



‘The Silence of International Law’: Quest for Addressing Gender Based-Violence Against Girl Child Soldiers in Armed Conflicts

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ABSTRACT

The traditional notion of warfare reveals its predomination by the male members and as such the participation of women goes unrecognized. Even with regard to child soldiers, the participation of girl child soldiers and their concern goes unnoticed in spite of the fact that there are about 120,000 girl child soldiers among existing 300,000 child soldiers. They are not only the auxiliary role performers but also serve as active combatants in the battlefield. The problems faced by them are quite distinct and unique as compared to boy child soldiers. They have to bear the additional burden of sexual abuse along with the usual dangers associated with their role as combatants. Looking from the gender perspective, it seems that international law has not given much attention to the problems faced by girl child soldiers and their concerns have just been ignored. Though international humanitarian law dealt with women in war and provides protection, it considered them as civilians and not as active participants of war. Ironically the international legal instruments which have been implemented so far also failed to address the issue of girl child soldiers in particular. Their voices and concerns are thus marginalized from the main stream of international law resulting in gender-based discrimination. None of the international legal instruments dealing with child soldiers have gender references in their provisions. Even the International Criminal Court (ICC) has overlooked and relegated the gender issues in Prosecutor v Thomas Lubanga, the first case ever decided by ICC which dealt with child soldiers. Though gender crimes are considered as serious international crimes, ICC has failed to give effect in Lubanga case and this is mainly because gender based crimes are considered as ‘incidental’ and ‘opportunistic’ rather than ‘core crimes’. Though ostensibly gender based crimes seem to be officially unsanctioned, in reality they are often taken for granted. The requirement by international criminal tribunals of high evidentiary standards in cases of sexual violence and gender-based crimes also comes in the way of securing gender justice. This article thus seeks to address the challenges faced by girl child soldiers in armed conflicts and the ‘silence of international law’ on the ‘question of women’.

KEYWORDS

Gender-based violence –Feminist contestations- Challenges faced by female child soldiers – Silence of international law

Women constitute the most susceptible group in any armed zone and their vulnerable nature makes them easy prey to the militias and hence the soft targets of an armed conflict. Contextualizing the concerns of women in armed conflict has always been an area fraught with difficulty due to the multiple roles played by women as civilians, combatants and sex slaves. The culture of bush wives has made such contextualization even more difficult perhaps for the lack of resilience involved in their victimhood. Rape is considered as a general and classical manifestation of gender based violence and it is also an effective instrument used by masculine power to subjugate women physically and psychologically especially in armed conflict. Protection of women in such an environment has been the core essence of international law since time immemorial and the reflection of such a commitment is seen in various hard and soft laws. But the complex nature of women in armed conflicts performing myriad roles raises the most convoluted questions regarding the designation of women as to whether to consider them as combatants or victims or the facilitators of military operations or just the bush wives. The increasing complexity of their involvement has rendered the legal regime less efficacious when it comes to their protection in armed conflicts.

Legal definition of ‘gender’

Gender as a concept in international landscape has been receiving great emphasis in the scholarly research of recent years. It has gained much impetus in the context of myriad role played by women in various domains on the one hand and on the other hand because of increasing awareness towards gender sensitization from the international legal community.

The term ‘gender’ has been defined in various ways in international legal framework. Most of them articulate the defi-

inition to draw the structural differences between masculinity and femininity as constructed by society. But the most convincing definition of ‘gender’ is given by ICRC in its guidance document titled ‘Addressing the needs of Women affected by Armed Conflicts’. According to that, the term ‘gender’ refers to the ‘culturally expected behaviour of men and women based on roles, attitudes and values ascribed to them on the basis of sex where as ‘sex’ refers to the biological physical characteristics’.¹ The Rome Statute of International Criminal Court provides a legal definition of the term ‘gender’ in article 7(3) as “for the purpose of this statute, it is understood that the term gender refers to the two sexes, male and female within the context of society. The term gender does not indicate any meaning different from the above”. These definitions primarily stresses on the social construction of the term ‘gender’ based on their social and biological attribution. Does the term ‘gender’ has a meaning beyond this? Or can it be construed in any other terms? An attempt to answer these questions will lead us to a different domain within mainstream international law that presents a nuanced construction of the term ‘gender’, the discourse of which will be analyzed in the following section.

