

Research Brief

DDR, Transitional Justice, and the Reintegration of Former Child Combatants

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Little has been written about how transitional justice measures affect the goals of disarmament, demobilization, and reintegration (DDR) programs with respect to former child combatants and how, in turn, DDR programs affect the goals of transitional justice measures with respect to children. This chapter takes a step toward filling this gap. The main argument is that the primary avenue through which transitional justice measures may positively affect the reintegration of former child combatants is likely to be their potential impact on receiving communities—that is, minimizing social exclusion through the reduction of community members' and victims' feelings of injustice. Potential negative effects, however, are important and should not be overlooked.

Truth-Telling and the Reintegration of Children

Depending on how they are designed and implemented, truth-telling efforts may both facilitate and hinder children's reintegration. Truth commissions may sensitize victims and perpetrators and diminish the general stigmatization of former child combatants, but they may also draw attention within the community to children's past crimes or scare children away from participating in disarmament and demobilization.

Truth-telling can provide an evenhanded account of conflict and the role of children in it, including children associated with armed groups. There are also reasons to think that truth commissions may make communities more receptive to returning child combatants by revealing the extent to which, even if they have committed crimes, they are also victims of crime. Truth commissions may also facilitate the reintegration of former child combatants through their educational and rehabilitative effects on the children themselves. In the other direction, DDR programs themselves can take on a truth-telling role, or at least an information-gathering role—information that could then potentially be shared with a truth commission.

The impact of truth-telling measures on the reintegration of children associated with armed conflict, however, may be negative, and will depend on how the process itself

Research Project

Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at ICTJ.

is designed and implemented. Research and interviews conducted for this paper with former children associated with armed groups who did—and did not—participate in Sierra Leone’s truth commission provide anecdotal evidence of both positive and negative effects on the reintegration of individuals. Beyond such anecdotal evidence, though, we do not really know much yet about the long-term effects of truth-telling on the reintegration of children.

Reparations and the Reintegration of Children

There are many good reasons to provide DDR benefits to children, including security- and development-related ones. However, former child combatants are not the only group of children to have suffered during war. The point is not that children should go without DDR benefits, but that in the absence of addressing the needs of other vulnerable groups, including the justice claims of victims, reintegration may be resisted. As with adults, reparations programs that go some way toward achieving the goals of bringing justice to child victims and restoring trust among citizens may contribute to reducing community resistance to the reintegration of former child combatants. The key issue is one of balance between DDR and reparations benefits.

For children, the categories of ex-combatant and victim overlap much more than they do for adults. All children associated with armed groups are victims, not only of the human rights abuses they suffer while members of those groups, such as rape, forced marriage, and torture, but of being recruited in the first place. They therefore have a legitimate claim (often more than one) on reparations benefits as well as on DDR benefits. In a number of countries the crime of illegal recruitment into fighting forces has been recognized as qualifying children for individual reparations as primary victims.

It may be the case that, with children, reparations will have both positive and negative effects on the reintegration of former child combatants. The challenge is to maximize the former and minimize the latter. In this sense, balance and coordination become a concern both between DDR and reparations benefits, but also within reparations programs. If reparations are provided to children who were illegally recruited into armed forces, for example, they should also be provided to other groups of child victims, but without being broadened to the point where they become a substitute for basic social services.

Furthermore, reparations programs in some countries have prioritized the most vulnerable victims and those with the most urgent needs; if this approach is applied in a situation in which child combatants have been adequately provided for by a DDR program, then those children may not be among the most vulnerable or the most in need. Finally, it could be considered that some children would forfeit their right to reparations if they were convicted of committing serious violations by a court of law.

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Local Justice and the Reintegration of Children

Local justice may facilitate reintegration by fostering trust between ex-combatants, including children, and their receiving communities, as well as by serving as a civic education tool and demonstrating acceptance of local norms, rules, and authority. A balanced assessment of local justice processes should examine such issues as practicality, local legitimacy, respect for international standards, subject matter, and limitations. Two issues are of particular relevance to children.

First, local justice processes generally, though not always, involve lesser forms of punishment and fewer applications of direct individual accountability; many observers categorize them as restorative more than retributive, and therefore more appropriate for children. Second, among young people, local justice processes may lack legitimacy or may reinforce the sense of grievance that played a role in the conflict to begin with. The use of local justice processes may reinforce gender or other biases that are embedded in local practices and structures, thus being discriminatory and harmful to girls and boys. Local processes that lack legitimacy or reinforce the grievances of children may be less likely to facilitate their reintegration.

Prosecutions and the Reintegration of Children

Three main issues relate to criminal prosecutions that are relevant to the discussion of children and DDR: first, whether children under the age of eighteen should be prosecuted at all; second, how children should be treated if they are prosecuted or if they participate as witnesses; and, third, the potential effects of prosecuting those responsible for illegally recruiting children into armed forces.

Some practitioners contend that, depending on the nature of the crimes committed, judicial accountability may facilitate reintegration by rehabilitating children and changing their behavior. This argument is especially made with regard to older children. Others believe that bringing children before any judicial proceedings, regardless of the potential punishment, will hinder rehabilitation and reintegration. Fear generated by the threat of prosecution and punishment along with the stigmatization that trials might foster would seem to be one of the main obstacles to reintegration. And child combatants may be particularly susceptible to exaggerated fears of punishment.

Former child combatants may appear in court not just as accused perpetrators but also as victims and witnesses. Some of the concerns that apply to the accused may apply to witnesses, such as possible stigmatization and traumatization, so the issue should be of concern to reintegration efforts. There are ways to address these concerns, however. In Sierra Leone, these included support strategies such as psychosocial assistance, follow-up monitoring, medical care, housing and educational support, and protective measures, such as the use of closed-circuit television and voice distortion during testimony.

About the Authors

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Fear generated by the threat of prosecution along with the stigmatization that trials might foster would seem to be one of the main obstacles to reintegration.

The prosecution of those accused of illegally recruiting children should also be considered in terms of potential short- and long-term effects on DDR for children. In the short run, such prosecutions may deter armed groups from admitting to having children in their ranks and releasing them into demobilization programs, for fear of repercussions. This has been called the “Lubanga syndrome.”

Conclusion

Three issues repeatedly surface throughout this paper. First, a central theme is that child combatants who commit atrocities can be regarded as both perpetrators and victims. This is not a new observation. Its importance, however, cannot be overstated. What this paper tries to do, in this regard, is look at some of the specific ways in which this victim/perpetrator overlap can affect how transitional justice measures interact with the reintegration process.

Second, while both DDR and transitional justice can facilitate the reintegration of children formerly associated with armed groups, and while both types of interventions should be guided by the best interests of the child, it has to be remembered that justice measures should also be guided by the best interests of victims, which means that in some cases there will be tensions between the interests of the child and those of the victims. Some of these tensions may be unavoidable.

Finally, while this paper thinks through some of the ways in which transitional justice and DDR may interact for children, we do not yet know how this relationship unfolds. There is a real need for further empirical research in this area.

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