Legal Studies* 3, no. 1 (2009): 125.

¹¹⁹ Ibid, 124

Under Article 38, the term 'person' has been used instead of the term 'child'. This means that 15 years have been defined as the minimum age for the recruitment of child soldiers. This contravenes the definition of a child under the CRC as any person who is aged below 18 years. Also, in the definition of a child soldier under Article 38, there was a repetition of key elements in the Additional Protocol I and a failure to address its weak points and ambiguities.

Under Article 38, it has been reiterated that there is a need for ensuring rules applicable to the involvement of children in armed conflicts are respected.¹²⁰ However, the phrase 'feasible measures' has been used which limits the responsibility of states in preventing the recruitment of children into military forces. An additional loophole in the provision is that the article has only mentioned children who directly participate in hostilities.

The right to reintegration is crucial that child soldiers are entitled to and which needs to be protected. This right is provided for under Article 39 of the CRC that appropriate measures are taken by States Parties to promote recovery and reintegration of child victims in an environment that promotes their dignity, self-respect and health. The Article is the centre of focus in this research study.¹²¹

There are two parts to the Article stated above where the first part is about the recovery and reintegration of child soldiers while the second part relates to the environment of achieving recovery and reintegration of child soldiers. This second part prescribes the quality of actions to be put in place in reintegration.¹²² On the contrary, no clear guideline has been given on the special protection needed to fulfil legal obligations towards children in armed conflicts.¹²³

¹²⁰ CRC 1989, art 38 (1)

¹²¹ Ibid, art 39

¹²² Ibid

¹²³ Lisa Hughes. "Can international law protect child soldiers?" *Peace Review* 12, no. 3 (2000): 402.

The inclusion of recovery and reintegration in the CRC under Article 39 is of great significance to former child soldiers. However, this is far from reality. A good number of states cannot provide proper reintegration and this is equated to lack of resources.¹²⁴ In this case, the question that needs to be answered is how the international community intended to make recovery and reintegration a reality considering the numerous obstacles that the states face.

The CRC does not have enforcement mechanisms which make it dependent on domestic laws for enforceability.¹²⁵ However, periodic reporting systems are the implementation mechanisms used by the CRC. States Parties are required to report to the Committee on the Rights of the Child which monitors implementation. Since the Committee can make constructive criticism and suggestions to States Parties, compliance cannot be forced and there is no punishment for non-compliance.

2.1.2 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Optional Protocol II) 2000

There was a need for strengthening the CRC on the conscription of children in armed conflicts. The United Nations General Assembly then undertook the preparation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. In creating the Optional Protocol II (OP II), the main concern was child soldiers.¹²⁶ It focussed on correcting the failure of the CRC to come up with provisions that specifically address child soldiers. The OP II further aimed at meeting numerous demands from non-governmental

¹²⁴ Luz E. Nagle. "Child Soldiers and the Duty of Nations to Protect Children from Participation in Armed Conflict." *Cardozo J. Int'l & Comp. L.* 19 (2011): 1.

¹²⁵ Kathy Vandergrift. "Challenges in implementing and enforcing children's rights." *Cornell Int'l LJ* 37 (2004): 547.

¹²⁶ Tiny Vandewiele. *Optional Protocol: the involvement of children in armed conflicts*. Vol. 46. Martinus Nijhoff Publishers, 2006: 13

organizations (NGOs) such as Coalition to Stop the Use of Child Soldiers, Human Rights Watch and Amnesty International.

OP II extends legal protection to children in non-state military forces.¹²⁷ It succeeded in acknowledging the complex issue of child soldiers. Therefore, a separate legal instrument needed to be designed to tackle the problem. The Optional Protocol successfully amended and enhanced the definition of a child soldier through raising the age limit to 18 years for them to directly participate in conflicts.

However, there was a contradiction between OP II and International Humanitarian Law (IHL) in defining a child soldier. Voluntary recruitment was not prohibited explicitly. OP II under Articles 2 and 3 has a double effect of allowing voluntary recruitment while raising the minimum age of compulsory recruitment to 18 years. The Committee on the Rights of the Child made concluding observations that demonstrated that a lower baseline in voluntary recruitment prevents the establishment of uniform legal standards in the protection of children.¹²⁸

The treaty contains flaws whereby the drafting Article 4 suggests mere moral obligations that states are expected to comply with.¹²⁹ This omits legal obligations aimed at deterring the use of children in armed conflicts. However, the Optional Protocol portrays a positive step towards reducing and ending it.

¹²⁷ OP II 2000, art 4 (1)

¹²⁸ Committee on the Rights of the Child ‘Concluding Observations: The United States of America’ (15 June 2008) CRC/C/OPAC/USA/CO/1, Part I; ‘Concluding Observations: Canada’ (9 June 2006) CRC/C/OPAC/CAN/CO/1, paras 8–9; ‘Concluding Observations: The United Kingdom and Northern Ireland’ (7 March 2012) CRC/C/OPAC/COD/CO/1

¹²⁹ OP II 2000, art 4 (2) (b)

2.1.3 International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999

Article 1 provides that States Parties shall ensure effective and immediate prohibition and elimination of the worst forms of child labour.¹³⁰ Article 3 defines this form of child labour to include slavery or similar practices, sale, trafficking, debt bondage, serfdom, and forced labour which includes recruitment into armed conflicts.¹³¹

The strategy of the Convention is to prevent the recruitment of children into armed hostilities and ensure the sustainable reintegration of former child soldiers back in society. Putting the strategy into action would entail providing sustainable work opportunities for those who legally attain the working age. This Convention complements other legal instruments that prohibit the recruitment of children into armed hostilities as well as support the reintegration of former child soldiers back in society.

2.1.4 Rome Statute of the International Criminal Court 1998

The International Criminal Court (ICC) was created by the Rome Statute and given the jurisdiction to investigate and try individuals who have been accused of crimes such as genocide,¹³² crimes against humanity,¹³³ war crimes,¹³⁴ and crimes of aggression.¹³⁵ Children have always been victims in armed conflicts whether they are directly targeted, coerced into

¹³⁰ ILO Convention 1999, art 1

¹³¹ Ibid, art 3 (a)

¹³² Rome Statute 1998, art 6

¹³³ Ibid, art 7

¹³⁴ Ibid, art 8

¹³⁵ Ibid, art 8 *bis*

being combatants or harmed because of attacks on their parents. The Court has come up with a new mechanism to implement standards for child protection.¹³⁶

The Rome Statute marked a significant development in prohibiting the regime of using children in armed conflicts. The ICC was given the mandate to try and charge perpetrators who conscript or enlist children aged below 15 years into national military forces or use them to actively take part in hostilities.¹³⁷ States are not held criminally responsible but individuals. Introducing the term 'active participation' of children in hostilities acknowledged individual responsibility recruiting and using children in armed conflict as well as involving them in sabotaging, spying, and scouting among others.¹³⁸

The three ways through which the Rome Statute protects children include the protection of children as victims, as perpetrators and as witnesses.¹³⁹ The Rome Statute goes further to criminalise sexual slavery, rape, enforced sterilization, enforced prostitution, and forced pregnancy among other sexual violence forms as crimes against humanity and war crimes.¹⁴⁰

The ICC convicted Thomas Lubanga Dyilo for conscripting children below the age of 15 years into 'Force Patriotique pour la Liberation du Congo' (FPLC) intending to use them as soldiers. The judgment clearly defines how children can be systematically used as war instruments. The judgment illustrates how prohibitive regimes regarding child soldiers may be enforced by international legal frameworks. The judgment highlighted that the accused significantly contributed to the plan that led to the commission of the crime. As a result, the accused's

¹³⁶ Marc Weller. "Undoing the global constitution: UN Security Council action on the International Criminal Court." *International Affairs* 78, no. 4 (2002): 695

¹³⁷ Rome Statute 1998, art 8 (2)(b)(xxiv)

¹³⁸ David M. Rosen, "Child soldiers, international humanitarian law, and the globalization of childhood." *American anthropologist* 109, no. 2 (2007): 296, 305.

¹³⁹ Rome Statute 1998, art 7 (1) (g)

¹⁴⁰ *Ibid*, art 26

personal responsibility to use, enlists, or conscript children below the age of 15 years to actively participate in hostilities was proved by the sentencing judge.¹⁴¹

To show the intention of conscripting children in the Democratic Republic of Congo (DRC) conflict, attention was drawn by the court to a large training facilities network in the DRC and Uganda. Children were punished during training and Lubanga knew about the suffering. The judgment stated that recruiting children was a military strategy aimed at building an army for military and political control in Ituri. Additionally, it was demonstrated that using children in hostilities was a minute fraction of the possible role and use of children in armed forces.¹⁴²

Under the Rome Statute, the ICC cannot try individuals who were below the age of 18 years when they committed the alleged crime.¹⁴³ In such cases, the focus is directed towards protecting the best interest of the child. Also, imprisonment, detention or arrest of children shall be applied as the last resort.¹⁴⁴ The Prosecutor is required under the Rome Statute to be sensitive to child interests when conducting investigations as well as prosecutions and this includes making arrangements for children to testify privately when they are taken in as witnesses.¹⁴⁵

The Rome Statute establishes the Victims and Witnesses Unit to counsel protect and support children in other ways.¹⁴⁶ A Victims Representation and Reparations Unit has also been established to provide counselling experts and facilities, and for the establishment of principles to compensate victims.¹⁴⁷ A Victim's Trust Fund has been created under the Rome Statute to

¹⁴¹ *Prosecutor v Thomas Lubanga Dyilo* (Decision on Sentence) ICC-01/04-01/06, Trial Chamber I (10 July 2012)

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¹⁴² *Ibid*

¹⁴³ Rome Statute 1998, art 56

¹⁴⁴ *Ibid*, art 43

¹⁴⁵ *Ibid*, art 43 (8)

¹⁴⁶ *Ibid*, art 43 (6)

¹⁴⁷ *Ibid*, art 79

benefit crime victims and their families within the court jurisdiction.¹⁴⁸ To protect child survivors from being traumatised again, child witnesses are carefully protected by the Court. It ensures the safety of children and their families before, during and after trial.

Global criminalisation of the practice aimed at achieving a deterrence goal on individuals intending to recruit children with the ultimate focus on the prevention and prohibition of using child soldiers. A regulatory framework has been presented by IHL to prevent the recruitment and use of children. However, a void exists on the rules applicable to the conduct of child soldiers. Adult perpetrators are held accountable for their actions. However, the law is silent on the accountability of child soldiers. This entails crimes committed by child participants during armed conflict.¹⁴⁹ Children are viewed as victims and this perception has been adopted by International Criminal Law.

On accountability questions, a distinction lacks between children with different degrees of participation and different ages of recruitment.¹⁵⁰ The ICC needs to adopt a legal standard with jurisdiction over children to curb the act of recruiting children within the 'responsibility free' bracket. Failure to address the issue of criminal liability and responsibility creates a problem in the harmonisation of international and national legal practices where the child accountability limit is instituted by each state.

¹⁴⁸ Ibid, art 36 (8) (b)

¹⁴⁹ Max Du Plessis. "Children under international criminal law." *African Security Studies* 13, no. 2 (2004): 103, 107.

¹⁵⁰ Diane Marie Mann. "Calling Children to Account: The Proposal for a Juvenile Chamber in the Special Court for Sierra Leone." *Pepp. L. Rev.* 29 (2001): 167.

2.1.5 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

This instrument has a basis on international human rights to address the rights of women and girls.¹⁵¹ The instrument applies to this research study particularly in the reintegration of female children who are discriminated against and stigmatised the most. However, this study focuses on the reintegration of children of both genders.

Article 1 of the CEDAW clarifies that all forms of discrimination are prohibited regardless of where it happens and whether a private organisation, a private individual or a state actor does it. Direct as well as indirect discrimination are prohibited. The provision makes it clear that equal opportunities and results are needed as formal equality pledges are not sufficient.¹⁵² This Article projects the perspective of the instrument in protecting the rights of former female child soldiers against discrimination during the process of reintegration.