Gender-based violence

The study of gender-based violence especially in the context of armed conflict has received much scholarly attention in recent years and such a study has been a daunting task to the scholarly community mainly because of violence perpetrated against the particular gender i.e. women who performs variety of roles in armed zones. Before addressing the sexual violence against women in armed conflict it is very crucial to understand the concept of gender based violence. As previously discussed the term ‘gender’ and ‘sex’ are often used interchangeably. But if we look at the intrinsic meaning both the terms vary in their meaning and have different connotations. The term ‘sex’ mean physical differences between males

and females where as 'gender' refers to different socially prescribed roles of male and female. Gender role are thus context based and are learned through socialization.² Based on the gender roles which are differentiated in character, the term 'gender base violence' implies violence perpetrated against any individual and the basis for such a violence being the 'gender'. According to Jeanne Ward, Gender –based violence refers to "any harm that is perpetrated against a person's will; that has a negative impact on the physical and psychological health and the identity of the persons and that is the result of gendered power inequities that exploits distinctions between males and females, among males and females. Although not exclusive to women and girls, GBV principally affects them across all cultures. Violence may be physical, sexual, psychological, economic and socio cultural". As per this definition gender-based violence as a phenomenon is not subjected to any particular gender. But in reality women are the worst forms of gender-based violence and are targeted disproportionately especially in the context of armed conflicts. Therefore war manifests the power relations between masculinity and femininity as constructed by societal normative structure and this reflects the subjugation of feminine power by masculine power and exacerbates the experiences of women being the victims of such an exercise of power relations.

Feminist's contestation of International Humanitarian Law

Gender as a concept has sparked virulent contestations from various groups. One such group that attacks the ideological genesis of the term gender is the feminist group. Feminists have challenged the notion of equality of gender and negate the universal character of international legal order by analyzing various domains, institutions, mechanisms, the structure, the fabric and the very foundation of international law. Their contestation is based on the assertion that international legal regime is biased towards the reflection of gender and thus has not given adequate importance to the concerns of women and has overlooked their problems in various segments. International humanitarian law has been one such domain that clearly manifests the regulation of women and their concerns. IHL has been contested for the reason that there persists a general reluctance to entrench the concept of gender dynamics in armed conflicts. It is a particular domain where the factual narratives of armed conflicts and the treatment of gender justifies the feminists argument that the legal and policy responses of international law has been indifferent towards gender specific issues. Feminist scholars like Judith Gardam has argued that gendered hierarchy characterizes the existing body of international law where the rules protecting women are considered less important and any violation of these rules are not considered serious.³ The possible reason for the exclusion of women and their concerns as reflected in IHL could be the absence of women in the process of international norm creation. The majority of the drafters of the fundamental texts of IHL were men and since the experiences that women undergo in armed conflict is quite distinct from that of men, the drafters have failed to reflect upon the gender issues majorly in their laws.

Another eminent feminist scholar in the domain of international law is Hillary Charles worth who examines the very fabric of international law and tries to discover the 'areas of silence' where international law has not been adequately represented the women's concerns. Her major claim at IHL is that the language of IHL is codified in such a way so as to protect women against sexual crimes against as a matter of honour of a woman and thereby reiterates the notion that women as the property of man rather for the fact that such acts constitutes violence against women.⁴ Having analyzed various domains of international law where it has been silent on women's concerns she has concluded that, "International law has a gender, that the gender is a male one and that this skews the discipline".⁵

Challenges faced by female child soldiers

Narrowing the study to female child soldiers, they are also

equally affected by armed conflicts as elderly women. The research shows that between 1990 to 2003, 30 countries recruited young girls to serve in armed conflicts as a part of government forces, paramilitaries or militias or opposition groups. Nearly 25 to 50 percent of FARC-EP in Colombia constitutes female child soldiers as young as 8 or 9 percent. 42 percent of LTTE members constituted of female child soldiers. 16 percent of RUF of Sierra Leone militia composed of girl child soldiers. 35 to 40 percent of opposition group militia consisted of female child soldiers in Ethiopia during war with Eritrea.⁶

There are diverse ways through which young girls make an entry into soldiering. The usual ways being mass abduction, kidnap and press ganging that militias resort to recruit girls against their wills. Sometimes recruitment happens at a non-forceful recruitment where young girls make unbridled choice to enter soldiering for their own personal reasons. Such reasons could be poverty, pride associated with martyrdom, social and economic deprivation, lack of security, excessive nationalism as witnessed in case of LTTE, fascination for prestige attached to soldiering. Research shows that young girls who are victims of persistent domestic violence and those who belong to dysfunctional family structures are more prone to join armed groups. Testimonies given by former child soldiers who served in LTTE reveal that mounting family pressures for marriage has made them to take drastic steps in their life to choose soldiering. Research also makes it evident that many militias embark on the strategy of distorting the mindset of young girls with radical feminist attitude and imbibe them with the thought that the only way to get out of the shackles of male dominated society is through their association with armed groups. LTTE claims that recruitment of girl child soldiers is its way of asserting women's liberation and countering the oppressive traditionalism of the present society.⁷

