

## Child Soldiers: Legal Obligations and U.S. Implementation

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### Introduction

As the world continues its voyage into the 21st century, the international community continues to confront the issue of child soldiers. More than 300,000 children, some as young as seven or eight, are involved in more than thirty conflicts worldwide.<sup>1</sup> Some fight directly as combatants, while others serve as cooks, guards, or spies.<sup>2</sup> In Afghanistan, Taliban militants attempted to trick a six-year-old boy into being a suicide bomber.<sup>3</sup> In Iraq, al-Qaeda militants have used mentally handicapped children in their fight against Iraqi and Coalition forces.<sup>4</sup> Children have also been used as decoys in vehicles, to allow car bombs to approach or pass through checkpoints without raising suspicions.<sup>5</sup> Perhaps incrementally, the world legal community has begun to face this challenging problem. The first case to come before the International Criminal Court (ICC) involves a prosecution for the enlistment, conscription, and use of child soldiers.<sup>6</sup> The Special Court for Sierra Leone<sup>7</sup> recently rendered guilty verdicts against three senior members of an armed faction for, among other crimes, conscripting and using child soldiers.<sup>8</sup>

Meanwhile, activists both in and out of government continue to press for increased protections for children. A bill pending in Congress would, *inter alia*, prohibit military assistance to militaries or groups that recruit or use child soldiers.<sup>9</sup> Various nongovernmental organizations advocate on behalf of child soldiers, seeking increased legal protections as well as more direct humanitarian aid.<sup>10</sup> Given the international environment, judge advocates (JAs) are encouraged to develop a working knowledge of the law regarding child soldiers, as well as familiarity with the U.S. policies designed to ensure compliance with those laws. This article summarizes the basic legal obligations regarding the employment of children<sup>11</sup> and young adults as soldiers, and will further discuss U.S. practice to comply with those obligations.

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<sup>1</sup> UNICEF, Fact Sheet: Child Soldiers (on file with author); U.S. Dep't of State, The Facts About Child Soldiers, Aug. 8, 2005, available at <http://www.state.gov/documents/organization/51160.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Jason Straziuso, *Boy: Taliban Recruited Me to Bomb Troops*, ASSOCIATED PRESS, June 25, 2007, [http://www.breitbart.com/article.php?id=D8Q01SKG0&show\\_article=1](http://www.breitbart.com/article.php?id=D8Q01SKG0&show_article=1).

<sup>4</sup> IRIN: UN Office for the Coordination of Humanitarian Affairs, Iraq: Mentally Handicapped Children Used in Attacks, Apr. 10, 2007, <http://www.irinnews.org/PrintReport.aspx?ReportId=71257>.

<sup>5</sup> *Children Reportedly Used as Decoys in Bombing*, ASSOCIATED PRESS, 21 Mar. 2007, <http://www.msnbc.msn.com/id/17724957/>.

<sup>6</sup> International Criminal Court, The Office of the Prosecutor, *Report on the Activities Performed During the First Three Years (June 2003-June 2006)* 2 (Sept. 12, 2006), available at [http://www.icc-cpi.int/library/organs/otp/OTP\\_3-year-report-20060914\\_English.pdf](http://www.icc-cpi.int/library/organs/otp/OTP_3-year-report-20060914_English.pdf).

<sup>7</sup> The Special Court for Sierra Leone is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone.

<sup>8</sup> *Prosecutor v. Brima, Kamara, & Kanu*, Case No. SCSL-04-16-T, Trial Chamber II, Judgment (June 20, 2007) (Special Court for Sierra Leone.).

<sup>9</sup> Child Soldier Prevention Act of 2007, S. 1175, 110th Cong. § 5.

