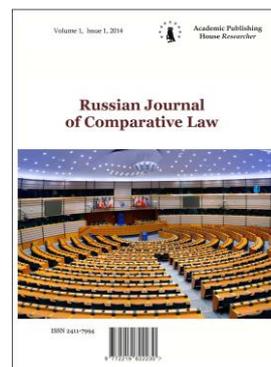


Copyright © 2019 by Academic Publishing House Researcher s.r.o.



Published in the Slovak Republic  
Russian Journal of Comparative Law  
Has been issued since 2014.  
E-ISSN 2413-7618  
2019, 6(2): 85-93

DOI: 10.13187/rjcl.2019.2.85  
<http://ejournal41.com>



## International Legal Status of Child Soldiers as participants of Armed Conflicts

Sergey E. Smirnykh <sup>a, \*</sup>

<sup>a</sup> General Secretary of Russian Association of international law, Russian Federation

### Abstract

The article discusses the issues of the international legal status of child-soldiers as one of the gaps in modern international law. Children are forced to participate in armed operations through violence. Voluntary enrollment of children into the armed forces is because the children do not see any other alternative livelihood, except participation in the wars. The primary and universal guarantee of the enjoyment of children's rights in armed conflict is international law. Individual state officials and their officials cannot guarantee rights, as they are required to act within the framework of national law. Only cooperation between States on the basis of the Charter of the United Nations can guarantee the implementation and protection of the rights of children in armed conflicts.

The rights of children in international humanitarian and national law represent legally secure opportunities to satisfy their interests. Moreover, children's rights in international law consist of the ability to perform their own actions and the ability to require other participants in international relations to take actions prescribed by law or to refrain from taking certain actions.

The primary and universal guarantee of the enjoyment of children's rights in armed conflict is international law. Individual states and their officials cannot guarantee rights, as they are required to act within the framework of national law. Only cooperation of States on the basis of the Charter of the United Nations can guarantee the realization of the rights of children in armed conflicts.

One of the important guarantees of protecting the rights of children during armed conflicts should be the right to peace, which implies strict observance of the ban on wars by states in international relations.

**Keywords:** child-soldiers, armed conflict, international law, United Nations Charter.

### 1. Introduction

One of the gaps in international law is the legal status of child-soldiers. In this regard, starting to study the rights of children during armed conflicts, it should be noted that the abduction and recruitment of children for military or auxiliary operations is a phenomenon that remains relevant for the modern world. Due to the unlawful nature of the participation of children in armed conflicts, there are no reliable statistics on this phenomenon.

### 2. Materials and methods

In situations of instability in some countries or regions, clear violations of international law in the field of children's rights and international humanitarian law are not uncommon among the entire civilian population, but it is with respect to minors that they occur most often.

\* Corresponding author

E-mail addresses: [marya\\_babanova@inbox.ru](mailto:marya_babanova@inbox.ru) (S.E. Smirnykh)

In various parts of the world, thousands of children, in addition to the lack of basic rights, such as education or health, are killed, maimed, abducted the victims, sexually abused, arbitrarily detained, tortured, ill-treated and separated with their relatives.

### 3. Discussion

In some cases, armed conflicts affect the rights and interests of children. However, one of the main problems in the area of children's rights during armed conflicts is the lack of evidence ([International Review, 2007: 785](#)). This situation is associated with many circumstances, including the fact that children often do not report about crimes committed against them.

Currently, according to the United Nations Children's Fund, there are about 300 thousand child soldiers in the world. The recruitment of minors occurs both as a result of the actions of the Armed Forces of some countries and of irregular armed groups. Since the emergence of new types of conflicts faced by regular armies and partisans, children have played a role in resistance movements ([Ruiz, 2013: 2](#)).

It must be borne in mind that the combatants are obliged to take measures to ensure that they can be distinguished from the civilian population at the time when they take part in hostilities. If they do not, then if captured, they do not receive the right to prisoner of war status ([Customary International Humanitarian Law, 2005: 384](#)). Children participate as combatants in armed conflicts for various reasons. On the one hand, they are forced to participate in hostilities through violence. On the other hand, the "voluntary" enrollment of children into the armed forces is because the children do not see any other alternative livelihood, except participation in the war. The reasons for this "volunteering" is the absence of children prospects for finding work, education or just a desire to leave the unfavorable environment habitat.