Once they enter the domain of soldiering, the hardship that comes with it is more barbaric. The psychological hardship they undergo is more gruesome than the physical injuries they incur. They are supposed to undergo a rigorous military training that includes long and forced marches. Grueling physical conditioning and threat of punishment makes the training more disciplined.⁸ Young girls are exposed to the most dangerous practices like using cyanide and trained to prepare as suicide bombers. It is reported that in LTTE, young girls and boys are to wear cyanide capsules and are trained to commit suicides if they are captured so that they will not reveal their group identity and information associated with it. It is reported that young girls preferred to consume cyanide and kill themselves so that they can avoid the abuses and violence awaited for them back in their military groups.⁹ One of the child soldier stated, "without the cyanide we don't go to war. Even now I don't like jewelry. I like a black thread around my neck. I had got so much used to the thread around my neck. I feel sad when I think of what happened to me. I had the cyanide. I didn't take it and when I go back I will have to face death."¹⁰ Rape thus becomes an everyday phenomenon for a girl child soldier and the physical trauma is tantamount to the dangers involved in combating.

Apart from this the young girls have to carry additional burden of 'rape' as a part of sexual violence. Young girls are often expected to perform sexual slavery as a part of being bush wives apart from their usual duties of serving as combatants and auxiliary role performers. Rape is used as a systematic way of subjugating women and also as an effective strategy to block the chances of young girls returning back to their homes as rape comes with the cost of sanctity and bodily integrity of women and the social stigma attached to it.

Rape is also used as a means of punishment of such young girls who disobey their commanders. One of the testimonies in Sierra Leone who is of fourteen years age having served in RUF is reported to have her left arm cut above the elbow and rendered permanent physical disability for having refused the sexual demands of her commander.¹¹ Forced pregnancies

resulting out of rape due to unavailability of contraceptives bears additional burden to girl child soldiers. Forced pregnancies involve significant risks with regard to health of young girls. Inadequate nutrition results in malnutrition and poor health care facilities increases the mortality rate during pregnancies. Constant exposure to war like environment hampers the living condition and all these in turn affects the health of girl child soldiers.

The general tendency among the commanders is to get rid of such pregnancies of young girls as it would result in increased risk of upbringing a child and also it would bear a negative impact on the productivity of a girl child soldier in terms of combating as well as in secondary role performances. Generally the commanders resort to termination of pregnancies through abortions that involves unsafe methods which eventually impacts the health of a girl child soldier significantly. One such method is stomach pounding and a Liberian girl is reported to have shared her experience with Human Rights watch as "My pa and ma are dead. I have no one to help. When the rebels came, I was small. They forced me to go with them. I got pregnant from the fighters. When the time came for birth the baby died. Four or five of boys pushed on my stomach to force me to get rid of the baby, my stomach is now broken". However such experiences of young girls are often dismissed in the rage of addressing the primary concern of girl child soldier as combatants and auxiliary role performers. Sexual violence often expose young girls to health risks like cervical tearing, permanent reproductive impairment, uterine deformation and infections, premature and still births. Girls who undergo constant sexual violence suffer from long term problems relate to uterine and reproductive health. It often results in young girls turning out to be barren in long term. Lack of pre natal care results in miscarriages and also the heavy labor a young girl is expected to perform have a long lasting impact on reproductive health.

Another significant ways in which sexual violence affects young girls health is through sexually transmitted diseases (STD's). Young girls subjected to repeated rapes by multiple commanders are generally at a high risk of contracting STD's like syphilis, gonorrhoea, HIV, chlamydia, genital warts and herpes and hepatitis B. These diseases hamper the health of young girls being malignant in nature and also render permanent health impairment. Yet another disastrous implication of sexual violence is the fate of illegitimate children born out of repeated rape perpetuated by multiple commanders. Such children have to face social ostracization and exclusion for not having known the legitimate father and their patrilineal ethnicity and this bears a negative impact on construction of social identity as per societal norms.