<sup>10</sup> *E.g.*, Coalition to Stop the Use of Child Soldiers, <http://www.child-soldiers.org> (last visited Oct. 9, 2007); Human Rights Watch, Children's Rights, *Child Soldiers*, <http://hrw.org/campaigns/crp/index.htm> (last visited Oct. 9, 2007); Amnesty International, *Child Soldiers*, <http://web.amnest.org/pages/childsoldiers-index-eng> (last visited Aug. 8, 2007); American Friends Service Committee, *Child Soldiers*, <http://www.afsc.org/issues/issue.php?id=315> (last visited Oct 9, 2007); War Child International, <http://www.warchild.org/index.html> (last visited Oct 9, 2007).

<sup>11</sup> Various treaties govern the employment of young individuals, and to do so define the term "children" and/or set forth permissible and impermissible uses of such persons. This article uses the term "children" only in a general sense. The term "child soldiers" will similarly be used in a general sense, often to refer to those individuals whom specific or collective treaties attempt to bar from participation in armed conflict.

## Law

The participation of children in armed conflict has been subject to regulation only in recent years. Although the law of war has provided certain protections for children,<sup>12</sup> the ability of children to participate in armed conflict remained unregulated until the 1977 adoption of Additional Protocol I to the Geneva Conventions (Protocol I).<sup>13</sup> Protocol I requires parties to “take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities . . . .”<sup>14</sup> Protocol I allows the recruitment of persons ages fifteen to seventeen, but with a preference for those eighteen and older.<sup>15</sup> Although the United States is not a party to Protocol I, it has generally supported the application of this particular principle.<sup>16</sup> Protocol II, applicable to non-international armed conflicts, similarly prohibits the recruitment or participation of children in hostilities.<sup>17</sup> As with Protocol I, the United States is not a party to Protocol II; however, President Reagan submitted Protocol II to the Senate for advice and consent,<sup>18</sup> a request renewed by President Clinton.<sup>19</sup>

When defining punishable war crimes, the drafters of the Rome Statute of the ICC followed a similar course, allowing for the prosecution of those who conscript or enlist children under fifteen into armed forces or groups or use them to participate actively in hostilities.<sup>20</sup> Indeed, of four situations pending before the ICC,<sup>21</sup> all involve or are likely to involve the use of child soldiers.<sup>22</sup>

In addition to regulation under the laws of war, the use of child soldiers has been further regulated by human rights treaties. When the Convention on the Rights of the Child (CRC) came into being in 1989, it continued the framework of the 1977 Protocols and set as fifteen the minimum age for recruitment or participation in armed conflict.<sup>23</sup> The CRC was

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<sup>12</sup> See, e.g., Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 14, Aug. 12, 1949, 6 U.S.T.S. 287 [hereinafter GC IV] (creating safety zones for protection of, among others, children under fifteen); art. 17 (encouraging removal of children from besieged or encircled areas); art. 23 (allowing for free passage of essential foodstuffs, clothing and tonics intended for children under fifteen); art. 24 (addressing children under fifteen who become orphaned or separated from their parents); art. 38 (granting certain rights to children under fifteen years); art. 50 (providing for care and education of children during occupation); art. 82 (addressing the internment of children together with their parents); art. 89 (allowing additional food for interned children under 15); art. 94 (addressing the education of interned children); art. 132 (providing information on release, repatriation, return, or accommodation of interned children).

<sup>13</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 U.N.T.S. 3 [hereinafter Protocol I].

<sup>14</sup> *Id.* art. 77. Article 77 is contained in Part IV (Civilian Population), Section III (Treatment of Persons in the Power of a Party to the Conflict), Chapter II (Measures in Favour of Women and Children).

<sup>15</sup> *Id.*

<sup>16</sup> Michael J. Matheson, *Session One: The United States Position on the Relation of Customary International Law to the 1977 Protocols Additional to the 1949 Geneva Conventions*, 2 AM. U. J. INT'L L. & POL'Y 419, 428 (1987).

<sup>17</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 4, 8 June 1977, 1125 U.N.T.S. 609 [hereinafter Protocol II].