2.1.6 Geneva Conventions 1949 and Additional Protocols I and II 1977

Under the Geneva Conventions, Article 3 provides for the protection of non-combatants, the sick and the wounded. However, it fails to protect children in armed conflict.¹⁵³ A global rise in conflicts has brought the issue of child soldiers to the forefront. In endowing the Conventions with specific provisions and strategies for enforcement aimed at addressing child soldiers, there was the inclusion of specific articles in the Additional Protocols during their adoption in 1977. Protocol 1, Article 77 (2) states that parties in conflicts should put the necessary measures in

¹⁵¹ Mbengue Eleke and Irene Desiree. "Effective reintegration of female child soldiers: Reality or rhetoric? Case Study of Northern Uganda." PhD diss., University of Pretoria, 2006: 2

¹⁵² Fareda Banda. "Women, law and human rights in Southern Africa." *Journal of Southern African Studies* 32, no. 1 (2006): 18.

¹⁵³ Joseph N. Madubuike-Ekwe, "The international legal standards adopted to stop the participation of children in armed conflicts." *Ann. Surv. Int'l & Comp. L.* 11 (2005): 29, 36.

place to ensure that children below 15 years do not directly participate in hostilities or recruited into armed forces. Further, priority shall be given to older children in cases where children between 15 and 18 years of age are recruited.¹⁵⁴

Protocol II under Article 4 (3) that refers to non-international conflicts reflects concepts and ideas that have been outlined in the first Protocol. It prohibits the recruitment and use of children below the age of 15 years in armed hostilities.¹⁵⁵ In drafting Protocol II, it was noted that a child under international law had not been defined. When the Protocol was being drafted, lengthy discussions were conducted in determining the age limit for recruiting children. The proposed age of 15 years was finally adopted after looking at realistic considerations.

In adopting the Additional Protocols, international discussions on child soldiers were ignited.¹⁵⁶ However, using children in armed conflicts was not prohibited completely. Three limitations in this regard have been pointed out in Article 77 (2) of the First Protocol.¹⁵⁷ First, a distinction has been made between 15 and 18-year-old children. This means that children between 15 and 18 years cannot be explicitly protected under the Protocol.

Second, the only direct participation of children in hostilities has been prohibited. This limits the mode of recruitment provided for by the instrument.¹⁵⁸ Children who are recruited into military forces and do not directly take part in hostilities but end up performing other functions such as carriers, minesweepers, spies, guards, cooks, and sex slaves among others are not given any

¹⁵⁴ Protocol I of the Geneva Conventions, art 77 (2)

¹⁵⁵ Protocol II of the Geneva Conventions, art 4 (3(c))

¹⁵⁶ Steven Freeland, "Mere Children or Weapons or War-Child Soldiers and International Law." *U. La Verne L. Rev.* 29 (2008): 19, 31.

¹⁵⁷ Mary-Jane Fox, "Child soldiers and international law: Patchwork gains and conceptual debates." *Human Rights Review* 7, no. 1 (2005): 37, 34.

¹⁵⁸ David J. Francis, "Paper protection mechanisms: child soldiers and the international protection of children in Africa's conflict zones." *The Journal of Modern African Studies* 45, no. 2 (2007): 207

special protection under the instrument.¹⁵⁹ Third, instead of using ‘all necessary measures’, the term ‘all feasible measures’ has been used. This affects the pressure exerted on states in undertaking unconditional obligations or preventive measures.

Codification of child soldiers in the Protocols aimed at ending their use in armed conflict. However, child soldiers were defined in a narrow sense that failed to address the issue of age limit in children who are protected and completely banning the recruitment and use of children in armed conflicts.

2.1.7 Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles) 2007

An increase in the number of child soldiers prompted the international community to take action in strengthening the commitment to address the issue of child soldiers. As a result, in 2007, there was the adoption of the Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.¹⁶⁰ Paris Principles provide that lasting solutions would require States to come up with comprehensive plans. This would include ratifying and implementing international treaties and adopting and enforcing national laws that criminalise unlawful recruitment or the use of children in armed hostilities.

¹⁵⁹ Ibid, 218

¹⁶⁰ UNESCO. *The Hidden Crisis: Armed Conflict and Education; [Education for All (Efa) Global Monitoring Report 2011]*. UNESCO Publishing, 2011: 2

2.1.8 United Nations Integrated Disarmament, Demobilisation and Reintegration

Standards (IDDRS) 2006

The adoption of IDDRS happened in 2006 where they provide procedures and guidelines on ways of undertaking DDR for persons who participated in armed hostilities which include children.¹⁶¹ It provides that children in armed groups should be released unconditionally and immediately and this action should be prioritised regardless of peace negotiations status and the existence of a DDR programme at the national level.

In the initial stages of the DDR process, children associated with armed groups are identified.¹⁶² The children are then taken to interim care centers for purposes of receiving further attention. It is a requirement that these centers should be isolated from demobilisation sites. Reuniting children with their families is then undertaken at demobilization sites and processing of children done in communities and not institutions.¹⁶³ Besides tracing their families, there is a focus on education when it comes to reinsertion packages. According to IDDRS, reintegration processes that are child-specific allow children to access education, life skills, livelihood and meaningful roles in society.¹⁶⁴

2.2 Regional Legal Instruments

The regional organisation for Africa is the African Union (AU). The prevalence of children in Africa who are involved in armed conflict is high. As a result, the AU has made efforts of

¹⁶¹ Stephanie Hanson. "Disarmament, demobilization, and reintegration (DDR) in Africa." *Backgrounder* (2007): 19

¹⁶² Ross McGarry. "Accept it and forget it: Demobilization, reintegration and the military homecomer." In *Post conflict reconstruction*, vol. 165, no. 180, pp. 165-180. Cambridge Scholars Publishing in association with GSE Research, 2010: 172

¹⁶³ Ibid

¹⁶⁴ Ibid

addressing the issue through numerous institutions and treaties.¹⁶⁵ The African Charter on the Rights and Welfare of the Child is a profound treaty for protecting child soldiers. Other relevant provisions include the African Charter on Human and People's Rights and the Cape Town Principles and Best Practices. The conscription of children in armed groups is an international problem.¹⁶⁶ However, from an African perspective, the problem is inherently local. Therefore, the AU is in a better position to deal with the problem. Effectiveness would require the AU to hold States Parties accountable to the obligation of protecting vulnerable children.

2.2.1 African Charter on Human and People's Rights (ACHPR) 1981

The protection of child soldiers is not expressly provided for by this instrument. However, by implication, certain rights should be protected in reintegrating child ex-combatants back in society. For example, children have a right to health¹⁶⁷ and education¹⁶⁸ under the ACHPR which are vital during reintegration.

The ACHPR provides for the obligation of states in protecting the rights of children.¹⁶⁹ Child soldiers return from the bush with injuries and diseases. Therefore, it is the state's responsibility to ensure that necessary measures are taken for the children to receive medical attention during their return. However, a proper dispensation of the duty would require proper infrastructure and resources. The right to education has been provided for by the ACHPR.¹⁷⁰ Child soldiers are deprived of this right during captivity. However, some of the returning child soldiers still have

¹⁶⁵ Anne-Lynn Dudenhofer. "Understanding the recruitment of child soldiers in Africa." *Conflict trends* 2016, no. 2 (2016): 51

¹⁶⁶ Ibid

¹⁶⁷ ACHPR 1981, art 16

¹⁶⁸ Ibid, art 17

¹⁶⁹ Ibid, art 18

¹⁷⁰ Ibid, art 17

the capability of going back to school. Therefore, this right has to be realised during reintegration.

2.2.2 African Charter on the Rights and Welfare of the Child (ACRWC) 1990

The ACRWC is the regional legal instrument that protects the rights of children including child soldiers where it sets 18 years as the minimum age for conscripting children in armed conflict. In defining a child, relevance is limited to environmental, traditional and socio-cultural construction in Africa. Childhood is considered a historical and social construction that should be protected whereby children in African societies are considered as a symbol of wealth.¹⁷¹

The ACRWC is built on the principles of the CRC where issues are addressed within the African context. Under the ACRWC,¹⁷² States Parties are encouraged to ensure that law rules on children in armed conflicts are respected. Also, necessary measures need to be taken to ensure that children do not directly participate in hostilities. Furthermore, according to obligations of States Parties under international humanitarian law, the provision requires that children and the civilian population affected by armed conflicts are cared for and protected. The rules are also applicable to children affected by internal strife, tension and conflicts.¹⁷³

The ACRWC is a provision where a lot more has been captured compared to the CRC. The provision considers a child to be any person below eighteen years¹⁷⁴ which includes those taking part in armed conflicts. Additionally, unlike OP II, the ACRWC applies to internal strife, tension

¹⁷¹ David J. Francis. "Paper protection mechanisms: child soldiers and the international protection of children in Africa's conflict zones." *The Journal of Modern African Studies* 45, no. 2 (2007): 227

¹⁷² ACRWC 1990, art 22

¹⁷³ Ibid

¹⁷⁴ Ibid, art 2

and skirmishes. This demonstrates that there is the protection of child rights despite the nature of conflict involving children.

Stronger language such as ‘necessary measures’ is used in the ACRWC to ensure state parties protect children. This is contrary to the language in the CRC such as ‘feasible measures’.¹⁷⁵ Further, the implementation mechanisms in the ACRWC are similar to the CRC where similar reporting systems are used and non-party states, organizations, individuals and non-governmental organizations are allowed to present their complaints. There is no provision for the protection of children against sexual exploitation under the ACRWC.¹⁷⁶ In reintegrating child soldiers back in society, their rights under the ACRWC must be protected. During reintegration, it is important to reunite children with their communities and families. The ACRWC emphasises on the significance of the family in the child's life.¹⁷⁷

Despite the good intentions of the ACRWC, it has shortcomings as well. Africa is the only place with a regional instrument on child rights. However, its record in protecting the rights of children during conflict is the worst. Furthermore, despite the AU being supported by the UN, the issue has only been engaged in an ad hoc way. Under the ACRWC, there is no chance of releasing children where they have been imprisoned for life.¹⁷⁸ The instrument does not provide for alternative ways of undertaking criminal proceedings. The right to remain silent has not been explicitly mentioned as well as the right to compensation in the miscarriage of justice, protection from retroactive legislation and remaining silent. Additionally, states bound by the ACRWC are only the ones that have ratified the instrument.

¹⁷⁵ Yitages Alamaw Muluneh. "Ratification of the Optional Protocol on the Involvement of Children in Armed Conflict (2000) by Ethiopia: What Is the Added-Value." *Jimma UJL* 6 (2014): 75

¹⁷⁶ ACRWC 1990, art 27

¹⁷⁷ *Ibid*, art 18 (1)

¹⁷⁸ *Ibid*, art 17

2.2.3 Cape Town Principles and Best Practices 1997

Understanding the definition of a child soldier informs the applicable legal instruments. It is for this reason that the Cape Town Principles and Best Practices define child soldiers as persons under the age of 18 years who are part of armed groups in different capacities other than as members of the families. This includes girls in forced marriages and sexual purposes. Therefore, it does not only refer to children who are carrying or have carried arms.¹⁷⁹

Cape Town Principles and Best Practices support the reintegration of former child soldiers into the family as well as community life.¹⁸⁰ Unification of families with their children is a principal aspect of successful social reintegration. This starts with the establishment of an emotional link with their families and institutionalization should only come in as a last resort.¹⁸¹ Further recommendations are made on how to develop reintegration programmes that include community traditions, values and priorities.¹⁸² The programmes ensure that all the children affected by war benefit, education activities promote self-esteem development, the existence of relevant vocational training as well as employment opportunities, recreational activities to support psychosocial wellbeing,¹⁸³ inclusion of child participation in the development of the programme, follow-up programmes to be put in place through the use of community resources, undertaking reintegration for national reconciliation, and frequent monitoring and evaluating the programme.