The culture of bush wives is infact an euphemistic reference to the sexual slavery, the most heinous of all crimes because physical, social and psychological harm inflicted on young girls are more barbaric than their experiences as mere soldiers and these experiences of young girls have always been peripheral at the research. One such experience is social stigmatization that comes at the cost of young girls association with armed conflicts. Once a girl gets associated with the militia often loses her hope to return back to her community mainly because of the fear of social stigmatization as their reputation is at shreds and the sanctimony attached to their lives is tarnished for having associated with militia. This infact blocks the chances of young girls to reunite with their families and communities and the fear of such consequences makes them continue with their association with military groups either as active combatants or bush wives. Thus the pervasiveness of gender based violence in armed conflict places women in a vulnerable situation and targets them physically, psychologically and socially. Rape, the specific manifestation of sexual violence is inextricably intertwined with the construction of social identities in future life of girl child soldier and this aspect perhaps has been overlooked by international law. Despite the tremendous efforts of international legal community to address the sexual violence as a punishable offence very less

has been done in practical terms at this regard. When they are to address the cases that involve gender based violence, either the charges goes unnoticed regarding sexual violence perpetrated against women or they are dismissed as menial charges. This reflects the underdeveloped character of international law and how sluggish the international community in responding to the concerns of women and all of these negates the efficaciousness of international humanitarian law.

Few authors have argued that gendered base abuses should be considered as violation of jus cogens because 'rape' is considered as a war crime and war crimes as such have acquired the status of jus cogens and thus rape committed in armed conflict should be considered as a violation of jus cogens. This in turn depends on the level of gender sensitivity the international community towards women and also their commitment to end gender based violence in armed conflict as the status of jus cogens can be acquired only through an effective and strong state practice.

'Silence of International Law' in addressing gender-based violence in *Prosecutor v. Thomas Lubanga*

As we have discussed in the previous section, the crime of gender based violence as such has failed to gain adequate addresses from the international legal community and this invokes serious contestations from various group of feminists at the failure of international law to address the concerns of child soldiers effectively. These contestations have been evoked in the light of the decision of ICC in its first trial delivered ever since its inception in *Prosecutor v Thomas Lubanga* case. As seen in the earlier chapter m Lubanga's case is considered as a precedent case because of its eminent contribution in child soldiering jurisprudence. But it cannot be called as flawless mainly because of its failure to give cognizance to gender based violence which was widely committed during the war in democratic Republic of Congo. As per the world bank estimates, there were about a third of child soldiers i.e. 12500 out of 30000 in Ituri conflict were girl child soldiers. The conflict that embroiled DRC witnessed a widespread sexual violence against girl child soldiers and during the trial there were about 129 girls who were found to be the victims of sexual violence. Despite all these the most astonishing fact is that the prosecution did not include the crime of sexual violence under the charges leveled against Thomas Lubanga. Even the trial chamber did not consider the crime of sexual violence while reaching the judgment because these crimes were not included in the confirmation of charges.

As per the Rome Statute, the trial chamber's verdict can not exceed the facts and circumstances described in the charges and amendments in the charges and article 67 of Rome Statute states that the accused has a right to be informed promptly and in detail, the nature, the cause and content of the charge. Pursuant to this the trial chamber did not include the charges of sexual violence in its verdict. But the prosecutor suggested the possibility that gender-based violence could be considered during the sentencing of Lubanga. There were certain issues that came before the trial chamber pertaining to consideration of sexual violence during the prosecution. The first issue was whether the term 'to participate actively in hostilities' could be considered to encompass all those female child soldiers who served as sex slaves during hostilities

The next issue is whether the charges of sexual violence falls within the scope of charges covered under the term 'to conscript and enlist'? Regarding the first issue, as per article of 27 of Rome Statute if there exists no definition for a particular crime under Rome Statute, the trial chamber is left open for a possibility to look into the applicable treaties and principles and rules of international law including established principles of international law of armed conflict and also the general principles of international law of armed conflicts derived by the court from national laws of legal systems of the world. Since the term 'enlisting, conscripting and using children to participate actively in hostilities' were not defined under Rome Statute the chamber looked into vari-

ous international legal instruments in the domain of international human rights law and international humanitarian law and also the jurisprudence created by various ad hoc international criminal tribunals. Based on these, the trial chamber opined that the term 'active participation' and the 'direct participation' carries the same meaning as interpreted by Geneva Conventions. But the victims who participated as the witnesses during the trial dissented from the opinion of trial chamber and argued that the term 'to participate actively' needs to be interpreted to encompass all those girl child soldiers who served as sex slaves. Even the prosecution opined that the term 'to participate actively' should cover all those activities which facilitates the functioning of armed group which meant sexual slavery also to fall within the scope of the term 'to participate actively'. However the chamber concluded that for an act to constitute 'active participation' it is essential to prove that such an act exposed him to the real danger as a potential target. Now the question was whether the act of sexual slavery performed by girl child soldiers exposed them to the real danger? The chamber did not attempt to answer this question and left open as an issue to interpret the term 'to participate actively' to cover the sexual roles performed by girl child soldiers. It dismissed this specific issue for the reason that the charges of sexual violence were not included in the pre-trial chamber's decision on the confirmation of charges leveled against Lubanga.