<sup>18</sup> LETTER OF TRANSMITTAL FROM PRESIDENT RONALD REAGAN, PROTOCOL II TO THE GENEVA CONVENTIONS OF AUGUST 12, 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF NONINTERNATIONAL ARMED CONFLICTS, S. TREATY NO. 2, 100th Cong., 1st Sess., at 111 (1987), *reprinted in* 81 AJIL 910 (1987). The State Department recommended ratification of Protocol II subject to one reservation and three understandings, none of which involved the provision on child soldiers. Letter of Submittal from the Secretary of State George P. Schultz, S. TREATY DOC. NO. 2, AT VII, IX (accompanying President Reagan's letter of transmittal dated 29 January 1987).

<sup>19</sup> LETTER OF TRANSMITTAL FROM PRESIDENT WILLIAM J. CLINTON, HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF AN ARMED CONFLICT, 1 PUB. PAPERS OF THE PRESIDENTS, WILLIAM J. CLINTON 13-14 (Jan. 6, 1999) (transmitting for advice and consent the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and reiterating support for Protocol II). The ratification of Protocol II does not appear to be a priority to President Bush. Letter from Jeffrey T. Bergner, Assistant Secretary Legislative Affairs, Department of State, to the Honorable Joseph R. Biden, Jr., Chairman, Committee on Foreign Relations, U.S. Senate (Feb. 7, 2007) (noting the Administration's treaty priority list for the 110th Congress, and omitting Protocol II).

<sup>20</sup> Rome Statute of the International Criminal Court art. 8 (2)(e)(vii), July 17, 1998, 2187 U.N.T.S. 90, 37 I.L.M. 1002. Although the United States is not party to the ICC, it is difficult to imagine U.S. objections to this particular provision.

<sup>21</sup> Democratic Republic of the Congo, Uganda, Central African Republic, and Sudan.

<sup>22</sup> See Ninth Diplomatic Briefing on the International Criminal Court: Information Package Mar. 29, 2007, at [http://www.icc-cpi.int/library/about/ICC\\_DB9\\_IP\\_En.pdf](http://www.icc-cpi.int/library/about/ICC_DB9_IP_En.pdf); International Criminal Court, Fifth Session of the Assembly of State Parties, Opening Remarks, Statement of Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, Nov. 23, 2006, at [http://www.icc-cpi.int/library/organs/otp/LMO\\_20061123\\_en.pdf](http://www.icc-cpi.int/library/organs/otp/LMO_20061123_en.pdf); Coalition to Stop Child Soldiers, Child Soldiers Global Report 2004, at [http://www.child-soldiers.org/document\\_get.php?id=966](http://www.child-soldiers.org/document_get.php?id=966).

<sup>23</sup> Convention on the Rights of the Child, art. 38, Nov. 20, 1989 (entered into force Sept. 2, 1990).

followed by the International Labour Organization's 1999 Worst Forms of Child Labour Convention (Child Labour Convention), a treaty to which the United States is a party.<sup>24</sup> Defining "children" as those persons under eighteen,<sup>25</sup> it prohibits forced or compulsory recruitment of children for use in armed conflict.<sup>26</sup> Under the Child Labour Convention, voluntary recruitment of children under eighteen remains permissible.

Although the United States has not ratified the CRC, it has endorsed even greater restrictions on the use of child soldiers. Since 2003, the United States has been party to the Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Optional Protocol on Children in Armed Conflict). The Optional Protocol on Children in Armed Conflict prohibits the compulsory recruitment of persons under age eighteen and requires that states "take all feasible measures" to ensure that those under eighteen "do not take a direct part in hostilities."<sup>27</sup> However, it permits voluntary recruitment of persons under eighteen, if the particular state party deposits a declaration at the time of ratification.<sup>28</sup> The United States did so, setting the minimum age for voluntary recruitment as age seventeen.<sup>29</sup> This declaration is consistent with U.S. law, which sets the minimum age for recruitment at eighteen, or seventeen with the written consent of the recruit's parent or guardian.<sup>30</sup> Other western powers have joined the Optional Protocol on Children in Armed Conflict with similar declarations.<sup>31</sup>