The phenomenon of child soldiers is observed in different regions of the world. Currently, the African continent, on which numerous armed conflicts are occurring, is most exposed to this undesirable practice. The conditions of military training to which they are exposed are absolutely unacceptable: in many African countries, children, when abducted, are forced to return to their villages and kill their families and friends to prove their loyalty. A large number of recruits were reported in countries such as the Democratic Republic of the Congo, Somalia, Sudan, the Central African Republic, Uganda and others.

The situation of child soldiers in the Middle East is similar to the situation of other children involved in armed conflicts, such a practice is observed in countries such as Pakistan, Afghanistan, Iraq, Lebanon, Syria, Palestine and Israel.

The South American region is not free from this situation, in Colombia, in the midst of the conflicts that plague the country, knowledge has been gained about the recruitment of children, mainly from sectors such as indigenous people or Afro-Colombian descent. Parties to conflicts use children for the manufacture and installation of landmines, to carry out intelligence tasks and suicide attacks.

At the international level, it seems possible to note two types of legal norms that relate to the protection of children in armed conflicts: international human rights law and international humanitarian law ([Biriukov, Galushko, 2020](#)). The first focuses on the promotion and protection of the rights of children in peacetime. Despite the fact that international humanitarian law is trying to regulate and limit methods and means of warfare, its main goal is to protect children who are not involved in hostilities.

It is appropriate to clarify that, despite the fact that there is a difference between international human rights law and international humanitarian law, the distance between them should be reduced. Thus, the use of the former only in peacetime should be gradually expanded so that recognition of children's rights is not limited solely to this context.

In many modern conflicts, minors are directly and actively involved in collisions usually carry weapons, perform military intelligence tasks or use camping as a disguise for terrorist acts. In practice, children are not only involved in armed conflicts as soldiers, but also perform a variety of tasks in support of the combatants, and working as an accompanying digits together, messengers, cooks, carriers of heavy weapons, and so on.

At the same time, children remain one of the main victims of armed conflict. Tens of thousands of them become participants in hostilities. Children are often turned into suicide bombers.

Armed conflicts, the escalation of military situations, the new dynamics of conflicts and new tactics of warfare, combined with widespread non-compliance with international humanitarian law, including the inadequate application of the principles of selectivity, proportionality and military necessity, had disastrous consequences for children. The number of cases of killing and mutilating children in the modern world has reached record levels, with an unprecedented number of such cases attributed to states. Air and ground operations, especially in urban and populated areas, have created complex challenges in terms of protecting the rights of children. Armed groups continued to have a significant number of casualties among children, which was associated with exacerbation of clashes, intensified military operations or cross-shelling; children, as before, were victims of war.

In today's world, children often become victims of recruitment and use, sexual abuse or forced marriage and punishment for belonging, or being perceived to belong to the family side of the conflicts. Vulnerability and poverty remain the driving force behind the recruitment and use of children, with confirmed violations being committed in the vast majority of cases by armed groups that sometimes even recruit children of eight years of age.

During military actions children used as 'a lives shields', cooks, porters, guards or sexual purposes, as "living bombs" and for moving and actuating the IEDs. In some cases, recruitment, there is tons of in schools and orphanages.

Children are still not adequately protected from armed conflict, and violence continues to leave an indelible mark on their lives. Taking long-term and sustained responses to violations remains a challenge. Children have no choice but to cope on their own and try to survive without the necessary assistance programs that would allow them to receive full treatment. Even when appropriate medical and reintegration programs exist, they are still insufficient to meet all the needs of each affected child.

Violations of children's rights during hostilities in many cases remain hidden. Restrictions on access to this information significantly impede the documentation and verification of violations.

Children's rights are of particular importance for the reintegration of child soldiers into civilian life and the prevention of their participation in criminal or terrorist activities.

One of the significant problems is the high mortality of children in war zones. During armed conflicts, children are often forced to leave their areas of residence in order to free themselves from attacks.

The issue of legal protection of children was raised after the World War II. The international community has witnessed the emergence of new types of conflict. Methods and means of warfare have become increasingly complicated. More frequent are conflicts in which regular armed forces oppose combatants from irregular units. Now during the hostilities, more serious casualties are suffered by the civilian population, including children. Many provisions of international humanitarian law to institute and develop the principle of special protection of children's rights during armed conflicts (Plattner, 1995: 87).