Regarding the second issue i.e. interpretation of the word 'conscripting and enlisting' there is any precise definition as such given by any hard or soft laws in the domain of international law. In a common understanding the term 'enlistment' mean a mere action of enlisting the names of those who were to join armed groups. The question of whether such a choice of joining the armed group voluntarily or by forced means is unclear in the act of 'enlistment' where as the term 'conscripting' mean an act which involves coercion or compulsion to recruit people in an armed group. There is an element of 'compulsion', which makes it mandatory for the people to join the armed group. The question of voluntary entry does not rise here in this case. Even in the case of Special Court of Sierra Leone interpreted the term 'conscripting' as "which encompass acts of coercion such as abductions and forced recruitment by an armed group against children".¹² This statutory interpretation of the terms 'enlistment' and 'conscripting' is quite decisive in the study of gender-based violence in the context of Thomas Lubanga case because there was a debate that arouse during the trial of Lubanga which argued that "rape and other sexual crimes were in fact an integral component of the process of enlistment of girls in Democratic Republic of Congo"¹³

Sexual slavery is the basic motive of an armed group who resort to recruitment of child soldiers inspite of knowing the limitations of young girls to serve as combatants. This particular act is so engrained in the very act of 'conscripting' and 'enlistment' that it is quite implicit that the act of sexual violence is assumed to be an essential characteristic feature of 'conscripting' and 'enlistment' and there is no need to bolster the claim of sexual violence explicitly in the charges leveled against Lubanga.

Another important issue that came before the prosecution was whether the sexual violence and rape should be treated as 'aggravating factor' during the sentencing of Lubanga. In this direction, the defence argued that the prosecutor should not invoke sexual violence as an aggravating factor because firstly, there were no charges leveled against Lubanga that convicted him of sexual violence during the confirmation of charges by pre-trial chamber and secondly there exists no evidence that supports Lubanga for having ordered or encouraged sexual violence. But there were evidences that were produced during the trial that justified the sexual violence committed against girl child soldiers but the majority in the trial chamber were unable to prove that sexual violence occurred in the ordinary course of events during the conflict under the leadership of Lubanga and there existed no evidence to prove that Lubanga encouraged such violence and was aware of its occurrence within his knowledge. Even though the prosecutor

was supposed to raise the issue during the trial he refrained himself from referring to any of these relevant evidences during the trial as a result the chamber in majority opined that due to the lack of evidences it is not possible to establish a link between the sexual violence and Lubanga's commandship and therefore it can not serve as a crime that can endow culpability on Lubanga.

Dissenting opinion of Judge Benito in *Prosecutor v Lubanga* trial

The failure of the prosecutor to address the issue of sexual violence in the trial of Lubanga reflects a major failure on part of international law to give justice to gender-based violence and this undermines the universal character of international law. This has created much distrust among various feminist scholars and women advocacy groups towards international law and the major reflection on this comes from the dissenting opinion of Judge Elizabeth Odio Benito. She dissents from the majority opinion of the trial chamber and opines that inspite of the ample evidences gathered by the trial chamber on the sexual violence that occurred in the camps the chamber has failed to consider these crimes for the purpose of sentencing.¹⁴ She considers it as discriminatory to exclude sexual violence which shows a clear gender differential impact from being a body guard or porter which is mainly a task given to young boys.¹⁵ She further reasons her argument by relying on the expert witness's evidence on the harm to victims and their families during the conflict. She observes that as noted by Ms. Schauer, the child soldier who experience mutilation, severe physical or sexual assault, sexual abuse and rape suffer post-traumatic stress disorder which may have an adverse impact on their entire lives and sexual violence in specific rape "seem to have predictive power in terms of likelihood of development of psychopathology".¹⁶ She also maintains that when the crimes of enlistment, conscription and use of children under the age of fifteen years to participate actively in hostilities are considered, it is quite decisive to analyze the effects and damages that these crimes bear on gender.