### U.S. Military Policies

In accordance with U.S. law, many high school seniors sign enlistment contracts to enter the armed services.<sup>32</sup> These individuals are placed in the delayed entry program, and most turn eighteen before graduating from high school and beginning basic training.<sup>33</sup> Approximately 4% of new enlistees are age seventeen upon arrival at basic training, and 80% of those turn eighteen while in training.<sup>34</sup> To ensure that all feasible measures are taken to ensure that those still seventeen when assigned to their first post-training unit do not take a direct part in hostilities, the U.S. military services have adopted implementation plans. All the service policies well exceed the requirement to take "all feasible measures" to avoid "direct participation" in hostilities.<sup>35</sup>

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States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities . . . . States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

*Id.* at 38 (2-3). The United States signed the CRC on 16 February 1995, but has not ratified the treaty and does not appear inclined to do so, but for reasons unrelated to the participation of children in armed conflict. See Jeffrey T. Bergner, Assistant Secretary Legislative Affairs, U.S. Department of State Treaty Priority List for the 110th Congress (Feb. 7, 2007),

<sup>24</sup> Worst Forms of Child Labour Convention (No. 182), art. 2, June 17, 1999 (entered into force Nov. 19, 2000).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* art. 3.

<sup>27</sup> Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, May 25, 2000 (entered into force Feb. 12, 2002) [hereinafter Optional Protocol on Children in Armed Conflict].

<sup>28</sup> *Id.*

<sup>29</sup> Declaration and Understandings by the United States to the Optional Protocol on Children in Armed Conflict, *supra* note 27, at <http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=595&ps=P>.

<sup>30</sup> 10 U.S.C. § 505(a) (2000).

<sup>31</sup> For example, Australia, Germany, Italy, France, and New Zealand all allow some form of voluntary recruitment at age seventeen. The United Kingdom allows voluntary recruitment at age sixteen, and further declares certain circumstances in which preventing those under eighteen from taking direct part in hostilities would not be feasible. Declarations by Australia, Germany, Italy, France, New Zealand, and the United Kingdom to the Optional Protocol on Children in Armed Conflict, *supra* note 27, at <http://www.icrc.org/ihl.nsf/WebSign?ReadForm&id=595&ps=P>.

<sup>32</sup> Initial Report of the United States of America to the UN Committee on the Rights of the Child Concerning the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict art. 3, at 7 (Sept. 14, 2002), available at <http://www.state.gov/documents/organization/84649.pdf> [hereinafter Initial Report on the Involvement of Children in Armed Conflict].

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* art. 1, at 1-2. Because the service policies are overly protective, this article does not address two important aspects related to the Optional Protocol on Children in Armed Conflict: (1) the meaning of "feasible measures," or under what circumstances a party could employ children under eighteen in a direct combat role; and (2) the meaning of "direct part in hostilities." Despite the fact that the United States is party to the most modern, protective treaty

*Department of Defense (DOD)*

The DOD has no formal directive or regulation governing the implementation of the Optional Protocol on Children in Armed Conflict, but did direct the implementation of and approve the plans of the military departments.<sup>36</sup>

*Army*

Soldiers may not be assigned or deployed outside the continental United States, and if inadvertently sent overseas, must be returned. However, Soldiers under eighteen may be assigned to or deploy to Alaska, Hawaii, and Puerto Rico, as well as to territories and possessions of the United States.<sup>37</sup>

*Navy*

Enlisted Sailors may not be issued orders to report to an operational command prior to age eighteen.<sup>38</sup> When practical, Sailors under eighteen will remain in the training pipeline.<sup>39</sup> If not practical to remain in the training pipeline, Sailors under eighteen will be assigned to shore duty.<sup>40</sup>

*Air Force*

The Air Force does not assign Airmen under eighteen to hostile fire/imminent danger areas.<sup>41</sup>

*Marine Corps*

Marines younger than eighteen years will not be assigned to units scheduled to operationally deploy, nor will commanders operationally deploy such Marines.<sup>42</sup> However, Marines younger than eighteen may deploy for training or exercises.<sup>43</sup>