Children, as the most vulnerable group of the population, who should not take part in wars, enjoy special protection of international law. Parties to conflicts should provide them with protection from any kind of abuse in connection with their age and for any other reasons.

Children should enjoy protection from the effects of hostilities. At the same time, during armed conflicts, states should preserve cultural traditions and the system of parenting, as well as contribute to the preservation of families. For arrests, detentions or internment, children must be detained separately from adults.

It should be noted that it is not possible to completely exclude the participation of children in hostilities. In this regard, it should be borne in mind that the survey on the protection of children's rights was raised in international humanitarian law after the Second World War. It is pretty difficult to determine to what age people are children and when they become adults. International humanitarian law does not provide an accurate definition of the concept of a child, but in certain provisions it establishes that 15 years is the age to which children should receive special protection (Dutli, 1995; 64-80).

By virtue of Art. 38 of the 1989 Convention on the Rights of the Child, States must respect and ensure compliance with international humanitarian law applicable to them in the event of armed conflict and relating to children.

States should take all possible measures to ensure that persons under the age of 15 do not directly participate in hostilities. The international community is increasingly confronted with the recruitment and exploitation of children by various terrorist and violent extremist groups.

So, in 2015, the United Nations found 274 cases of child recruitment by the Islamic State of Iraq and the Levant organization in the Syrian Arab Republic and the existence of military training centers for 124 boys aged 10-15 years was revealed. Cases of the use of children as executioners were confirmed by video recordings.

It must be borne in mind that one of the pressing problems in the modern world is the participation of child soldiers in armed conflict. In the course of modern conflicts, the number of children voluntarily adjoining armed groups or being forcibly attracted is increasing.

The issues of determining the legal status of children during armed conflicts are complex and include several different aspects related to children who have become parties to conflicts.

Protecting the rights of children, involved in armed conflicts, it is one-quarter in the most pressing problems of our time. Worldwide, more than 240 million children live in countries affected by conflicts. Many face violence, displacement, hunger and exploitation by armed forces and groups.

Efforts to ensure the implementation and protection of the rights of children in times of armed conflict should be undertaken on the basis of various international legal instruments relating to the situation of children in armed conflicts.

Thus, according to paragraph 4 of the Declaration on the Protection of Women and Children in Emergency Situations and during the Period of Armed Conflict of 1974, the states participating in armed conflicts must take all possible efforts to protect women and children from the devastating consequences of war.

In particular, child soldiers in the theoretical literature on international law are understood to mean persons from 15 to 18 years old participating in the state armed forces, regardless of whether these children are used in battle or not ([Westhues, 2018](#)).

In the recent history of the twentieth century, the civil war in Sierra Leone has drawn the attention of the world community to perfect extreme cruelty. In particular, children recruited as soldiers attracted attention.

The 1996 report on the effects of armed conflict on children defines child soldiers as boys and girls under the age of 18, who are compulsory and voluntarily included in the armed forces, paramilitary groups, civilian self-defense units, or other armed groups ([Machel, 2000: 9](#)).

Article 38 of the Convention on the Rights of the Child in 1989 includes a provision stating that Mr. States countries should be taking be all feasible measures to ensure that persons who have not attained the age of 15 do not take direct part in hostilities.

They should refrain from recruiting any persons under the age of 15 to serve in their armed forces. When recruiting from persons over the age of 15 but not yet 18, States should seek to give preference to older persons.

These provisions allow children to participate in armed conflicts. The second protocol to the Geneva Conventions raises this age to 18 years.

The crime of children traditionally occupies a special place in the science of international law. This is due to the fact that children's crime is a future "adult" crime. In this regard, it is important to pre-empt, identify and suppress the improper behavior of children ([Korsakov, 2019: 12-13](#)).

S.S. Alekseev wrote that it was in childhood that a person should be convinced of the need to observe social norms of behavior so that in the future he would not be forced to do this through law ([Alekseev, 1991: 9](#)).

By participating in armed conflicts, children can commit war crimes, often without realizing it. International tribunals have the right to hold child combatants accountable. However, there is no practice of holding children accountable for war crimes.

The general position formulated by the International Tribunal for the Former Yugoslavia is that children can be prosecuted only in extreme cases.

