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The effectiveness of international law in protecting girls recruited by Colombian non-state armed groups

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ABSTRACT. This article examines the effectiveness of international frameworks in protecting children in armed conflict, focusing on the recruitment of girls by illegal armed groups in Colombia. Despite robust legal instruments, a significant implementation gap persists, leaving girls vulnerable. Through a gendered analysis, this paper assesses how international law addresses the specific challenges girl soldiers face, including sexual violence, psychological trauma, and social reintegration barriers. By critically evaluating the successes and failures of these legal frameworks and associated reinsertion programs, this article contributes to the discourse on enhancing protection. It offers policy recommendations tailored to the Colombian context to advance social justice for former girl combatants.

KEYWORDS: Colombia, gender-based violence, girl soldiers, International Humanitarian Law, non-state armed groups

RESUMEN. Este artículo examina la eficacia de los marcos internacionales para la protección de la infancia en situaciones de conflicto armado, centrándose en el reclutamiento de niñas por grupos armados ilegales en Colombia. A pesar de la solidez de los instrumentos jurídicos, persiste una importante brecha en su implementación, lo que deja a las niñas en situación de vulnerabilidad. Mediante un análisis de género, este documento evalúa cómo el derecho internacional aborda los desafíos específicos que enfrentan las niñas soldado, como la violencia sexual, el trauma psicológico y las barreras para la reintegración social. Al evaluar críticamente los éxitos y fracasos de estos marcos jurídicos y los programas de reinserción asociados, este artículo contribuye al debate sobre la mejora de la protección y ofrece recomendaciones de políticas adaptadas al contexto colombiano para promover la justicia social de las niñas excombatientes.

PALABRAS CLAVE: Colombia, Derecho Internacional Humanitario, grupos armados no estatales, niñas soldado, violencia de género

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Introduction

The Colombian armed conflict has spanned over 50 years and survived numerous attempts at reconciliation, breaching societal fibers and halting the advancement of the Colombian people (Valero Rico, 2016). The recruitment of girls still happens in numerous conflict zones worldwide, which represents a stark manifestation of the vulnerability faced by children in armed conflicts (Chaiken, 2010). In Colombia, a nation grappling with decades of internal armed conflict, the recruitment and exploitation of girls into armed groups have persisted despite concerted efforts by the international community to safeguard children's rights (Jurisdicción Especial para la Paz, 2024a).

This article studies the interplay between the international framework for protecting girls in armed conflicts and its effectiveness in addressing the specific challenges faced by girl soldiers in Colombia. In doing so, it attempts to answer the question of whether the existing instruments of international law designed to protect children and girls recruited into armed conflicts are achieving their intended goals. It is crucial to clarify that, for this analysis, the term "armed groups" refers specifically to the illegal, non-state armed actors that have operated in Colombia, such as guerrilla movements, paramilitary organizations, and their successor structures. This study's critique of child recruitment is directed exclusively at these illegal entities. It does not pertain to the constitutionally established Armed Forces of the Colombian State, which operate within the national and international legal framework. Initially, the author has hypothesized that while the legal framework is robust, significant gaps remain in its implementation within the context of the Colombian armed conflict.

The recruitment of girls into illegal armed groups in Colombia stems from various socio-economic, political, and cultural factors, including poverty, lack of educational opportunities, displacement, and the breakdown of familial structures due to violence. These factors render girls particularly susceptible to exploitation by these non-state armed groups, who take advantage of their vulnerabilities for various purposes, including combat, sexual slavery, and domestic labor (Carmona Parra & Tobón Hoyos, 2011). The consequences of their involvement in armed conflict are profound, ranging from physical injuries and psychological trauma to societal stigmatization and marginalization.

In response to the alarming prevalence of child recruitment in armed conflicts, the international community has established a robust legal framework aimed at protecting children's rights, with specific provisions addressing the involvement of children in armed conflict. Key instruments include the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Involvement of Children in Armed Conflict, as well as international humanitarian law and customary norms prohibiting the recruitment and use of child soldiers. These instruments outline obligations for state and non-state actors to prevent the recruitment and use of children in armed conflict, ensure their demobilization and rehabilitation, and hold perpetrators accountable.

Despite the existence of these international legal instruments, the reality on the ground in Colombia paints a grim picture of ongoing child recruitment and exploitation by illegal armed groups. Girls continue to be disproportionately affected, facing unique challenges such as sexual violence, forced marriage, and limited access to education and healthcare. Moreover, the effectiveness of existing protective measures and rehabilitation programs for girl soldiers in Colombia remains uncertain, with persistent gaps in implementation and resource allocation hindering their efficacy (Nabuco Martuscelli & Duarte Villa, 2018).