*Coast Guard*

It is Coast Guard practice to not assign recent basic training graduates to conflict areas or to cutters serving in those regions.<sup>44</sup>

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regulating child soldiers, some advocates continue to direct criticism at the United States, either because the United States continues to recruit seventeen-year-olds, or because the United States is not aggressively advocating for increased prohibitions. *E.g.*, Human Rights Watch, Promises Broken: An Assessment of Children's Rights on the 10th Anniversary of the Convention on the Rights of the Child, at <http://www.hrw.org/campaigns/crp/promises/soldiers.html>; Coalition to Stop Child Soldiers, Child Soldiers Global Report 2004, at [http://www.child-soldiers.org/document\\_get.php?id=966](http://www.child-soldiers.org/document_get.php?id=966). The Child Soldiers Global Report 2004 notes that sixty-two seventeen-year-old U.S. servicemembers deployed to Iraq and Afghanistan in 2003 and 2004, but fails to address whether these servicemembers participated directly in hostilities or whether the United States took feasible measures in an attempt to prevent their participation. *Id.*

<sup>36</sup> Memorandum, Under Secretary of Defense, to Secretaries of the Army, Navy, and Air Force, subject: Approval of Service Plans to Comply with the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict (16 Jan. 2003).

<sup>37</sup> U.S. DEP'T OF ARMY, REG. 614-30, OVERSEAS SERVICE tbl. 3-1, para. 3-8h (11 Apr. 2007).

<sup>38</sup> U.S. DEP'T OF NAVY, NAVY MILITARY PERSONNEL MANUAL § 1306-126 (9 Apr. 2007).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* Sailors under eighteen may not be assigned to sea duty, overseas sea duty, or overseas remote land-based duty, but may be assigned to either shore duty or overseas shore duty. *Id.* § 1306-102, 126.

<sup>41</sup> U.S. DEP'T OF AIR FORCE, INSTR. 36-2110, ASSIGNMENTS para. 2.13 (20 Apr. 2005).

<sup>42</sup> Message, 1921140Z Apr 07, MARADMIN 272/07, subject: Revised 17 Year Old Marines in Combat Policy.

<sup>43</sup> *Id.*

## Other Issues: Targeting and Prosecuting

Despite efforts by countries such as the United States, children will continue to take up arms against U.S. forces. With regard to targeting, young soldiers serving in a hostile army receive no special protection derived from their status as children.<sup>45</sup> Members of an armed force, no matter their age, can be targeted as combatants.<sup>46</sup> Children who are not members of an armed force are treated like any other civilian—they cannot be targeted unless and for such time as they take part in hostilities.<sup>47</sup> Of course, children may happen to be injured or killed, along with other civilians, if they are located in the proximity of military objectives.<sup>48</sup> Moreover, children who commit hostile acts or demonstrate hostile intent may lawfully be engaged in self-defense.<sup>49</sup>

Though international law has increasingly sought to prohibit child soldiers, the mere fact that a child serves in an armed force or participates in armed conflict does not itself render the child subject to criminal liability. Indeed, the assorted treaties governing child soldiers, from the Additional Protocols to the Optional Protocol on Children in Armed Conflict, do not prohibit the conduct of children, but instead reserve culpability for those who conscript or enlist child soldiers.<sup>50</sup> Though the child soldier is immune from prosecution for acts as such, he may still be subject to prosecution for the commission of war crimes, such as the murder of innocent civilians or the torture of detainees. In non-international armed conflict, insurgent fighters, including child soldiers, are not entitled to combatant immunity and may be prosecuted under domestic law for having engaged in hostilities. Of whatever form, prosecutions of child soldiers are rare, and the international legal community has yet to confront the myriad issues surrounding the prosecution of a person for war crimes committed as a child.<sup>51</sup>

## Conclusion

Though the assorted U.S. military policies should prevent any seventeen-year-old service members from inadvertently taking a direct part in hostilities, JAs are advised to remain aware of the policies and their legal underpinnings. As international legal and advocacy communities focus their efforts on the elimination of the horrors associated with child

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<sup>44</sup> Initial Report on Children in Armed Conflict, *supra* note 32, at 6; *e.g.*, Message, 301750Z Mar 07, Commander, Coast Guard Personnel Command, subject: Solicitation for Afloat and Shoreside PATFORSWA Positions ISO Operation Iraqi Freedom.