The Truth and Reconciliation Commission is currently operating, which acts as an element of post-conflict justice. Children, as special subjects of international law, must understand that they can be held accountable for war crimes.

By virtue of Art. 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2000, armed groups other than the armed forces of a State should under no circumstances recruit or use children in hostilities.

By virtue of Art. 17 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949, parties to the conflict must enter into agreements for the evacuation of children from besieged or surrounded areas.

According to Art. 23 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949, states must provide free admission of all parcels with medical and sanitary materials, as well as items necessary for religious cults intended only for civilians.

Children during wars are entitled to various types of assistance. So, by virtue of Art. 50 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949, the occupying Powers should, with the help of national and local authorities, provide assistance to institutions entrusted with the care and upbringing of children in order for their work to proceed successfully.

In the event that local institutions are not able to perform these functions, the occupying powers must take measures to maintain and educate orphans or children separated as a result of war with their parents.

In this regard, the IV Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War was adopted, which enshrined the provisions that apply to children as part of the civilian population.

Since the Second World War, a large number of new types of conflicts have appeared. Complicated methods and means of warfare, new types of weapons. The number of armed conflicts is growing, in which the official armed forces of states confront combatants of irregular formations and private military companies.

The greatest losses during armed conflicts are suffered by the civilian population, especially children. In this regard, in 1974-1977 a diplomatic conference was held, which supplemented and developed international humanitarian law in the field of protecting the rights of children during armed conflicts.

International humanitarian law enshrines provisions on the protection of children as persons not participating in hostilities and special protection as the most vulnerable. International humanitarian law also protects children involved in hostilities.

During armed conflicts, children fall into the category of persons who are protected by the provisions of the IV Geneva Convention for the Protection of Civilian Persons in Time of War. In this regard, states should ensure respect for the lives of children, their physical and mental integrity, as well as the prohibition of coercion, corporal punishment, torture, etc.

All norms of international humanitarian law that are relevant to the conduct of wars should be extended to children. In particular, during armed conflicts, children have the right to humane treatment. Attacks on their life and physical integrity should not be allowed.

To facilitate the return of children to their families and countries, the authorities of the host countries must fill out photo cards for each child that they send to the Central Information Agency of the International Committee of the Red Cross.

Point 3 of Art. 4 of Protocol II provides that children should be provided with the necessary care and assistance. So, children should receive education, including religious and moral education, according to the wishes of their parents.

One of the important issues children during armed conflict is the preservation of the integrity of their families. The desire of children for adventure helps children overcome fear during armed operations. Children are not aware of the threat of hostilities if there are relatives near them who personify security. However, the loss of family ties, familiar surroundings and way of life has a negative impact on children, the most negative impact.

In this regard, according to Art. 82 of the Geneva Convention for the Protection of Civilian Persons during the 1949 War, during internment, parents and their children should be kept in the same places of internment, unless work or health make temporary separation necessary. Parents and children interned may require that their children, who are free without parental care, be interned with them.

In all possible cases, interned family members should be kept in the same premises and live separately from other internees. They must also be provided with the necessary opportunities to lead a family life.

Moreover, Art. 50 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949 established the provision that the occupying powers, with the help of national and local authorities, should provide assistance to institutions entrusted with the care and upbringing of children in order for their work to proceed successfully.

All measures necessary to facilitate the identification of children and the registration of their family ties should be taken.

Internees should provide opportunities for exercise, sports and outdoor sports. In all places of internment of children for these purposes should be allocated free space for children and adolescents.

One of the new problems that needs to be addressed is the participation of children in hostilities. In practice, it can be difficult to draw a line between civilians and combatants.

With according n. 2 tbsp. 77 of Protocol I parties in conflict should take all possible measures to ensure that children under the age of fifteen are not directly involved in hostilities, and to refrain from recruiting them into their armed forces. When recruiting from among persons over the age of fifteen, under the age of eighteen, the parties to the conflict should endeavor to give preference to older persons.

It is necessary to pay attention to the fact that by virtue of the Convention and the Rights of the Child of 1989 states are obliged to respect the norms of international humanitarian law applicable to them in the event of armed conflict and relating to children, and to ensure their observance.

In accordance with their obligations under international humanitarian law to protect civilians during armed conflict, States are required to take all possible measures to ensure that children affected by armed conflict are protected and cared for.