¹⁷⁹ UNICEF, B. "Cape Town principles and best practices." *Cape Town, South Africa. Geraadpleegd op 7 (1997): 12*

¹⁸⁰ Ibid, 8

¹⁸¹ Ibid

¹⁸² Ibid, 9

¹⁸³ Ibid, 10

Ten years later, child protection actors and agencies agreed to meet for purposes of reviewing the Cape Town Principles and Best Practices.¹⁸⁴ There was meaningful progress over time. However, it was established that there were knowledge gaps. For example, it was not clear whether the provision of psychosocial services was best done directly within the community or centers for rehabilitation. Reconciliation in the community was overlooked, there was a lack of sufficient knowledge on effective programmes for livelihood, programmes in place for the reintegration of girls were not sufficient, there were no long-term studies on follow-up, and there were non-existent policies on funding structures.¹⁸⁵

2.3 National Legal Instruments

National laws are vital in reintegration and states have treaty obligations that they are required to comply with. States are required to ensure that the laws in place comply with international law. As a result, states are not allowed to use their national laws as a basis for non-compliance with international obligations.¹⁸⁶

2.3.1 Constitution of the Republic of Uganda 1995

Children rights are safeguarded by the Ugandan Constitution¹⁸⁷ which equally applies to former child soldiers of both genders. The Constitution provides for the right not to be discriminated against,¹⁸⁸ protection from torture or degrading treatment¹⁸⁹ and protection from forced labour or

¹⁸⁴ Save the Children, *Cape Town Plus Ten: Child Soldiers: What have we learned? What do we still need to know?* available at https://resourcecentre.savethechildren.net/node/13895/pdf/15.-pfmh_2006_cape_town_plus_ten_conference_report.pdf [accessed 15 November 2019]

¹⁸⁵ Ibid

¹⁸⁶ Solange Rosa. "The Interpretative Use of the Convention on the Rights of the Child in Judicial Decisions Affecting Children's Socio-economic Rights in South Africa." In *Unpublished paper delivered at the 4th World Congress on Family Law and Children's Rights in Cape Town March*. 2005.

¹⁸⁷ Constitution of the Republic of Uganda 1995, art 34

¹⁸⁸ Ibid, art 21

¹⁸⁹ Ibid, art 24

slavery.¹⁹⁰ Equality is promoted whereby former child soldiers of both genders have a right to reintegration.¹⁹¹ Article 33 (4) of the Constitution particularly states that both men and women shall be treated equally which are in respect to equality in social, economic and political opportunities.

2.3.2 Children Act, Cap 59 Laws of Uganda 1997

The enactment of this legal provision aimed at dealing with issues that affect children. The basic children's rights are provided for in the Act with a basis on the CRC. Children's rights under the ACRWC and the CRC are applied in Uganda through the Children Act. The Act¹⁹² prohibits employing or engaging children in activities that are harmful to their development. During the process of reintegration, it is important to ensure that there is compliance with laws that protect the rights of children. Therefore, the best interest of the child is paramount in protecting the rights. This is the threshold through which the rights of children are realised.

2.3.3 Amnesty Act, Cap 294 Laws of Uganda 2000

This provision is among the most crucial legislations in reintegrating former child soldiers. In 2000, it was enacted to allow peace to prevail in Uganda.¹⁹³ The Act offered pardon to individuals who had actively participated in hostilities since 26th January 1986.¹⁹⁴ There are three main functions played by the Amnesty Act and they include the provision of amnesty to rebels who give up arms and renounce rebellion,¹⁹⁵ facilitation of the process of repatriation and

¹⁹⁰ Ibid, art 25

¹⁹¹ Ibid, art 33

¹⁹² Children Act of Uganda 1997, s 8

¹⁹³ Kasaija Phillip Apuuli. "Amnesty and international law: the case of the Lord's resistance army insurgents in Northern Uganda." *African Journal on Conflict Resolution* 5, no. 2 (2005): 33

¹⁹⁴ Amnesty Act of Uganda 2000, s 2 (1)

¹⁹⁵ Ibid, s 3

resettlement which involves institutions,¹⁹⁶ the provision of support during reintegration such as training of ex-combatants to acquire helpful skills for earning a living,¹⁹⁷ and the promotion of reconciliation.¹⁹⁸ The amnesty initiative was put in place by the traditional and cultural leaders in Northern Uganda.¹⁹⁹ The government considered the amnesty initiative as the last resort because military avenues could not stop the conflict. Therefore, brutality and frustrations led the government into offering amnesty to individuals who actively took part in the hostilities.

Restorative justice was emphasised in the Act with no punitive or retributive justice. The Act majorly aimed at restoring peace and ending the conflict. Several debates have come up as a result of the amnesty to human rights perpetrators whereby it is argued that impunity is encouraged.²⁰⁰ International jurisprudence on human rights opposes blanket amnesties on grounds that they undermine international law and effectiveness of the same. This is why the ICC is not barred by the amnesties in exercising its jurisdiction over individuals with amnesty.

In 2006, the Amnesty Act was amended because of concerns that perpetrators in the conflicts would go unpunished.²⁰¹ The amendment authorised the minister of Internal Affairs to forward to parliament the names of individuals who could not be pardoned by amnesty. Therefore, amnesty could not apply to everyone who took part in the conflict.²⁰² This came about as a result of inconsistencies between Uganda's duty to uphold international obligations and the amnesty

¹⁹⁶ Ibid, s 12 (c)

¹⁹⁷ Ibid, s 12 (d)

¹⁹⁸ Ibid, s 8 (c) and (d)

¹⁹⁹ Cecily Rose. "Looking beyond amnesty and traditional justice and reconciliation mechanisms in Northern Uganda: a proposal for truth-telling and reparations." *BC Third World LJ*28 (2008): 345.

²⁰⁰ Abigail H. Moy. "The International Criminal Court's arrest warrants and Uganda's Lord's Resistance Army: renewing the debate over amnesty and complementarity." *Harv. Hum Rts. J.*19 (2006): 267.

²⁰¹ Orlaith Minogue. "Peace vs. justice: the utility of amnesties." *Criminal Justice Ethics* 29, no. 3 (2010): 11

²⁰² *Thomas Kwoyelo alias Latoni v. Uganda* (Const. Pet. No. 036 of 2011) [2011] UGCC (22 September 2011) and *Gabula v Attorney General* (HCT-00-CV- CS- 0054) [2012] UGHCI CD 1 (6 March 2012)

initiative.²⁰³ Communities in Northern Uganda supported the Amnesty Act because peace mattered to them the most and mothers of abducted children needed their children back home. However, not everyone returned from the bush. It is estimated that 26,000 individuals returned but there has been a reintegration of only 6,000.

Children who actively took part in the hostilities are protected under the Amnesty Act. The procedure of pardoning the children required notification of Uganda People's Defence Force (UPDF) after which the children are issued with amnesty certificates.²⁰⁴ The Amnesty Act plays a significant role in reintegration. The Amnesty Commission was created by the Act and it recommends that every ex-combatant would need reintegration back to society. On 25th May 2012, there was a renewal of the Amnesty Act for another 12 months but there was no issuance of certificates.²⁰⁵ The Amnesty Commission focussed on reintegration²⁰⁶ that had been neglected. The removal of amnesty declarations had been anticipated. However, the Commission's focus on reintegration was also an important aspect, particularly concerning child soldiers.

2.3.4 Agreement on Accountability and Reconciliation 2007

This agreement was signed in 2007 in Juba, Sudan between the Ugandan government and the LRA which is significant in reintegration. The document prohibits the act of subjecting children to criminal proceedings. However, the children may take part in reconciliation processes.²⁰⁷ Returning child soldiers should not undergo criminal proceedings because they were abducted and forcefully participated in the hostilities. Therefore, holding them criminally liable for what

²⁰³ Ibid

²⁰⁴ Schomerus, Mareike, and Tim Allen. *Southern Sudan at odds with itself: Dynamics of conflict and predicaments of peace*. Development Studies Institute, London School of Economics and Political Science, 2010: 23

²⁰⁵ Kathleen Ellen MacMillan. "The Practicability of Amnesty as a Non-Prosecutory Alternative in Post-Conflict Uganda." *Cardozo Pub. L. Pol'y & Ethics J.* 6 (2007): 199.

²⁰⁶ Amnesty Act of Uganda 2000, s 6, 7 and 8

²⁰⁷ Agreement on Accountability and Reconciliation 2007, art 12

happened in captivity would amount to injustice. The agreement provides that in its implementation, a gender-sensitive approach is used particularly in implementing the agreement where any possible gender inequalities are prevented and eliminated.²⁰⁸ This is important because during reintegration, girls' special needs are overlooked.²⁰⁹

2.4 Conclusion

Uganda has put in place good laws to protect children. However, this is just on paper and not the case practically. Several strides have been made towards ending the recruitment of children but there is a need of doing a lot more to protect children's rights from abuses particularly about their recruitment into armed conflicts. Several conventions are in place to protect the rights. However, the reintegration of former child soldiers has only been provided for expressly in the CRC.²¹⁰ In the other legal instruments, reintegration has been provided for by implication.

Children in armed conflicts are perceived to be victims having been forced to commit the atrocities. It is, therefore, the duty of the state to stop the use of children in armed conflicts. Uganda, as well as the international community through various legislations, have the duty of protecting and reintegrating former children back in society. The best interest of the child should be the guiding principle in making decisions on reintegration.

The Amnesty Act is a clear illustration of the conflict of laws whereby it contravenes international laws that require holding perpetrators accountable. The amnesty initiative granted amnesty to individuals who denounced rebellion regardless of what they did. This position was

²⁰⁸ Ibid, art 10

²⁰⁹ Ibid, art 11

²¹⁰ CRC 1989, art 39

held until 2006 when there was an amendment of the Amnesty Act where the minister of Internal Affairs could come up with a list of individuals who could not be pardoned by amnesty.

CHAPTER THREE

ENFORCEMENT OF THE RIGHT TO REINTEGRATION

3. Introduction

The comprehensive analysis and discussion of the enforcement of the reintegration right consisting of reintegration phases, institutions playing significant roles in reintegration, the progress of Uganda in reintegration, and the major challenges faced in reintegration are dealt with in this chapter. Child soldiers go through various challenges socially, physically, emotionally, psychologically, and economically. In reintegrating them back into society, all these challenges must be addressed by various institutions that have been set up. Right after the rescue of abducted children, announcements are made by local radio stations and radio calls made to organizations that rehabilitate and reintegrate the children.²¹¹ Thereafter, reintegration takes place in a series of phases as discussed below. However, a myriad of challenges is encountered in the process which has greatly affected the success of the reintegration.

3.1 Reintegration Phases

3.1.1 Physical Reintegration

The first action in reintegration is to check the general health of returnees. When a problem is established, the necessary measures are created to solve the problem. Some of the child ex-combatants come back with serious gunshot wounds, a good number have severe malnourishment, others suffer from HIV/AIDS, and the rest is child mothers or pregnant girls.²¹²

These children are then taken to clinics within the organizations or external hospitals for medical

²¹¹ Grace Akello, Annemiek Richters, and Ria Reis. "Reintegration of former child soldiers in northern Uganda: Coming to terms with children's agency and accountability." *Intervention* 4, no. 3 (2006): 230.

²¹² Ibid

attention. The right to medical treatment is safeguarded by the Constitution of Uganda.²¹³ Those who are declared to be in good health are discharged and taken to rehabilitation centers. This is subsequently followed by reintegrating them with their families.²¹⁴ Physical reintegration entails the provision of medical assistance as well as a suitable environment for the children to recover.