In this context, it becomes critical to identify mechanisms to garner protection for women and girls recruited into armed conflicts through the lens of social justice and the understanding of feminist struggles (Suarez Estrada et al., 2023). Social justice efforts seek to dismantle systems of oppression, including traditional gender roles that follow these girls well into adulthood. Considering these pressing concerns, it is imperative to critically assess the international framework for protecting girls in armed conflicts and its application in Colombia. By examining the barriers to effective implementation and identifying best practices and lessons learned, this article aims to contribute to the ongoing dialogue on enhancing the protection of girl soldiers globally. Furthermore, it seeks to inform policy and advocacy efforts aimed at addressing the specific needs of girl soldiers in Colombia and promoting their rights to education, healthcare, and social reintegration in post-conflict settings.

Methodology

The methodology employed in this study is aimed at comprehensively examining the issue at hand through a review of existing literature, including academic papers, reports, and policy documents, in order to understand the international legal framework surrounding the protection of girls in armed conflicts. In addition, quantitative data analysis was conducted using government data on the prevalence of girl soldiers in Colombia, as well as data on the effectiveness of various international instruments designed to protect girl soldiers.

The selection of data in this study was guided by criteria such as relevance, publication quality, and contextual focus, particularly on gender and conflict in the case of girl soldiers in Colombia. The selected literature was then analyzed using thematic analysis, where key themes and patterns related to legal frameworks, implementation gaps, and gender-specific challenges were identified and compared across governmental, academic, and legal sources. This process allowed the author to analyze diverse perspectives and draw conclusions about the effectiveness of international legal protections in addressing the needs of girl soldiers.

Finally, a comparative analysis was undertaken to assess the effectiveness of the international framework for the protection of girls in armed conflicts in Colombia, under a gender perspective, which allows the author to conclude that a more nuanced approach to unique contextual factors is necessary to implement adequate protection mechanisms in Colombia. Overall, this methodology allowed for a structured examination of the topic. However, rely-

ing on existing literature and secondary data entails a limitation, specifically in capturing the lived experiences of former girl soldiers in Colombia and their reintegration to society when analyzing the international framework for the protection of girls in armed conflicts and its effectiveness in Colombia.

Theoretical framework: gender, conflict, and invisibility

The phrase “war is for men only” reflects traditional gender roles and stereotypes that have historically been present in many societies. These roles often viewed warfare and combat as male domains, while women were expected to focus on domestic and caregiving responsibilities. This perspective has been challenged over time, as women have increasingly participated in military combat and resistance movements, and as feminist scholars have examined the impact of war on both men and women (Sasson-Levy, 2003). It is important to highlight successful inclusions of women in the military and provide a more balanced and empowering narrative by showing the potential for agency, resilience, and transformation beyond the victimhood that girl soldiers face. The inclusion of women in all roles within a state’s military illustrates how, with the proper support and conditions, women can assume leadership roles in formal military structures. They also contextualize the broader gender dynamics within security sectors and support arguments for a gender-sensitive approach.

In the 21st century, there are several successful stories of women soldiers across the globe, both in the Western world and in African nations. In every case, the success of women combatants lies in the observance and adherence to international instruments that employ a gender-based approach. In the United States, women have volunteered and served in combat roles during the Gulf, Iraq, and Afghanistan wars (Thomas et al., 2019). In instances of misconduct, women have been identified as both perpetrators and victims, challenging traditional gender roles and expanding feminist discourse. However, women veterans in the United States and Canada have shared their experiences and agreed that a gender-based approach to the efforts of reintegrating into civilian life is essential (Eichler, 2022).

In Israel, women have participated in active-duty roles in the military for years and excelled in their roles. Israeli women find empowerment through service to their country, despite mandatory military service for all women (Hauser, 2011). Similarly, in Denmark and Sweden, women have played crucial roles in peacekeeping operations, through dialogue and establishing connections with local women to gather intelligence. This gender-based approach gave women soldiers an alternative to stereotypical constructions of women as victims and men as protectors. Instead, it employed women as resources to build bridges and create connections with victims (Bergman & Kronsell, 2018).

In the Democratic Republic of Congo, female soldiers have challenged the gender dynamics within the military, leading male combatants to rethink their notions of masculinity and femininity due to the presence of women in the army (Lakika & Palmary, 2022). At the

same time, female peacekeepers face significant challenges in the DRC, as they often have to assimilate masculine values to be recognized as competent soldiers, which undermines their ability to bring a gendered perspective to peacekeeping operations (Heinecken, 2015).

In Colombia, women serve in the military in various roles, including combat and intelligence operations, with the inclusion of the *Atenea* gender-equality policy by the Army Military Academy (Fernandez-Osorio et al., 2023). However, the journey faced by Colombian women in the military, and specifically in intelligence operations, has faced obstacles such as minority representation within the institution and the lack of participation in the operational sphere. The achievements and obstacles over time reflect how women in the military arena have forged a path that allows them to actively participate in military intelligence operations even in the face of these challenges (Pirateque Perdomo, 2023).