Children who are living in areas of conflict with their parents or without them are potential candidates for being recruited as soldiers. Deprived of parental protection, and access to education and prepare for independent adult life, these child soldiers are almost can not imagine my life outside of armed conflict, participation in which mills and the way for them to earn a living. Participation in the activities of armed groups is for them to ensure their own survival.

In situations of armed conflicts, children in every way help their parents fighting with weapons in their hands, but, as a rule, direct all their children's efforts to be like them ([Aleshin, 1998: 132](#)).

Children involved in hostilities are at risk and their behavior, often thoughtless and impulsive, is a threat to everyone around them.

The many contradictions that exist between the provisions of the law of armed conflict and what actually happens in war are often explained by such reasons as obedience to orders, abuse of alcohol and drugs, as well as the young age of combatants.

Child soldiers are often not only victims. They do not know how to calculate their strength and, opening fire for no reason, they too often do not think about the consequences of their actions and the suffering inflicted on the victims.

How child soldiers fall into the ranks of the armed forces remains a difficult question, the answer to which must be sought taking into account the characteristics of each specific situation. In this regard, this question does not have a simple and unambiguous answer.

International humanitarian and national law are the same subjects, and the first part protrudes with respect to the second higher-level system. International law is most often one step ahead and serves as a factor in improving national legal systems: states, as a rule, use more advanced international norms as models and patterns for future national norms ([Bezborodov, 2019: 3](#)).

International humanitarian law and national law in the field of children's rights operate in various fields and are independent legal systems between which there is a certain interaction.

National Board to determine the extent and terms of access provisions of international law on the rights of children in the national legal system. It should be borne in mind that the norms of international law on the rights of children cannot be included in national law, bypassing the constitution.

Many norms of international humanitarian law on the rights of children have been transformed or implemented into Russian national law. Moreover, the transformation of international humanitarian law on children 's rights can be general, individual, direct and indirect.

The general transformation of international humanitarian law on children's rights implies that all or certain types of accepted international legal norms are part of the country's law.

The individual transformation of international law provides that each norm or group of norms is introduced into the law of states by special acts.

A direct transformation of international humanitarian law on the rights of children is that the rules of treaties give rise to identical rules in national law by virtue of the adoption of treaties. In order for the norms on children's rights to be applied as part of the rights of the country, they must be suitable for direct application.

The indirect transformation of the norms of international law on children's rights means that, on the basis of treaties, national normative acts are issued that reproduce the content of treaties.

The interaction of international humanitarian law and national law in the field of children's rights is carried out to satisfy social interests.

In this regard, it seems necessary to agree with the statement of S.V. Chernichenko that international and domestic law are independent systems of law (Chernichenko, 1999: 130-131).

International humanitarian law and national law in the field of children's rights mutually influence each other. The implementation of the provisions on the rights of children enshrined in international agreements also cannot be adequately ensured without the participation of domestic law. The rights of children, enshrined in national law, also cannot be fully realized without the assistance of international law.

Of interest is the issue of protecting the rights of children. Nobody has the right to decide, what methods of implementation of international legal norms in the sphere of the rights of children should be taken by States for the most effective implementation of international humanitarian law.

It should be noted that by virtue of Part 2 of Art. 61 of the Constitution, Russia guarantees its citizens protection and patronage beyond its borders. We can agree with the assertion that this provision contains an international legal norm on the right of states to protect their citizens in other countries. In this regard, it should be borne in mind that in the 19th century "the lawful use of force was widely used to protect the life and property of its citizens (Brownlie, 1950: 121).

One of the challenges in the implementation and protection of children's rights is the need to intensify efforts to eradicating all forms of violence. In this regard, it should be noted that before the outbreak of World War I, the number of children actually participating in hostilities was insignificant; there was no need for their international legal protection. Children enjoyed the general protection of international humanitarian law. When injured, children enjoyed protection in accordance with the provisions of the Geneva Convention of 1864 on improving the fate of wounded and sick warriors during the land war (Krill, 1999: 47).

States should take all possible measures to ensure that persons under the age of 15 do not directly participate in hostilities.

It is necessary to refrain from the call of any persons under the age of 15 to serve in the armed forces. When recruiting from persons over the age of 15 who are not yet 18 years old, States should endeavor to give preference to older persons.