3.1.2 Social Reintegration

In this reintegration phase, the environment created allows communities and families to accept child ex-combatants back.²¹⁵ As a result, children are less likely to face rejection when they return. However, there are instances of stigmatization and rejection within the community. Elements of mistrust and anger are widespread. Also, the communities are jealous because of the assistance that aid agencies give former child soldiers. There are two causes of frequent hostility within communities in the process of reintegration.²¹⁶ On the one hand, there is a struggle by community members in accepting former child soldiers as a result of the brutal violence meted against their people. On the other hand, there is fear that former child soldiers would continue using violence.

Since there are widespread stigmatization and rejection of former child soldiers, campaigns to sensitize the community are factors that successfully contribute to reintegration. This reduces suspicion and rebuilds trust between communities and ex-combatants.²¹⁷ Communities need to

²¹³ Constitution of Uganda 1995, art 34 (3)

²¹⁴ Grace Akello, Annemiek Richters, and Ria Reis. "Reintegration of former child soldiers in northern Uganda: Coming to terms with children's agency and accountability." *Intervention* 4, no. 3 (2006): 231

²¹⁵ Grace Maina. "Human securitised reintegration of formerly abducted children in Northern Uganda." *African Security Studies* 18, no. 4 (2009): 115

²¹⁶ Sofie Vindevogel, Maarten De Schryver, Eric Broekaert, and Ilse Derluyn. "Challenges faced by former child soldiers in the aftermath of war in Uganda." *Journal of Adolescent Health* 52, no. 6 (2013): 758

²¹⁷ Theresa S. Betancourt, Robert T. Brennan, Julia Rubin-Smith, Garrett M. Fitzmaurice, and Stephen E. Gilman. "Sierra Leone's former child soldiers: a longitudinal study of risk, protective factors, and mental health." *Journal of the American Academy of Child & Adolescent Psychiatry* 49, no. 6 (2010): 610

comprehend that former child soldiers were manipulated into committing atrocities which they too suffered enormously.

3.1.3 Economic Reintegration

Assistance is given to former child soldiers for purposes of regaining access to employment and production means. Spending a good amount of time in service as child soldiers significantly lower the education levels of former child soldiers compared to their peers.²¹⁸ This leads to a lack of skills needed in becoming productive community members. Therefore, accessing education is considered an important aspect of reintegration. This fundamental right is recognised by the Constitution of Uganda.²¹⁹ Education allows former child soldiers to nurture the skills needed to undertake economic activities as well as function in positive social roles.²²⁰

To begin with, the Constitution of Uganda²²¹ prohibits children below 16 years of age from being employed or engaging in work that interferes with their education. Additionally, an attempt by former child soldiers to resume school regularly exposes them to numerous challenges. For instance, mental or physical health problems cause poor concentration. Furthermore, social isolation and peer rejection at school are experienced.²²² There might be an interruption in their education because of the inability to pay school fees. Girls have a high likelihood of getting married and pregnant and taking up work of caring for their siblings.

²¹⁸ Christopher Blattman and Jeannie Annan. "The consequences of child soldiering." *The review of economics and statistics* 92, no. 4 (2010): 894.

²¹⁹ Constitution of Uganda 1995, art 30 and 34 (2)

²²⁰ Michael G. Wessells. *Child soldiers: From violence to protection*. Harvard University Press, 2006: 27

²²¹ 1995, art 34 (4) and (5)

²²² Jeannie Annan, Christopher Blattman, and Roger Horton. "The state of youth and youth protection in Northern Uganda." *Uganda: UNICEF* 23 (2006): 6

In planning reintegration, detailed assessments must be conducted by authorities to establish the geographical location, quantity and quality of schools and training institutions, microcredit opportunities, potential employers, and business opportunities among others. National authorities are required to create a training environment, employment and apprenticeship schemes which include apprenticeship evaluations, certifications, official training schemes accreditation, certified education curriculum, wage subsidies, and tax incentives.²²³ Investing in facilities for the youth and children as well as education systems in areas affected by conflict is crucial. Additionally, the role of the private sector includes training former child soldiers and offering them employment.

3.1.4 Psychological Reintegration

There is a high prevalence of posttraumatic stress disorder (PTSD) and emotional distress because of the exposure of former child soldiers to extreme violence.²²⁴ Also, the child's moral development is negatively affected by exposure and participation in extreme violence. As a result, the common perception of ex-combatants is that they are dangerous individuals who have lost the ability to tell what is right from wrong.²²⁵ On the contrary, a good number of these children are extremely remorseful for what happened. Therefore, they need assistance to enable them to cope with experiences related to war.

Continued mental health issues and post-conflict trauma together with substance abuse have an impact on reintegration. This limit the commitment, self-esteem and productivity in recovery and self-help, and pose as a security threat. However, the focus of reintegration programmes should

²²³ Andy W. Knight. "Disarmament, demobilization, and reintegration and post-conflict peacebuilding in Africa: an overview." *African Security* 1, no. 1 (2008): 39

²²⁴ Sarah Uppard. "Child soldiers and children associated with the fighting forces." *Medicine, conflict and survival* 19, no. 2 (2003): 125

²²⁵ Michael Wessells. "Psychosocial issues in reintegrating child soldiers." *Cornell Int'l LJ* 37 (2004): 513

not view former child soldiers as victims but focus on their strengths.²²⁶ Girls should be allowed to make informed decisions about their marriage to perpetrators on the basis that forced marriages whether customary or formal is wrong.²²⁷ They should not be encouraged to stay in the relationships whether for social or economic reasons.

3.2 Institutions Playing Significant Roles in Reintegration

3.2.1 National Government

The government plays a crucial role in reintegration.²²⁸ It is the first call point on the return of the children. The willingness of the government determines the promotion, protection and fulfillment of rights. Also, the government is in a better position to legislate policies and laws on former child soldiers. For example, the Amnesty Act passed by the government guides the process of reintegration in Uganda.

The primary role of the government is to provide effective relief and protection to every child who has been affected by armed conflict. However, the process of reintegration is complex that merely passing appropriate legislation does not guarantee successful reintegration. The government's political will is required to back it up.²²⁹ Lack of political will can lead to the failure of programmes that have been put in place.

Universal primary education was introduced in Uganda and this has played a significant role in educating former child soldiers. The government is required to provide this basic education

²²⁶ Phuong N. Pham, Patrick Vinck, and Eric Stover. "Returning home: forced conscription, reintegration, and mental health status of former abductees of the Lord's Resistance Army in northern Uganda." *BMC Psychiatry* 9, no. 1 (2009): 23.

²²⁷ Ibid

²²⁸ Mbengue Eleke, and Irene Desiree. "Effective reintegration of female child soldiers: Reality or rhetoric? Case Study of Northern Uganda." PhD diss., University of Pretoria, 2006: 11

²²⁹ Ibid

under the Constitution of Uganda²³⁰ which former child soldiers have a right to. The School of War Affected Children has been set up by the government with the help of the Belgian government.²³¹

The government of Uganda plays its role in protecting the rights of former child soldiers through the National Council for Children.²³² The Council has a few objects whereby the needs and problems of the children are communicated to the government through the Council, it coordinates and provides directions on issues affecting children, it promotes the adoption as well as utilization of action programmes in planning and allocating resources,²³³ to support the creation of monitoring systems and development of action plans, to monitor goal achievement in the action programme, to maintain a database on children's situations, and to support the analysis of children's changing needs.²³⁴ Functions of the council have also been prescribed to help attain its objects through collaboration with the government.²³⁵

3.2.2 Family

Family plays a significant role in reintegration particularly during reunification with former child soldiers. Usually, the process begins with formal and informal tracing of the family followed by reunification programmes. In Uganda, both nuclear and extended families are recognised in reuniting children with their families. The Children Act,²³⁶ authorises extended families to step in where parental responsibility is passed to relatives of the child's parents who are deceased.

²³⁰ 1995, art 34 (2)

²³¹ Grace Maina. "An analytical evaluation of the reintegration process of formerly abducted children in northern Uganda and the role of the various actors." *Journal of Peace, Conflict and Development* 14, no. 14 (2009): 7

²³² National Council for Children Act 1996, s 3

²³³ Ibid

²³⁴ Ibid

²³⁵ Ibid, s 4

²³⁶ Constitution of Uganda 1995, art 6 (2)

Where children have parents, it is the child's best interest that they are nurtured by their parents. This is provided for by the Constitution²³⁷ and the Children Act.²³⁸ In the case of child-headed families or where guardians cannot take care of the children, the local authority can step in to help.²³⁹

In the process of reintegration, children pass through reception centers that try to locate families of former child soldiers. Successful reintegration processes should reunite families with their children.²⁴⁰ However, family reunification can either be helpful or not to the reintegration of children. For example, returning children to families whose abuse forced them to join the rebel groups would not be in their best interest.²⁴¹ The Children Act²⁴² provides that where it is established by competent authorities that it would not be in the best interest of the child to stay with his/her parents, substitute care should be provided.

Families should be sensitised before children are reunited with them. This is because in most cases children commit atrocities against their families.²⁴³ Therefore, children should not be blamed by their families but accepted and helped in getting back to the civilian way of life. Most families in northern Uganda are happy with the return of their children. However, stigmatization

²³⁷ Ibid, art 31 (4) and 34 (1)

²³⁸ Children Act of Uganda 1997, s 4

²³⁹ Ibid, s 11-13

²⁴⁰ Sofie Vindevogel, Kathleen Coppens, Ilse Derluyn, Maarten De Schryver, Gerrit Loots, and Eric Broekaert. "Forced conscription of children during armed conflict: Experiences of former child soldiers in northern Uganda." *Child Abuse & Neglect* 35, no. 7 (2011): 557

²⁴¹ Ibid

²⁴² Children Act of Uganda 1997, s 4 (2)

²⁴³ Dyan E. Mazurana, Susan A. McKay, Khristopher C. Carlson, and Janel C. Kasper. "Girls in fighting forces and groups: Their recruitment, participation, demobilization, and reintegration." *Peace and Conflict: Journal of Peace Psychology* 8, no. 2 (2002): 104

continues to exist and some families face difficulties of accepting female returnees with children.²⁴⁴

3.2.3 Community

The community plays a key role during reintegration.²⁴⁵ This makes it important for them to be made part of the active participants in reintegration. Community acceptance is key in reintegrating former child soldiers. It is through sensitization of the community that members forgive and understand that the children did not willingly participate in the violence.

Acholi customs have a traditional reconciliation mechanism referred to as mato oput for reconciling affected clans and perpetrators who ask for forgiveness.²⁴⁶ It is the community that organizes the process. This aims at protecting children from discrimination and opposition by community members. However, traditional mechanisms allow communities to forgive. On the contrary, this process has been criticised severally.

3.2.4 Non-governmental Organizations (NGOs)

The absence of official reintegration programmes in Uganda allowed NGOs among other agencies to establish reception centers for purposes of responding to the children's needs.²⁴⁷ They include centers in northern Uganda that are managed by World Vision, Rachele Rehabilitation

²⁴⁴ Ibid

²⁴⁵ Beth Verhey. *Child soldiers: prevention, demobilization and reintegration*. The World Bank, 2001: 6

²⁴⁶ Hope Among. "The application of traditional justice mechanisms to the atrocities committed by child soldiers in Uganda: A practical restorative justice approach." *African Human Rights Law Journal* 13 (2013): 454

²⁴⁷ Vera Chrobok, and Andrew S. Akutu. *Returning Home: Children's Perspectives on Reintegration. A Case Study of Children Abducted by the Lord's Resistance Army in Teso, Eastern Uganda*. Coalition to Stop the use of child soldiers, 2008: 17

Centre in Lira and Gulu Support the Children in Gulu. Approximately 20,000 child ex-combatants have received assistance from the centres.²⁴⁸

The services offered by the NGOs include psychosocial support, counselling, recreational activities, family tracing, and medical assistance.²⁴⁹ Other centres have gone to the extent of offering educational programmes that focus on training basic and life skills. During the time spent by the children in the centres, social workers go to the communities to prepare families for the return of former child soldiers as well as sensitize them on the situation and needs of the returnees.