Judge Benito maintains that the damage caused by sexual violence is not only confined to its victims but also extends to their families and children born out of sexual violence perpetrated against young girls equally carry the burden and these sexual violence will have trans generational effects that cripple individuals and families even into next generations.¹⁷ Bearing in mind, the majority opinion that Lubanga did not "deliberately discriminated against women in committing these offences" she maintains that it may not be deliberately intended to cause harm to women by Lubanga, but the crime for which he is convicted i.e. conscripting, enlisting and to use children below fifteen years to participate actively in hostilities eventually resulted in discrimination of women and in particular girls under the age of fifteen years who were subjected to sexual violence and this impaired and nullified the enjoyment of human rights and fundamental freedoms of girl child soldiers for the rest of their lives.¹⁸ Thus she dissents the majority of the trial chamber which disregarded punishment and sexual violence while determining the sentence of Lubanga.

The dissenting opinion of Judge Benito seems valuable in addressing the concerns of child soldiers does not go without contestation. Her particular argument that the scope of the clause 'using children to participate actively in hostilities' also extends to encompass using girl child soldiers for sexual purpose' has been contested by scholars like Jorgenson who argue that the crime as enumerated under this clause do not extend so far to include girl child soldiers and they maintain that such an interpretation would violate article 22 of Rome Statute which prohibits holding individuals criminally responsible for the conduct which does not constitute a crime within the jurisdiction of the court at the time of commitment.¹⁹

An analysis of various challenges faced by female child soldiers in pre and post conflict scenario reveals the fact that the protection rendered by international law in this regard is too weak and it almost constitutes a relegated issue. The female

child soldiers seems to be the most affected group in the entire process as they have to carry the additional burden of sexual violence being in armed conflicts and fear of social stigmatization based on the notions of purity when they return back to their societies for reintegration which is further complicated by the children born out of unwanted pregnancies that impedes their reintegration. International law has again failed to devise an effective strategy to protect and address the specific concerns of female child soldiers in this regard.

The failure of international law to address the charges on gender-based violence is further seen in its prosecutions of the most famous cases dealt by the International criminal law that has given least regard and has completely relegated the concerns of women. International humanitarian law whose main concern is to given and regulate the issues pertaining to armed conflicts has drastically failed in its efforts to address the concern of women and girl child soldiers thereby evoking serious contestations by the feminist scholars who tries to attack the 'silence of international law' 'on the question of women'. In light of strong contestations by feminist groups, NGOs and the international community for the failure of international law to address the concerns of female child soldiers in its prosecutions the international legal regime seems to have given a serious thought and has started the efforts to sensitize this issue in its prosecutions which is witnessed in its recent trial on Ntaganda. Even though it seems that international law has been progressing at this end, the pace seems to be too slow to give justice to the most flagrant violation of human rights of the most vulnerable sections of the society i.e. women.

All these validates the statement that girl child soldiers have been at a greater disadvantage in terms of having their concerns unaddressed by international legal regime. In order to address their concerns effectively in the international scenario the article proposes few suggestions that can bring a profound impact on their lives. First, a gender inclusive definition of the term 'child soldier' will help in solving many obscurities involved with the plight of child soldiers. The definition should clearly distinguish between the auxiliary role performers and the combatants. The definition should also clarify what roles constitute child soldiering so that there would not be any confusion while female child soldiers avail rehabilitation programmes. Second, the international legal regime should consider the issue of gender crimes especially sexual violence in all of its future trials dealing with child soldiers so as to absolve itself from the image of being 'discriminatory' at the gender front. Third, the rehabilitation programmes should incorporate gender analysis in its working agenda so that the concerns of female child soldiers especially at the front of demobilization, health care, psychological assistance, vocational training and reintegration are effectively dealt with. Fourth, the international regime should provide for separate reparations for female child soldiers as they bear the burden of sexual exploitation that becomes a major barrier in the future life that manifests in hindering social reintegration, hampering the physical and mental health, bearing and upbringing the illegitimate children and also carrying a 'tarnished image' all through their life. Sufficient reparation could help in making them independent and also reconstruct their lost lives in societies. Fifth, the international legal regime should appoint a special rapporteur on violence against female child soldiers who can monitor the sexual violence that occur in armed conflicts, to provide reparations, to seek justice in the trials for their exploitation in armed conflicts, to supervise their effective reintegration into their communities and also to design programmes to enable female child soldiers to lead a descent life. All of these endeavors can bring a drastic change in lives of female child soldiers and hence they can be helped in rebuilding their future life in the most positive way.

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