<sup>45</sup> *See, e.g.*, GC IV, *supra* note 12; Protocol I, *supra* note 13. In an effort to protect those they view as innocent children, some advocates may declare that children are subject to “special respect” and protection, in accordance with GC IV and Protocol I. GC IV, *supra* note 12; Protocol I, *supra* note 13, art. 77. This view is faulty, however, in several respects. First, it is contrary to the very construction of Protocol I. Article 77, which provides for special respect and protection for children, is located in the section on “Treatment of Persons in the Power of a Party to the Conflict.” *Id.* Both Article 77 and those in GC IV are designed to protect children who have been detained or who are present in an occupation or occupation-like setting. Neither of the commentaries written in the aftermath of the adoption of Protocol I supports a view that would extend special protection to underage combatants. INTERNATIONAL COMMITTEE OF THE RED CROSS, COMMENTARY ON THE ADDITIONAL PROTOCOLS OF 8 JUNE 1977 TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, at 897-903 (Yves Sandoz, et al. eds. 1987); MICHAEL BOTHE, ET AL., NEW RULES FOR VICTIMS OF ARMED CONFLICT: COMMENTARY ON THE TWO 1977 PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949, at 473-479 (1982) (noting that “a child below the age of fifteen who is in fact a member of the armed forces retains his combatant privilege and his entitlement to be a prisoner of war.”).

<sup>46</sup> *See* Protocol I, *supra* note 13, arts. 43, 50.

<sup>47</sup> Protocol I allows the targeting of civilians “unless and for such time as they take a direct part in hostilities.” *Id.* art. 51(3). The United States is not party to Protocol I, and the exact meaning and application of this particular phrase remains contested and controversial.

<sup>48</sup> *See id.*, art. 51(5)(b).

<sup>49</sup> CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTR. 3121.01B, STANDING RULES OF ENGAGEMENT/STANDING RULES FOR THE USE OF FORCE encl. A, paras. 2-4 (13 June 2005).

<sup>50</sup> BOTHE ET AL., *supra* note 45, at 477.

<sup>51</sup> William Glaberson, *A Legal Debate in Guantánamo on Boy Fighters*, N.Y. TIMES, June 3, 2007, at 1 (quoting Professor Michael Newton, Vanderbilt University Law School, as stating, “More and more child soldiers are being recruited, and they are committing heinous crimes. This is an issue the international community is going to have to confront.”). The Additional Protocols clearly envision the prosecution of child soldiers for war crimes, as they prohibit the implementation of the death penalty on those under eighteen at the time of the offense. Protocol I, *supra* note 13, art. 77; Protocol II, *supra* note 17, art. 6. However, the ICC may not prosecute individuals who were under eighteen at the time of the offense. Rome Statute of the International Criminal Court art. 26, July 17, 1998, 2187 U.N.T.S. 90, 37 I.L.M. 1002. Though the United States is not party to the ICC, it is party to the Optional Protocol on Children in Armed Conflict, which provides that child soldiers should be “demobilized or otherwise released from service” and “accord[ed] . . . all appropriate assistance for their physical and psychological recovery and their social reintegration.” Optional Protocol on Children in Armed Conflict, *supra* note 27, art. 6. The Optional Protocol on Children in Armed Conflict does not explicitly bar prosecution of child soldiers for war crimes, but some advocates have asserted that the cited language does just that. Glaberson, *supra* note 51, at 1.

soldiers, the United States may find itself subject to criticism, both as to our own personnel policies and our actions against combatants who happen to be children. By understanding the law and U.S. policies, JAs can prevent inadvertent acts by U.S. forces, and act quickly to dispel any myths and rumors concerning our legal obligations.