3.2.5 International Organisations

3.2.5.1 United Nations Children's Fund (UNICEF)

UNICEF has always supported reintegration. It is one of UNICEF's Core Commitments for Children in Humanitarian Action (CCCs). It has the mandate of advocating for child rights protection. This is through the help of meeting their necessities and expanding their opportunities for purposes of reaching their full potential. Since the 1980s, UNICEF in conjunction with other partners has been advocating for children involved in armed hostilities to be released.²⁵⁰

Also, UNICEF's programmes rehabilitate thousands of former child soldiers, reunite them with their families and oversee their reintegration. The presence of UNICEF in northern Uganda has not been significant. However, there are NGOs such as Gusco-Centre in the region that has

²⁴⁸ Ibid

²⁴⁹ Phuong N. Pham, Patrick Vinck, and Eric Stover. "The Lord's Resistance Army and forced conscription in northern Uganda." *Hum. Rts. Q.* 30 (2008): 404

²⁵⁰ Moses Chrispus Okello, and Lucy Hovil. "Confronting the reality of gender-based violence in northern Uganda." *The International Journal of Transitional Justice* 1, no. 3 (2007): 438

offered some support.²⁵¹ UNICEF has programmes that could be of great assistance to the reintegration of former child soldiers.

3.2.5.2 International Criminal Court (ICC)

In 2010, Uganda domesticated the Rome Statute. The legal instrument establishes the ICC which has jurisdiction over the crimes of genocide, war crimes, crimes against humanity, and crimes of aggression.²⁵² The ICC holds perpetrators who use children in armed hostilities accountable. However, there have been debates in Uganda on whether the ICC promotes peace.

Under the Amnesty Act,²⁵³ the government of Uganda offered amnesty to individuals who renounced hostilities. There was uproar because of this leading the ICC into issuing warrants of arrest for individuals who bore the highest responsibility of conscripting children in armed hostilities. These individuals were commanders and they included Joseph Kony, Vincent Otti, Okot Odhiambo, and Dominic Ongwen among others.²⁵⁴

Arrest warrants that were issued by the ICC played a vital role in the healing of former child soldiers and the entire community of northern Uganda. Also, children below the age of 18 years who took part in the conflict are not held accountable for atrocities committed in captivity. The Rome Statute recognised sexual violence as a crime against humanity.²⁵⁵ Furthermore, there was the protection of female soldiers who did not participate in the war but were turned into sex slaves and commanders' wives.

²⁵¹ Edward Newman, and Albrecht Schnabel. *Recovering from civil conflict: reconciliation, peace and development*. Routledge, 2014: 12

²⁵² Rome Statute 1998, art 5

²⁵³ Amnesty Act of Uganda 2000, s 3

²⁵⁴ *Prosecutor vs Joseph Kony, Vincent Otti, Okot Odhiambo, and Dominic Ongwen*

²⁵⁵ Rome Statute 1998, art 7 (1) (g)

3.3 The Progress of Uganda in Reintegration

Northern Uganda still has several international and national NGOs that are assisting individuals affected by the hostilities.²⁵⁶ However, monitoring the impact and performance of the programmes has been impossible because there is no coherence between the organizations. To add on, there was no official reintegration operation in Uganda. This allowed various organizations to step in with their different agendas and programmes to reintegrate children returning from hostilities back to the community. However, the programmes in place have not been evaluated systematically to establish their effectiveness.²⁵⁷ There is little evidence that the said efforts have positively contributed to the reintegration process.

Despite a lack of coherence in their evaluation, numerous organizations are still taking part in the process of reintegration. Their practices vary from research and advocacy to practical assistance that entails education, psychosocial support and reconciliation.²⁵⁸ Nevertheless, international NGOs are gradually being phased out from northern Uganda because they no longer need humanitarian assistance. Different organizations offering reintegration assistance may hold different opinions on what is needed by former child soldiers as well as their communities. Accordingly, coherent and effective long-term assistance in reintegration is lacking generally.

²⁵⁶ Robert S. Esuruku "The Peace, Recovery and Development Plan for Northern Uganda." *Where law meets reality: Forging African transitional justice* (2012): 161.

²⁵⁷ Patrick Vinck, and Phuong Pham. "Peacebuilding and displacement in Northern Uganda: A cross-sectional study of intentions to move and attitudes towards former combatants." *Refugee Survey Quarterly* 28, no. 1 (2009): 62

²⁵⁸ Abigail Barr, Marcel Fafchamps, and Trudy Owens. "The governance of non-governmental organizations in Uganda." *World Development* 33, no. 4 (2005): 665.

There has been limited follow-up support to former child soldiers who have been reintegrated back into the community. Sincere efforts have been made by rehabilitation centers to monitor how former child soldiers are doing after reintegration. Nonetheless, a big challenge has been on follow-up support. This difficulty has been faced because of several reasons. First, former child soldiers are reintegrated back in society in large numbers making it impossible for a follow-up to be conducted on all of them. Second, there are long distances between the rehabilitation centers and homes for some of the children who are also reluctant to get visits from the counselors.²⁵⁹ Third, a good number of former child soldiers did not go through the reintegration processes in place making it impossible to establish their details and how to reach them. Fourth, there are limited funds for follow-up support and long-term assistance in reintegration. Consequently, few organizations have offered support for programmes outside the initial reintegration processes.

Former girl child soldiers in Uganda receive less attention during reintegration. Weaknesses in the reintegration of girls are linked to the government which has failed to attend to the needs of the girls.²⁶⁰ The gender blind approach that has been adopted in reintegration has led to the reaffirmation of traditional structures and norms that further marginalise them. Their psychological and physical trauma is made worse by a lack of opportunities and social dislocation.²⁶¹ Also, lower opportunities for earning a living are linked to fewer available opportunities for females in Uganda. Further, girls return to patriarchal communities that expose them to more abuse.

²⁵⁹ Grace Akello, Annemiek Richters, and Ria Reis. "Reintegration of former child soldiers in northern Uganda: Coming to terms with children's agency and accountability." *Intervention* 4, no. 3 (2006): 234

²⁶⁰ Krista Stout. "Silences and Empty Spaces-The Reintegration of Girl Child Soldiers in Uganda: Gendering the Problem and Engendering Solutions." PhD diss., 2013: 4

²⁶¹ *Ibid*, 8

3.4 Major Challenges Faced in Reintegration

Several actors have played significant roles in the reintegration of former child soldiers back in society. However, several challenges have been encountered despite all the efforts, time and resources put in to achieve objectives that had been set as follows:

3.4.1 Social and Cultural Breakdown

The situation of conflict in northern Uganda and forced displacement of people by the government caused a social and cultural breakdown. The internally displaced persons (IDPs) in camps relied entirely on relief aid because of poor living conditions and restricted movement of people.²⁶² Lack of security also made the IDPs an easy target of the rebels. These circumstances led to increasing crime, alcoholism and disregard for traditional responsibilities and values. Child soldiers who returned from the battlefields were confronted by this reality. The camps are no longer in existence as people permanently settled in the places because not everybody was able or willing to return to their homes. As a result, the camps were over the years transformed into towns.

Individuals in these new places struggled with recreating unified communities. A good number of broken families are headed by orphaned children, widowers or widows, or divorcees. Individuals in these new communities acquired new identities and socialized differently because of mixing with people from different cultural backgrounds.²⁶³ These changes negatively influenced reintegration as the task of tracing the family and undertaking traditional modes of reconciliation became more difficult.

²⁶² Justine Nannyonjo. "Conflicts, poverty and human development in Northern Uganda." *The Round Table* 94, no. 381 (2005): 482.

²⁶³ Angela Veale, and Aki Stavrou. "Violence, reconciliation and identity. The reintegration of Lord's Resistance Army child abductees in Northern Uganda." *Institute for Security Studies Monographs* 2003, no. 92 (2003): 69

3.4.2 Unstable Government and Poverty

Northern Uganda is politically and economically marginalised compared to other parts of the country. Hostilities led to a deterioration of the conditions as there were an economic downfall and destruction of infrastructure.²⁶⁴ There was a scarcity of meaningful opportunities for livelihood and accessing education, health facilities, water and sanitation, and police services among other basic services were poor.

The government of Uganda in conjunction with donor support have implemented several programmes for stabilization of northern Uganda through the improvement of livelihoods for communities affected by war. For instance, the Peace, Recovery and Development Plan for Northern Uganda (PRDP) launched in 2007 aimed at dealing with post-conflict recovery.²⁶⁵ This programme combined development intervention and reparation measures to stabilize the region.

Several years since the programme was launched, its impact has been minimal. Its plan and implementation have been criticised because of inadequate funding and corruption. It is generally considered as a means of satisfying the political agenda of the government rather than stimulating development and recovery.²⁶⁶ It lacks transparent evaluations making it difficult to establish the extent of investments that have been made in northern Uganda. The PRDP seems to have used a small percentage of its budget on the original goals. Also, securing sustainable livelihoods for former child soldiers has been an unfulfilled objective.

²⁶⁴ Frederick Golooba-Mutebi, and Sam Hickey. "Governing chronic poverty under inclusive liberalism: The case of the Northern Uganda Social Action Fund." *The Journal of Development Studies* 46, no. 7 (2010): 1224

²⁶⁵ Ibid, 26

²⁶⁶ Ibid, 26

3.4.3 Lack of Coherence in Mechanisms for Transitional Justice

There have been constant challenges of dealing with issues such as reconciliation, accountability and justice in the war aftermath that left several people victimised. The government of Uganda in dealing with the challenges developed a comprehensive agenda for transitional justice.²⁶⁷ These were genuine efforts by the government towards recovery and peacebuilding.²⁶⁸ However, difficulties have been faced in their implementation which has cast doubt on its objectives or whether it is just another tool aimed at satisfying the agenda of the government.

Pardon is granted through the Amnesty Act to ex-combatants who denounce rebellion. However, long-term justice demands have not been dealt with.²⁶⁹ On the one hand, the approach of ending violence has been dealt with by the Amnesty Act as the amnesty law initiative came from communities in the north who used traditional rituals in reconciliation to restore relationships. On the other hand, a good number of victims believe that their faith was forgotten by the government when the act was implemented. This is because the Act neither addresses transitional justice mechanisms adequately nor addresses the rights of victims.

Most former child soldiers have been reintegrated back into society. They are generally living with the victimised individuals and there has been an unavoidable rise of tension within the communities. Grievances of the victims have worsened because of a lack of accountability by the government for its wrongdoing during and after the war. The current regime is highly questioned on whether it has genuinely dealt with post-conflict development and recovery.²⁷⁰ It has also

²⁶⁷ Joanna R. Quinn "What of Reconciliation? Traditional mechanisms of acknowledgment in Uganda." *Reconciliation (s)* (2009): 192.

²⁶⁸ Ibid

²⁶⁹ Ulrike Luhe. "Children, youth and transitional justice in Northern Uganda." PhD diss., University of Cape Town, 2013.

²⁷⁰ Ibid, 26

been silent on the atrocities that its soldiers committed during the war. Investigations of the atrocities by the government's army are kept private and access to specific accounts of historical events has been denied.

3.5 Conclusion

Successful reintegration of former child soldiers back in society requires them to go through the various phases of reintegration. Various institutions play crucial roles in the reintegration of former child soldiers. This creates the need for them to effectively play their roles in reintegration. However, in enforcing the right to reintegration, the national government institutional framework should be strengthened to provide effective relief and protection to every child who has been affected by armed conflict. NGOs that are part of the reintegration process but do not receive any funds from the government would require support from the government instead of the government running parallel programmes. This allows the government to focus on bigger issues that may include the restoration of northern Uganda.

