

HUMANITY IN CRISES

THE LEGAL FRAMEWORK FOR WAR AND DISPLACEMENT



Dr. Huma Khan is a dedicated academician and legal scholar with over six years of teaching experience in the field of law. She is currently serving as an Assistant Professor at the Faculty of Law, Integral University. Her research and academic interests span across contemporary legal issues, with a focus on criminology, International Law, constitutional law, and emerging dimensions of crime in the modern world. Huma Khan holds an LL.B. degree from Lucknow University and completed her LL.M. from Sri Ram Swaroop Memorial University, demonstrating a strong foundation in both the theoretical and practical aspects of law throughout her academic career. Dr. Khan has shown a deep commitment to legal research and scholarship. She has presented papers at numerous national and international conferences, contributing valuable insights into various areas of legal concern. Her scholarly contributions include several research articles and book chapters published in reputed journals and edited volumes, reflecting her engagement with contemporary legal discourse. Demonstrating her leadership and organizational capabilities, she has successfully organized and coordinated various academic events, aimed at enhancing legal awareness and student engagement. She is also the editor of the book titled "Changing Dimensions of Crimes in the 21st Century", which explores the evolving nature of criminal activity and the legal system's response to these changes. Before joining Integral University, she held teaching positions at Ambedkar Law College and Geeta Law College, where she was recognized for her engaging teaching style and her dedication to mentoring students. With her rich academic background, research orientation, and passion for teaching, Huma Khan continues to contribute meaningfully to legal education and scholarship in India.



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MJS HUMANITY IN CRISES: THE LEGAL FRAMEWORK FOR WAR AND DISPLACEMENT

HUMANITY IN CRISES

THE LEGAL FRAMEWORK FOR
WAR AND DISPLACEMENT



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CHAPTER 13

Children, Conflict, and Compliance: The Law's Failing Frontlines

Dr. Gaurav Gupta¹ & Mrs. Swati Joshi²

Abstract

The world is still struggling with the issue of children being involved in armed conflict which greatly harms them. The Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) which was ratified in 2000, is an important step toward fighting this crime against children. The chapter discusses the terms of OPAC, especially those that make it illegal for anyone under 18 to take part in fighting and give countries an obligation to protect children from conflict. Even though these agreements are approved by every country, it is still difficult to enforce them, because of problems with non-state armed groups recruiting children, a lack of good oversight and missing reintegration support for former child soldiers. Using case studies and the law, the chapter highlights the difference between what the law calls for and what happens in practice and suggests making enforcement stronger. Also, it explains that helping children affected by war requires efforts to resolve poverty, lack of education and unstable political forces. There is a call for countries to cooperate more and work harder to protect children affected by war using broad laws and policies. Despite being a breakthrough in child protection law, the OPAC must be backed up by continuous international effort to see its promises come to life.

Keywords: Child Soldiers, Optional Protocol, Armed Conflict, International Law, Child Protection.

Introduction

Recruitment and employment of children in armed conflict is perhaps the most horrific feature of modern warfare. Children as young as eight years old are forcibly recruited into armed forces or groups, most commonly by abduction, coercion, or sheer necessity. Not only are these children compelled to fight, but they are also

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used to their detriment as cooks, messengers, porters, or sexual slaves. The consequences—psychological, physical, and social—prove to be devastating and long-lasting. Despite many international campaigns and growing awareness, the practice has continued in most hotspots around the globe, including the Central African Republic, South Sudan, Myanmar, and Yemen.³ To counter this horrific human rights abuse, the international community took a significant step by adopting the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) in 2000. This legal instrument was crafted to strengthen protections for children by raising the minimum age for direct participation in hostilities and compulsory recruitment to 18 years—a progressive step from the original Convention on the Rights of the Child, which had set the minimum age at 15.⁴ In addition, the Protocol binds state parties to establish robust safeguards when enlisting persons under the age of 18 on a voluntary basis and attempts to exclude non-state armed groups from recruitment or employment of children in armed conflict. It recognizes the expanding capabilities of children and enforces the principle that no child should ever be used as a tool of war.

The importance of OPAC goes beyond legal standards that it sets but in the moral urgency that it embodies. By placing the use of children in armed conflict on the international agenda, OPAC reiterates a collective responsibility to shield children from the atrocities of war. It also underscores the need for rehabilitation and reintegration programs, recognizing that these children are victims not perpetrators⁵. But ratification does not always translate into implementation. Even with near-universal international support—more than 170 state parties—implementation is patchy. In most areas, poor governance, persisting conflict, and lack of political

³UNICEF, *Children in Armed Conflict: The Reality Behind the Numbers* (2023) <https://www.unicef.org/protection/children-in-armed-conflict> accessed 20 Mar 2025.

⁴ United Nations Treaty Series, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, UN Doc A/RES/54/263 (2000) <https://treaties.un.org> accessed 20 Mar 2025.

⁵ Machel G, *Impact of Armed Conflict on Children* (UNICEF, 1996) <https://www.unicef.org/graca> accessed 23 Mar 2025.