In accordance with their obligations under international humanitarian law to protect civilians during armed conflict, States undertake to take all possible measures to ensure the protection and care of children affected by armed conflict.

One of the important problems of modern international humanitarian law is the involvement of child soldiers in armed conflict.

So, more than 250 thousand children today are fighting on the side of government troops and in the ranks of rebels around the world. The average age of child soldiers is 10–12 years. Handling AK-47 children can be taught in 40 minutes. Somali child soldiers talk about training at bases in Uganda under the leadership of the US military.

By the number of warring children, Africa is the leader – in the central and western parts of which – every tenth child is a soldier. Their average age is 10-12 years, often in armed groups can meet and eight years. The bitter conflicts the more minors are involved.

In this regard, it should be borne in mind that children living in conflict zones with or without their parents are potential candidates to be recruited into the army. Deprived of parental protection, and the opportunity to get an education and prepare for an independent adult life, these

young soldiers can hardly imagine their life outside armed conflicts, participation in which becomes for them a way to earn a living. Participation in armed groups is their way of survival.

Many contradictions between the provisions of the law of armed conflicts and what is actually happens in the wars are often explained by factors such as obedience to orders, alcohol and drug abuse, and the young age of combatants.

Children are particularly vulnerable. In this regard, children who do not take part in hostilities should enjoy special protection from the effects of hostilities.

In particular, according to Art. 14 of the Geneva Convention for the Protection of Civilian Persons during the 1949 War, after the outbreak of hostilities, parties to the conflict may establish sanitary and safe zones and areas on their own territory, and if necessary in occupied territories, in order to protect against actions of war of children under the age of 15 years, pregnant women and mothers with children under 7 years of age.

By virtue of Art. 17 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949, parties to the conflict must enter into agreements for the evacuation of children from besieged or surrounded areas.

According to Art. 23 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949, states must provide free admission of all parcels with medical and sanitary materials, as well as items necessary for religious cults intended only for civilians.

Children during wars are entitled to various types of assistance. So, by virtue of Art. 50 of the Geneva Convention for the Protection of Civilian Persons in Time of War of 1949, the occupying Powers should, with the help of national and local authorities, provide assistance to institutions entrusted with the care and upbringing of children in order for their work to proceed successfully.

She must take all necessary measures in order to facilitate the identification of children and the registration of their family ties. In no case should she change their civil status, nor should they be credited to formations or organizations dependent on her.

In the event that local institutions are not able to perform these functions, the occupying powers must take measures to maintain and educate orphans or children separated as a result of war with their parents.

In this regard, the IV Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War was adopted, which enshrined the provisions that apply to children as part of the civilian population.

Since the Second World War, a large number of new types of conflicts have appeared. Complicated methods and means of warfare, new types of weapons. The greatest losses during armed conflicts are suffered by the civilian population, especially children. In this regard, in 1974–1977. A diplomatic conference was held, which supplemented and developed international humanitarian law in the field of protecting the rights of children during armed conflicts.

The provisions on children's rights are enshrined in the Additional Protocol to the Geneva Conventions of August 12, 1949, concerning the protection of victims of international armed conflicts (Protocol I) and the Additional Protocol to the Geneva Conventions of August 12, 1949, concerning the protection of victims of armed conflicts of a non-international character (Protocol II) of 1977.

International humanitarian law enshrines provisions on the protection of children as persons not participating in hostilities and their special protection as the most vulnerable. International humanitarian law also protects children involved in hostilities.

#### **4. Results**

To improve the legal status of children in international humanitarian and national law, it seems advisable to adopt the Convention on the Protection of the Rights of Children in Armed Conflict within the United Nations, which would provide basic guarantees for the protection of rights and an effective international system for monitoring and enforcement of their rights.

Convention on the protection of the rights of children during armed conflicts could include definitions of basic concepts, such as trafficking in children, sexual and labor exploitation, the responsibility for crimes committed in the area of trade of children, trafficking countermeasures children, international cooperation in the field of trade of children, measures to prevent trafficking in children, etc.

## 5. Conclusion

The primary and universal guarantee of the enjoyment of children's rights in armed conflict is international law. Individual states and their officials cannot guarantee rights, as they are required to act within the framework of national law. Only cooperation of states on the basis of the Charter of the United Nations can guarantee the realization of the rights of children in armed conflict.