Moreover, the process of reintegrating former child soldiers requires a conducive environment for it to be effective. IDP camps could not provide a conducive environment for children returning from captivity. This is because of the harsh living conditions such as malnutrition, insecurity, diseases, and hunger in the IDP camps. Therefore, it was proper for the camps to be abolished.

The return of former child soldiers whether they went through formal reintegration processes or not, they have all gone through devastating experiences of hostilities. This creates the need for all the children to be included in the reintegration programmes. Further, opportunities for recovery and development have been affected by obstacles such as unstable government, lack of

sustainable mechanisms for transitional justice, a breakdown of social and cultural values, poverty, and limited follow-up support in the reintegration process. It is, therefore, crucial to come up with solutions to deal with these problems.

CHAPTER FOUR

LESSONS FROM OTHER JURISDICTIONS ON REINTEGRATION OF FORMER CHILD SOLDIERS

4. Introduction

The chapter undertakes an analysis of lessons from Sierra Leone, Liberia and the Democratic Republic of Congo on the reintegration of former child soldiers. In Sierra Leone, the conflict that began in 1991 was officially declared over in 2002.²⁷¹ By 2002, most children of both genders had been reintegrated in society, 3000 of them having joined education programmes that are managed by UNICEF within the community. Liberia was ravaged by a civil war that happened from the year 1989 to the year 2003. During this war, children became an integral component of the rebel and government armies.²⁷² Different organizations took part in reintegration. They include UNICEF, Don Bosco Homes, International Rescue Mission, and Save the Children. In the Democratic Republic of Congo, the fighting forces often placed children at the front line. In 2003, approximately 30,000 child soldiers needed demobilization.²⁷³ In 2003, armed groups' recruitment of children in Eastern DRC continued.²⁷⁴ This chapter has comprehensively discussed lessons learned from the three countries.

²⁷¹ Child Soldiers International, *Child Soldiers Global Report 2004 - Sierra Leone*, 2004, available at: <https://www.refworld.org/docid/4988062e28.html> [accessed 25 September 2019]

²⁷² Human Rights Watch (HRW), *How to Fight, How to Kill: Child Soldiers in Liberia*, 2 February 2004, available at: <https://www.hrw.org/report/2004/02/02/how-fight-how-kill/child-soldiers-liberia> [accessed 25 September 2019]

²⁷³ Child Soldiers International, *Child Soldiers Global Report 2004 - Congo, Democratic Republic of the*, 2004, available at: <https://www.refworld.org/docid/49880668c.html> [accessed 25 September 2019]

²⁷⁴ Human Rights Watch (HRW), *Ituri: "Covered in blood" – Ethnically targeted violence in northeastern DR Congo*, July 2003, available at: <http://www.hrw.org>. [accessed on 25 September 2019]

4.1 Reintegration in Sierra Leone

The Lomé Peace Agreement stressed on addressing children's special needs during reintegration.²⁷⁵ The process began in 2002 and lasted for a year. During this time, there was a reunification of around 6800 children with their families. Different reintegration programmes were in place for adults and children under 18 years. However, there was no consideration that a good number of the adults were recruited into armed hostilities as child soldiers and therefore in need of special help for their child soldier experiences.²⁷⁶

The adults were required to surrender guns in exchange for starter packages. However, this was not a requirement for children. Several programmes in place during the reintegration process were spearheaded by the international community actors who could not assure sustainability as well as address the litany of problems. This is a reflection of inadequacy in protecting children against being recruited and re-recruited into armed hostilities. There was confusion in reintegration because of non-existent national policies and guidelines, and poor coordination. A good number of former child combatants in Sierra Leone were re-recruited into Liberian combat groups because they lacked support. In 2005, Liberians United for Reconciliation and Democracy (LURD) continued recruiting Sierra Leonean children to serve in Liberia.²⁷⁷

After the signing of the peace agreement, the population underwent a situation similar to the one in 1991 that had happened before the conflict. There were little employment and education opportunities for the youth during and before the conflict. Children chose the option of joining

²⁷⁵ Helga Malmin Binningsbo, and Kendra Dupuy. "Using power-sharing to win a war: The implementation of the Lomé Agreement in Sierra Leone." *Africa Spectrum* 44, no. 3 (2009): 102

²⁷⁶ Human Rights Watch (HRW), *The regional crisis and human rights abuses in West Africa*, Briefing Paper to the UN Security Council, 20 June 2003, available at: <http://www.hrw.org>. [accessed 25 September 2019]

²⁷⁷ William P. Murphy "Military patrimonialism and child soldier clientalism in the Liberian and Sierra Leonean civil wars." *African Studies Review* 46, no. 2 (2003): 73

foreign armies in most cases because of better economic prospects. Interim Care Centres (ICCs) under child protection agencies and UNICEF received children under 15 years.²⁷⁸

The children were later on reunified with their families, joined foster families and enrolled in educational projects. Children between 15 and 17 years joined employment and training programmes that lasted for 9 months where they were given start-up kits.²⁷⁹ On the contrary, a good number of them could not effectively put their training into good use because of economic weaknesses and the kits could not last for long. These outcomes were experienced because of the inability to sufficiently consider economic realities and sustainability.

In voluntary enlistments into armed forces, age limit required birth certificates as evidential documents. However, these documents could not be provided everywhere. Therefore, there was acceptance of attestation from significant leaders in the community. It was further established that at least two years of secondary education was mandatory for voluntary enlistment in the UPDF. However, the children could only get low ranks with the two years while higher ranks required completion of secondary education.²⁸⁰

The 1999 peace agreement also established the truth and reconciliation commission.²⁸¹ The complete reports by the commissions contained at least 8000 statements. The opportunity of allowing children to tell their stories was prioritised. The truth and reconciliation commission did not intend to forget youths in Sierra Leone. Sierra Leone's special court put two aspects into consideration for child soldiers. One was the children as victims and the other was the children

²⁷⁸ Susan Shepler. "The rites of the child: Global discourses of youth and reintegrating child soldiers in Sierra Leone." *Journal of Human Rights* 4, no. 2 (2005): 209

²⁷⁹ Ibid

²⁸⁰ Krijn Peters. "Re-examining voluntarism. Youth combatants in Sierra Leone." *Institute for Security Studies Monographs* 2004, no. 100 (2004): 35

²⁸¹ Diane Marie Amann. "Message as Medium in Sierra Leone." *ILSA J. Int'l & Comp. L.* 7 (2000): 237

as perpetrators. However, the court excluded children from liability and held the commanders responsible as the perpetrators. Nine individuals from the main groups underwent prosecution because of conscripting children in armed hostilities among other violations.

During the ceasefire in 1999, the UN established the UN Mission in Sierra Leone (UNAMSIL). The process of disarmament was then announced by UNAMSIL in 2002. The dissolution of the national army and the formation of a new one were supported and monitored by the United Kingdom. UNAMSIL undertook child protection. The national army and the police were trained by UNAMSIL so that they could take responsibility for establishing security and protecting the population. Police training was sponsored by UNICEF in conjunction with other actors who lobbied for issues of child protection as an aspect of the agenda. In 2005, UNAMSIL stepped aside for the UN Integrated Office for Sierra Leone (UNIOSIL) to be established. UNIOSIL took up the responsibility of promoting and assisting in the building process of peace and capacity as well as helping in the fight against impunity through the development of national legislation.²⁸²

There was a recurrence of other problems when the conflict came to an end. Unemployment is widespread and child labour became an enormous problem especially in mining. Sexual and economic exploitation are still major issues. Sierra Leone adopted the Children Rights Act in 2008 which protected the human rights of children. However, lack of proper institutions and coordination has impeded successful implementation.²⁸³ There has since been an improvement in Sierra Leone's situation but still, there is a need for addressing the human, social and economic

²⁸² Sunday Abogonye Ochoche. "Post-Conflict Peacebuilding." *From Civil Strife to Peace Building: Examining Private Sector Involvement in West African Reconstruction* (2009): 129

²⁸³ Theresa S. Betancourt, Stephanie Simmons, Ivelina Borisova, Stephanie E. Brewer, Uzo Iweala, and Marie De La Soudiere. "High hopes, grim reality: Reintegration and the education of former child soldiers in Sierra Leone." *Comparative Education Review* 52, no. 4 (2008): 577

factors in society. A good number of problems that happened during the conflict such as the vulnerability of women and girls to harmful traditions and sexual violence have not been solved.

4.2 Reintegration in Liberia

The first experience of Liberia on reintegration programme happened in 1997 after hostilities were ceased.²⁸⁴ The adopted method was referred to as a dirty and quick approach because UNICEF who was the coordinator in conjunction with the regional network used an improper planning strategy. Don Bosco Home and Save the Children Fund UK was given the mandate of tracing families. Cultural elements were not used in dealing with psychosocial problems. The initial reintegration programme in Liberia was hindered further by failure to recognise the importance of economically empowering families of former child soldiers.

Another crucial reintegration feature that was under-implemented in Liberia entailed the acquisition of skill and education.²⁸⁵ Also, the reintegration programme did not emphasize the position of girls. Finally, in 1997, the reintegration programme merged child with adult ex-combatants which was contrary to the consideration of child ex-combatants as a special category. Lessons from the exercise in 1997 provided an experience and knowledge base for the reintegration programme undertaken in 2003 whose coordination needed to be better and more comprehensive.

²⁸⁴ Bosede Awodola. "Comparative international experience with reintegration programmes for child soldiers: The Liberian experience." *Peace & Conflict Review* 4, no. 1 (2009): 4

²⁸⁵ Bosede Awodola. "An examination of methods to reintegrate former child soldiers in Liberia." *Intervention* 10, no. 1 (2012): 38

The 2003 reintegration programme was implemented when the conflict ended in that year. This was well organised and became more inclusive.²⁸⁶ The reintegration programme was supported by the Security Council Resolution 1509 of 2003 and the Accra Peace Agreement. The reintegration framework to support ex-combatants allowed various international and local non-governmental organizations as well as organisations within the communities to participate. The private sector and relevant ministries in the public sector were also included for a maximum impact.

The task of tracing families of child ex-combatants was undertaken by various organizations. This was contrary to the first reintegration programme that only entailed Don Bosco Home and Save the Children's Fund UK in tracing families of child ex-combatants. The reintegration experience in 2003 indicated that both international and local organizations such as the National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration, UNICEF, Don Bosco Home, Zorzor District for Women and Children Care, International Rescue Committee, Children Assistance Programme, and religious organizations undertook essential roles of linking child ex-combatants with their families.²⁸⁷

On the contrary, no evidence has been presented that the reintegration oversight in 1997 was corrected by the 2003 programme. The reintegration in 2003 showed that the reintegration of child ex-combatants within the family or community setting was the best way through which child ex-combatants could be reintegrated. Unfortunately, a considerable number of child ex-

²⁸⁶ Wolf-Christian Paes. "The challenges of disarmament, demobilization and reintegration in Liberia." *International Peacekeeping* 12, no. 2 (2005): 257

²⁸⁷ Caroline Bragg. *Challenges to policy and practice in the disarmament, demobilisation, reintegration, and rehabilitation of youth combatants in Liberia*. Sussex Centre for Migration Research, 2006: 23

combatants are street children which implies that touch was lost with their communities and families.²⁸⁸

Education and acquisition of skills for child ex-combatants became a dominant aspect of the reintegration programmes that were set up in 2003. The 1997 reintegration programme downplayed this aspect because the same was conducted in a rush. NGOs in Liberia such as Children Assistance Programme and Don Bosco Home among others through the support of international donors played a key role in imparting different skills in the child ex-combatants and placing them in schools.²⁸⁹ The acquisition of skills and formal education are viable approaches to economically empowering child ex-combatants. High levels of success have been achieved by this measure. However, under-achievement in reintegration in Liberia was revealed by an increase in the number of child ex-combatants in the Monrovia streets.

All in all, reintegration in 2003 showed a significant improvement on the 1997 reintegration experience. The programme in 2003 focussed clearly on what the needs of child ex-combatants were. Treating child ex-combatants as an entity separate from adult ex-combatants improved the 1997 programme. However, it was clear that child ex-combatants were not involved in designing and implementing the reintegration programme. The reality in the field indicated that the children did not receive prior information about the importance of reintegration.²⁹⁰

Moreover, the 2003 reintegration programme focussed on cultural measures to address psychological problems. Implementing this aspect showed an improvement on the 1997 experience. However, applicable ceremonies were nothing more than symbolic as they could not

²⁸⁸ Mats Utas. "Victimcy as social navigation: From the toolbox of Liberian child soldiers." In *Child soldiers: From recruitment to reintegration*, pp. 213-228. Palgrave Macmillan, London, 2011: 217

²⁸⁹ Ibid

²⁹⁰ Kathleen M. Jennings "The struggle to satisfy: DDR through the eyes of ex-combatants in Liberia." *International Peacekeeping* 14, no. 2 (2007): 204

give the children a means of applying society values, ethics and morals. Deeper authentic engagement of the Liberian tradition and culture could have been beneficial to the programme and undertaken through community involvement in planning and implementation. Finally, the 2003 reintegration programme did not clearly define the place of girls.²⁹¹ This did not show any improvement on the 1997 programme. The 2003 programme gave more attention to male child soldiers compared to girls.

4.3 Reintegration in the Democratic Republic of Congo

In 2000, it was a requirement of the national legislative instruments for parties to the hostilities to release child combatants in their forces and further recruitment was to be stopped. However, few groups complied with this directive. There has been the development of diverse national bodies to take up reintegration. For example, there was the National Office for the Demobilization and Reintegration of Child Soldiers (BUNADER) between 2001 and 2003, the National Commission for Disarmament and Reintegration (CONADER) between 2004 and 2007, and the National Implementation Unit for the National Disarmament (UEPN-DDR) from 2007 onwards. These bodies have been in charge of the national awareness programmes that were launched in 2001 through the help of NGOs and religious institutions in reaching out.²⁹²

A section of the transitional period that started in the year 2003 aimed at establishing reintegration programmes for child ex-combatants who were not interested in being reemployed

²⁹¹ Abu Sherif. "Reintegration of Female War-affected and Ex-combatants in Liberia." *conflict trends* 2008, no. 3 (2008): 28

²⁹² Emily Schroeder. "A window of opportunity in the Democratic Republic of the Congo: Incorporating a gender perspective in the disarmament, demobilization and reintegration process." *Peace, Conflict & Development* 6, no. 6 (2005): 4

by the national army.²⁹³ The programme was mismanaged and this hindered reemployment of child ex-combatants or receipt of the promised wages. As a result, there was an increase in the rate of child combatants entering and exiting armed groups, and reconstructing other armed groups.

Special programmes were created for children under 18 years. However, verifying their ages was difficult because less than a third of the children in the DRC are registered at birth. There was a decision that in instances where there was no confirmation of their age through birth certificates, medical personnel could examine the children. There was a presumption that medical personnel could verify the children's age by examining their teeth.²⁹⁴ In the initial development of reintegration procedures, there was a decision that local NGOs closest to returned former child soldiers would go to where the children were and carry on with reintegration. It was established that this strategy was impossible because of a lack of infrastructure and resources, and the long distances.

In other cases, children were abducted directly from the protection centres. Threats towards agents protecting children increased in areas with hostilities. Staff in the agencies faced insecurity because of threats from armed groups. Some of the groups including national forces denied using child combatants and obstructed their demobilization in different ways. The 2006 report shows that children were left behind by armed groups so that commanders could not be blamed for recruiting children.²⁹⁵

²⁹³ Henri Boshoff, and Martin Rupiya. "Delegates, Dialogue and Desperadoes: The ICD and the DRC peace process." *African Security Studies* 12, no. 3 (2003): 29

²⁹⁴ Donatien Nduwimana. *Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects*. International Peace Support Training Centre, 2013: 22

²⁹⁵ Claudia Seymour. "Selective outrage: the dangers of children's DDR in eastern DRC." In *Children and conflict: Disarmament forum*. United Nations Institute for Disarmament Research, Geneva, pp. 57-66. (2011): 58

In 2003 when the transitional period started, approximately 30,000 children needed to be rescued and reintegrated back into society. The UN Mission in the DRC (MONUC) took part in monitoring the release of children.²⁹⁶ The unification programme aimed at facilitating an efficient process of reintegration. The programme made it easy for the international community and the government to undertake demobilisation. By 2011, armed groups released approximately 40,000 children.²⁹⁷ On the contrary, limited support has exposed children to other threats such as re-recruitment and harassment, especially in conflict zones.

There has been a constant challenge of identifying and separating girls from the armed groups. The perception of girls as wives to commanders only allowed for their registration by the reintegration programmes. They were then left with no form of support.²⁹⁸ Their husbands had a sense of ownership upon them. Therefore, they could not be released by the armed groups during the release of other children. The girls considered staying behind because of fear of punishment in case they escaped or stigmatization upon reintegration. The reproductive complications that the girls underwent resulted from sexual violence, injuries and diseases. In most circumstances, girls who voluntarily wanted to be reintegrated back were left with no help because of the recent establishment of the reintegration programmes.

In 2005, there were several functional child protection centres. For instance, in the DRC, UNICEF coordinates reintegration programmes in conjunction with other NGOs that execute

²⁹⁶ Edward B. Rackley "Democratic Republic of the Congo: undoing government by predation." *Disasters* 30, no. 4 (2006): 429

²⁹⁷ Jean Chrysostome K. Kiyala "Challenges of reintegrating self-demobilised child soldiers in North Kivu Province: Prospects for accountability and reconciliation via Restorative Justice Peacemaking Circles." *Human Rights Review* 16, no. 2 (2015): 115

²⁹⁸ Milfrid Tonheim. "Who will comfort me?' Stigmatization of girls formerly associated with armed forces and groups in eastern Congo." *The International Journal of Human Rights* 16, no. 2 (2012): 291

reintegration activities.²⁹⁹ They trace families and unify them with their children. The focus of NGOs in the DRC has been reintegration through the improvement of community-based protection activities, the placement of child ex-combatants in education programmes, establishment of economic activities for reintegration, and an undertaking of follow-up on the progress. However, the economic and social activities meant for the benefit of child ex-combatants have not provided long-term opportunities.³⁰⁰ This is because livelihood opportunities for child ex-combatants are limited and there is poor coordination of the activities. Also, NGOs conducting the programmes struggle with funding the activities. In other cases, the opportunity of monetary benefits in adult programmes pushes children into lying about their age so that they can receive the benefits.

When the national army captures child soldiers, the requirement is that the children should be held for at most 48 hours. Thereafter, the children are transferred to special facilities for long-term care. Child ex-combatants stay in the centers until their families are traced where the child can be returned home or presented to other arrangements. However, several child ex-combatants who are held by the Armed Forces of the Democratic Republic of Congo (FARDC) are beaten and maltreated to divulge information about other groups. Moreover, they are re-recruited to fight in the national forces, forced into spying on other groups or forced into participating in hostilities. Severally, families were required to pay so that military centers could release the children.³⁰¹

²⁹⁹ Claude Rakisits. "Child Soldiers in the East of the Democratic Republic of the Congo." *Refugee Survey Quarterly* 27, no. 4 (2008): 116

³⁰⁰ Elettra Pauletto, and Preeti Patel. "Challenging child soldier DDR processes and policies in the Eastern Democratic Republic of Congo." *Journal of Peace, Conflict and Development* 16 (2010): 48

³⁰¹ Security Council Report DRC (2007): 9

The Defence and Armed Forces Law in 2004 provided that it was not compulsory to enlist children into national forces.³⁰² Also, military courts could not undertake the prosecution of children below 18 years. Child protection centers or civil courts were to handle issues of the children for purposes of offering reintegration support. However, this was only applicable to children who were recruited through illegal methods. There was a contravention of the new laws where the military undertook arrest and trial of the children in military courts despite the prohibition of the same by national laws. Death sentence has been meted against a minimum of 12 children after prosecutions while executions have been undertaken against others without proper trials.³⁰³

In 2005, FARDC Army Chief of Staff announced the prohibition of conscripting children in FARDC units and that violation of the command would attract harsh punishments.³⁰⁴ MONUC and UNICEF supported this announcement and this led to an increase in investigations of reported violations that FARDC had committed. However, there was no prosecution of any of the investigations. Approximately 78% of former child soldiers were re-recruited by FARDC units.³⁰⁵

4.4 Conclusion

Inadequate and insufficient reintegration programmes in Sierra Leone have exposed former child soldiers to the possibility of re-recruitment into armed groups. Girls who are ex-combatants did

³⁰² Jacques Ebenga, and Thierry N'Landu. "The Congolese National Army: in search of an identity." *Evolutions & Revolutions: A Contemporary History of Militaries in Southern Africa*, Pretoria: Institute for Security Studies (2005): 74

³⁰³ Ibid

³⁰⁴ Katharin Hermenau, Tobias Hecker, Anna Maedl, Maggie Schauer, and Thomas Elbert. "Growing up in armed groups: trauma and aggression among child soldiers in DR Congo." *European journal of psychotraumatology* 4, no. 1 (2013): 21408

³⁰⁵ Claudia Morsut. "Effective multilateralism? EU–UN cooperation in the DRC, 2003–2006." *International Peacekeeping* 16, no. 2 (2009): 268

not get the needed support and could not access reintegration programmes. There was no improvement in the conditions for the youths with little or no prospect for education or employment despite undergoing training and receiving start-up kits in the reintegration process. Economic conditions pushed former child soldiers back into armed groups.

In 2007, there was a proclamation by national legislation that voluntary and compulsory recruitment of children under 18 years was prohibited. During the processes for truth and reconciliation, there was a decision that commanders were the main perpetrators and not children. However, only 9 individuals were prosecuted for recruiting and using children in armed hostilities. In 2008, there was the adoption of the Child Rights Act by Sierra Leone which addressed child protection. By this time, there was a significant increase in child labour while sexual and economic exploitation was a big issue. There has been a significant improvement in Sierra Leone's political situation but ensuring a stable and secure future for the youth would need human, social and economic situations to be addressed as well.

The 1997 reintegration programme in Liberia was full of shortcomings. The programme in 2003 tried to make the former programme better though it still had some loopholes. The reintegration programme in 1997 used only two organizations in tracing families of child ex-combatants, cultural elements were not used in dealing with psychological problems, families of child ex-combatants were not empowered economically, the position of girls was not emphasized, and child soldiers were merged with adult ex-combatants.

The weaknesses in the 1997 programme in Liberia were rectified by the reintegration programme in 2003 except for a clear definition of the place of girls. Further loopholes in the 2003 reintegration programme were cultural ceremonies that did not make much difference in the lives

of former child soldiers because of the mode of application, failure to involve child combatants in planning and implementing reintegration programmes, and an increase in the number of child ex-combatants who became street children. It was established that reintegration programmes are a peacebuilding initiative that societies transforming from conflict need to imbibe if durable peace is to be achieved.

The 2003 transition process that began in the DRC aimed at easing the reintegration process. However, patterns of armed groups have constantly been shifting with a rise in the conscription of children in armed groups. There was a pronouncement of this development in the FARDC units that re-recruited ex-combatants from other groups. Poor management and insufficient resources forced a large number of former child soldiers to drop out of reintegration programmes. Several armed groups could not disclose of having children in their forces because of fear of child accusations. There was no release of girls because they were considered to be wives of combatants and their belonging.