One of the important guarantees of protecting the rights of children during armed conflicts should be the right to peace, which implies strict observance of the ban on wars by states in international relations.

## References

- Alekseev, 1991** – Alekseev, S. (1991). Pravo: vremya novykh podkhodov [Law: the time of new approaches]. *Sovetskoye gosudarstvo i parvo*. № 2. Pp. 3-11. [in Russian]
- Aleshin V.** – Aleshin, V. (1998). Pravovoye regulirovaniye zashchity detey vo vremya vooruzhennykh konfliktov [Legal regulation of the protection of children during armed conflict]. *Moskovskiy zhurnal mezhdunarodnogo prava*. № 12. Pp. 128-133. [in Russian]
- Bezborodov, 2019** – Bezborodov, Y. (2019). Metody i formy yuridicheskoy konvergentsii v mezhdunarodnom prave [Methods and forms of legal convergence in international law]. Avtoreferat diss .... dokt. yurid. nauk. Yekaterinburg, 31 p. [in Russian]
- Brownlie, 1950** – Brownlie, I. (1950). International Law and Human Rights. L. 535 p.
- Chernichenko, 1999** – Chernichenko, S. (1999). Teoriya mezhdunarodnogo prava [Theory of international law]. *Sovremennyye teoreticheskiye problemy*. Tom 1. M.: NIMP. 334 p. [in Russian]
- Customary International Humanitarian Law, 2005** – Customary International Humanitarian Law, (2005). Jean Marine Henckaerts and Louise Doswald-Beck. Cambridge University Press, Vol. 1. Rules. 621 p.
- Dutli, 1995** – Dutli, M.T. (1995). Deti-kombatanty v plenu. – Deti i vojna [Children combatants captured. – Children and war]. *Sbornik statey* Moscow, ICRC, pp. 64-80. [in Russian]
- International Review, 2007** – International Review of the Red Cross (2007). Humanitarian Debate: Law, policy, action. Conflict in Iraq. V. I. 957 p.
- Korsakov, 2019** – Korsakov, K. (2019). Nesovershennoletniye pravonarushiteli: nakazyvat' ili vospityvat'? *Voprosy yuvenal'noy yustitsii*. № 2. Pp. 12-17.
- Krill, 1999** – Krill, F. (1999). Mezhdunarodnoye gumanitarnoye pravo po zashchite zhenshchin [International humanitarian law on the protection of women]. *Zashchita lyudey i ob"yektov v mezhdunarodnom gumanitarnom prave. Stat'i i dokumenty*. ICRC. M. 376 p. [in Russian]
- Machel, 2000** – Machel, G. (2000). The Impact of Armed Conflict on Children. A critical review of progress made and obstacles encountered in increasing protection of war-affected children. *International conference on War-affected children*. Winnipeg. Pp. 1-49.
- Plattner, 1995** – Plattner, D. (1995). Protection of children in international humanitarian law. Protection of persons and objects in international humanitarian law. Articles and documents. International Committee of the Red Cross. M., pp. 85-104.
- Ruiz, 2013** – Ruiz, C. (2013). Niños soldados. Un abordaje a la problemática. Conflictos armados. X Jornadas de Sociología. Facultad de Ciencias Sociales, Universidad de Buenos Aires, Buenos Aires. pp. 1-13.
- Westhues, 2018** – Westhues, A. (2018). Niños soldados: una aproximación al fenómeno ya sus implicaciones para la seguridad y la paz child soldiers: approaching the phenomenon and its implications for security and peace. 29 p. [Electronic resource]. URL: [https://www.academia.edu/38793369/Niños\\_soldados\\_una\\_aproximación\\_al\\_fenómeno\\_y\\_a\\_sus\\_implicaciones\\_para\\_la\\_seguridad\\_y\\_la\\_paz.\\_Child\\_soldiers\\_approaching\\_the\\_phenomenon\\_and\\_its\\_implications\\_for\\_security\\_and\\_peace](https://www.academia.edu/38793369/Niños_soldados_una_aproximación_al_fenómeno_y_a_sus_implicaciones_para_la_seguridad_y_la_paz._Child_soldiers_approaching_the_phenomenon_and_its_implications_for_security_and_peace)