The programme provided economic and social activities to former child soldiers. However, these opportunities were not long-term because former child soldiers had limited opportunities and there was insufficient coordination. As a result, many children were re-recruited into the armed groups. Regardless of legal initiatives by the government, parties to the conflict are responsible for massive child recruitment.

CHAPTER FIVE

CONCLUSION, FINDINGS AND RECOMMENDATIONS

5.1 Conclusion

After the departure of the LRA from Uganda, abductees and child soldiers struggle with reintegration into the community. Most former child soldiers are undergoing mental and physical health challenges, severe education deficiencies, non-existent vocational skills for self-sufficiency, and worsening of personal conditions. Sacred human law is that it is important to safeguard children from cruelties on the premise that they are a future representation of humanity.

There are several legal instruments applied by Uganda in the reintegration of former child soldiers back in society. In enforcing the reintegration right, children need to undergo various reintegration phases which include physical, social, economic, and psychological reintegration. Institutions playing significant roles in reintegration include the national government, family, the community, NGOs, and other organizations such as UNICEF and ICC. On the one hand, the national government is the first call point on the return of the children. The willingness of the government determines the promotion, protection and fulfillment of the rights. On the other hand in family reunification, it is the children's best interest that they are cared for by their parents.

Sierra Leone, Liberia and the Democratic Republic of Congo have also had experiences of the recruitment and use of children in armed hostilities, and the struggles to demobilise, rehabilitate and reintegrate them back in society. The mechanisms used by these countries in reintegration

have been successful to some extent. However, some areas failed. There is a close similarity in the enforcement of the right to reintegration between these countries and Uganda.

5.2 Findings and Recommendations

Findings of research question one are that first, there are laws and policies put in place by the national government to support reintegration which is backed by the government's political will. Additionally, the government is the first point of call on the return of the children where it provides relief and protection as the children await movement to rehabilitation centers. Second, families and communities have also supported reintegration through love and care for the children. Acceptance and reconciliation have been key in reintegration which promotes the protection of the children from discrimination and opposition by community members. This requires families and communities to be sensitised first about the return of the children before they are reunited with them. Third, NGOs and international organizations act as reception centers and provide support in physical, social, economic, and psychological reintegration. They provide medical assistance, trace families, counsel the children, offer educational programmes, and provide financial as well as start-up kits during reintegration.

On the contrary, monitoring the impact and performance of the programmes has been impossible because there is no coherence between the organizations. Also, there are no official national reintegration programmes in Uganda. This allows various organizations to step in with their different agendas and programmes although the said programmes have not been evaluated systematically to establish their effectiveness.

Sincere efforts have been made by rehabilitation centers to monitor how former child soldiers are doing after reintegration. Nonetheless, a big challenge has been inadequate follow-up support.

This difficulty is equated to, first, reintegration of a large number of children making it difficult for a follow-up to be conducted on all of them. Second, long distances between the rehabilitation centers and homes for the children who are also reluctant to get visits from the counselors. Third, a good number of the children did not go through formal reintegration processes making it impossible to establish their details and how to reach them. Fourth, limited funds for follow-up support and long-term assistance in reintegration compounds follow-up support. Consequently, few organizations have offered support to programmes outside the initial reintegration processes.

Findings of research question two are that there are contradictions in the legal instruments in place for reintegration. In the CRC under Article 38, the term 'person' has been used instead of 'child'. This means that 15 years have been defined by the human rights instrument as the minimum age for the recruitment of child soldiers. This is contrary to the general definition of a child under the CRC as any person below 18 years of age. In the definition of a child soldier under Article 38, there was a repetition of key elements in the Additional Protocol I and a failure to address its weak points and ambiguities. Under the same Article, the phrase feasible measures have been used and this limits the responsibility of states in preventing the recruitment of children into military forces. Additionally, the article has only mentioned children who directly participate in hostilities. In the CRC under Article 39, no clear guideline has been given on the special protection needed for the fulfillment of legal obligations of reintegration. The question to be answered here is how the international community intended to make recovery and reintegration a reality considering the numerous obstacles that the states face. The CRC does not have enforcement mechanisms which make it dependent on domestic laws for enforceability. Since the Committee on the Rights of the Child can make constructive criticism and suggestions

on implementation mechanisms by States Parties, there cannot be forced compliance and punishment for non-compliance.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP II) focussed on correcting failure of the CRC to come up with provisions that protect child soldiers. However, the treaty contains flaws whereby the manner of drafting Article 4 suggests mere moral obligations that states are expected to comply. This omits legal obligations aimed at deterring the use of children in armed conflicts. Additionally, voluntary recruitment was not prohibited explicitly. OP II under Articles 2 and 3 has a double effect of allowing voluntary recruitment of children while raising the minimum compulsory recruitment age to 18 years. The Committee on the Rights of the Child made concluding observations as a demonstration that a lower baseline in voluntary recruitment prevents uniform legal standards in protecting children.

A regulatory framework has been presented by International Humanitarian Law (IHL) to prevent the recruitment and use of children. However, a void exists on the rules applicable to the conduct of child soldiers. Adult perpetrators are held accountable for their actions. However, the law is silent on the accountability of child soldiers. This entails crimes committed by child participants during armed conflict. This position has been adopted by international criminal law. On accountability questions, a distinction lacks between children with different degrees of participation and different ages of recruitment. Failure to address the issue of criminal liability creates a problem in the harmonisation of international and national legal practices where the child accountability limit is instituted by each state.

Under Article 77 (2) of Protocol I of the Geneva Convention, first, there is a distinction between children of 15 and 18 years. This means there is no explicit protection of children between 15 and 18 years under the Protocol. Second, the direct participation of children in hostilities has been prohibited. This limits the mode of recruitment provided for by the instrument. Children who are recruited into military forces and do not directly take part in hostilities but end up performing other functions such as carriers, minesweepers, spies, guards, cooks, and sex slaves among others are not given any special protection under the instrument. Third, instead of using 'all necessary measures', the term 'all feasible measures' has been used. This affects the pressure exerted on states in undertaking unconditional obligations or preventive measures.

Africa is the only place with a regional instrument that protects the rights of children. However, its record in protection of the rights during conflict is the worst. Furthermore, despite the AU being encouraged by the UN, the issue has only been engaged in an ad hoc way. Under the ACRWC, there is no chance of releasing children where they have been imprisoned for life. Also, the instrument does not provide for alternative ways of undertaking criminal proceedings. The right to remain silent has not been explicitly mentioned as well as the right to compensation in the miscarriage of justice, protection from retroactive legislation and remaining silent. Besides, states bound by the ACRWC are only the ones that have ratified the instrument.

Findings of research question three are that transitional justice mechanisms lack coherence. On the one hand, the approach of ending violence has been dealt with by the Amnesty Act as the amnesty law initiative came from communities in the north who used traditional rituals in reconciliation for purposes of restoring relationships. On the other hand, a good number of victims believe that their faith was forgotten by the government when the act was implemented.

This is because the Act neither addresses transitional justice mechanisms adequately nor addresses the rights of victims.

Unstable government and poverty are challenges in the reintegration of former child soldiers. The government of Uganda in conjunction with donor support has implemented several programmes for stabilization of northern Uganda through the improvement of livelihoods for communities affected by war. Several years since the programmes were launched, their impact has been minimal. The plan and implementation strategies in place have been criticized because of inadequate funding and corruption. Generally, it is considered as a means of satisfying the political agenda of the government rather than stimulating development and recovery.

Several other challenges have been encountered in reintegration despite all the efforts, time and resources put in for achievement of the objectives. The challenges include a social and cultural breakdown. The situation of conflict in northern Uganda and forced displacement of people by the government caused a social and cultural breakdown. Individuals living in camps for the internally displaced persons (IDPs) relied entirely on relief aid because of poor living conditions and restricted movement of people. Child soldiers who returned from the battlefields were confronted by this reality.

Findings of research question four are that legal provisions protecting the right to reintegration should be amended to address weak points and ambiguities. In doing this, other existing legal instruments should be put into consideration to avoid contradictions. For example, the amendment creates a universal definition of who a child is particularly for purposes of preventing their conscription in armed hostilities, there is a protection of the rights of those who did not directly take part in hostilities, and there will be the protection of the reintegration right

among other rights. Further, amendment harmonises legal practices for common grounds on criminal liability of the children.

Enforcement institutions should be put in place for the implementation of international legal instruments. This acts as a boost to enforcement mechanisms by domestic legal instruments. International legal instruments are longer rely on domestic legal instruments for enforcement of the instruments. As a result, there is effectiveness in the protection of child rights. Additionally, enforcement institutions ensure that States Parties are held accountable for non-compliance.

Policy and institutional frameworks for reintegration should focus on the guiding principles on child rights under the CRC. The principles are the child's right to life, survival and development, the principle of non-discrimination, the principle of the child's participation, and the principle of the child's best interest. These principles need to be part of all reintegration stages from analysis of the situation to conception, implementation, monitoring, and evaluation of the reintegration programmes.

On the principle of the child's right to life, survival and development, harmonious and full development of the child should be ensured from the physical to social, moral and spiritual perspectives. Education should be emphasised as a key aspect of development. Vocational training should focus on skills that are highly demanded in communities to avoid frustrations and chronic poverty. This allows the children to work as a source of livelihood.

In respect to the non-discrimination principle, programmes for reintegration should the protection of rights for all children within Uganda including children who are non-nationals are protected regardless of their opinions, disability, ethnicity, religion, age, sex, race or another status such as that of their legal guardian or parents. Also, there should be the inclusion of girls

in reintegration programmes. Communities should be sensitised on the experiences of girls in captivity and the importance of supporting them for recovery. This allows girls to be embraced by communities upon their return. Sensitisation prevents discrimination, ridicule, physical and verbal abuse meted against the girls because of being tainted by sexual relationships with the rebels.

On the principle of the child's participation, the children should have the opportunity to freely express their opinions. The said opinions should be seriously considered according to the children's maturity and age. The children should be consulted at all reintegration phases on issues such as decision making regarding their educational, vocational opportunities and family reunification. Information gathered during consultation enriches reintegration programmes which improve their experience and the process's ultimate success.

On the principle of the child's best interest, there should be an assessment of actions affecting the children to establish whether the same is to their best interest. Where appropriate, the children should be allowed to take part in what is considered to be their best interests. Any action taken during reintegration should be a reflection of their concerns and needs.

Success in reintegration requires funding of programmes and agencies that protect children. Funding ensures that training, education and essential mentoring or follow-up of the children is continuously supported. Further, funding ensures that broader development processes for the community are supported for sustainability. As a result, the community benefits from reintegration. This prevents envy, stigmatisation or tension when children return with reintegration packages that are not available to others.

Follow-up support as an essential aspect of the reintegration process should receive serious attention. The support requires collaboration with NGOs, UN agencies and government bodies, adequate budgetary allocation, and careful planning. There is a need for increased staffing requirements because reuniting children with their communities and families becomes time-consuming and labour intensive. This is because children are dispersed from central locations to communities that are far and scattered. Regular follow-up support should constitute visiting children in their communities, schools and homes including meeting their community leaders, teachers, peers, and families. Living conditions of the children, relationship quality with other family members and reintegration levels in the community should be regularly monitored. This allows for mediation to be applied whenever disputes arise. Community leaders and child protection networks within the community, particularly women need to be involved actively in monitoring the well-being and safety of the reunited children.

The government of Uganda should avoid reliance on NGOs for everything to do with reintegration. It should put in place its domestic programmes to play significant roles in reintegration such as undertaking long-term research programmes on reintegration, putting in place mechanisms to systematically evaluate effectiveness of the programmes in place, strengthening security of the state to prevent conflicts that leads to re-reintegration of former child soldiers into armed gangs, curbing and preventing corruption that might have an impact on reintegration, and amending legal provisions such as the Amnesty Act to adequately address transitional justice mechanisms. The political will of the government is also necessary to back legislation that has been passed. This is because programmes in place are bound to fail when there is a lack of political will.

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