The above examples show that overall, women's participation in armed conflict is an evolving practice, and more gender-based policies are necessary to integrate women into the military fully. Enloe points out that militaries across the world promote and enforce a specific type of militarized masculinity that can sometimes exclude femininity and alternative masculinities. As such, women are often positioned in supporting or symbolic roles in militarized spaces, and even when they join the ranks of the military, they often face structural discrimination, tokenism, and expectations to conform to male-dominated norms. Enloe also highlights how women—military spouses, peace activists, and local communities resist, negotiate, or subvert militarized norms, asserting their agency in ways that challenge dominant power structures (Enloe, 2014).

The issue of children, especially girls, participating in armed conflicts meets at the intersection of this gender approach and the protection of children. According to UNICEF, between 2005 and 2022, at least 105,000 children were recruited into armed conflicts. The reasons why children join armed conflicts are as diverse as the nature of the conflicts themselves. However, it is well documented that most are abducted, threatened, coerced, or manipulated into joining the ranks. Others are driven by poverty and a survival instinct. Without regard to how they became involved, the recruitment and use of children by non-state armed groups is a grave violation of child rights and international humanitarian law (UNICEF, 2023; Ardila Castro et al., 2020).

Girl soldiers have traditionally been left out of scholarship regarding the effects of armed conflicts on children, mainly because, traditionally, war has been seen as “men's work”. However, recent studies have shown that in African conflicts, at least 40% of the combatants are girls (Haer & Böhmelt, 2018). The United Nations has pointed out that in countries such as Afghanistan, the Democratic Republic of Congo, South Sudan, and the Central African Republic, girls as young as eight are used as soldiers, cooks, messengers, or even sex slaves. In the most extreme cases, they have been used as suicide bombers (United Nations, 2015). “One day, armed men arrived at our home wielding canes. While my parents managed to flee, they seized me, my sister, and my brother,” recounted a young girl.

“They took us to Birisi in South-Western South Sudan, where we were immediately thrust into participation... If you could not catch on quickly, they would whip you” (United Nations Office for the Coordination of Humanitarian Affairs, 2018).

Many girls across the world confirm this narrative: According to Leila Zerrogui, former Special Representative of the Secretary-General for Children and Armed Conflict, there are an estimated 300,000 child soldiers globally (United Nations, 2015). However, obtaining an exact figure remains challenging. The UN’s report covering January to December 2018 highlighted a rise in severe violations, including child recruitment, murder, mutilation, sexual violence, and abductions. According to Patiño and Gonzalez, more than 24,000 grave violations of children’s rights were documented across non-state armed groups and government forces. Child recruitment surged notably in various countries such as the Central African Republic, the Democratic Republic of Congo, South Sudan, and Somalia (Patiño-Gass & González-Aldea, 2021).

The Six Grave Violations identified by the Office of the Special Representative for the Secretary General of the United Nations, which constitute the basis to gather information and report on violations affecting children, highlight the recruitment and use of children in armed conflicts as a war crime. Recruitment refers to either forced or coerced enlistment, such as abduction or threats, or voluntary recruitment, which is still prohibited under international law if the child is under 18, and 15 is considered a war crime under the Rome Statute (United Nations, 1998). Use refers to involving children in any role that supports the operational efforts of an armed group, including combat roles, such as fighting or acting as human shields, support roles, such as cooks, porters, messengers, or spies, and sexual exploitation, including being forced to serve as “wives” or subjected to sexual slavery (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 2009).

While the six grave violations provide a strong foundation for protecting children in armed conflict, they often fail to capture the gender-specific experiences of girl soldiers fully. These girls are not only combatants or recruits but also victims of sexual violence, exploitation, and systemic neglect. Addressing their needs requires gender-sensitive implementation, monitoring, and post-conflict reintegration efforts that recognize their unique vulnerabilities and rights. Despite both boys and girls being recruited, there is a lack of literature specifically addressing girls’ involvement in armed conflicts. Böhmelt & Haer (2018) indicate that among various non-state groups recruiting minors, girls can constitute up to 40% of recruited children in recent African conflicts. Moreover, historical records barely document girls’ participation in combat, challenging the misconception that their involvement is solely a modern phenomenon (Bloom, 2018; Mazurana, 2005). It results in incomprehension that, while scholars have explored the phenomenon of child soldiers broadly, research specifically examining gender remains limited. Academic literature often overlooks gender in this context, with the media typically portraying girl soldiers solely as silent victims, “wives”, or victims of sexual slavery (Denov, 2008).

In Latin America, and specifically in Colombia, the Constitution enshrines the principles of gender equality and non-discrimination, based on a vision of inclusive and participatory democracy, where women work to reduce the representation gaps between them and men (Picarella & Guadarrama González, 2022). However, from a criminal justice perspective, there has been little effort to incorporate these tenets and make them a reality. In recent years, several scholars have proposed a decolonized perspective from the “Global South” which attempts to create grassroots knowledge, understanding that theoretical instruments produced in the North have a colonial bias, are inadequate or lack suitability to interpret and resolve the particularities of the social, political, cultural and economic realities of the Global South (Silva García et al., 2021).

The United Nations University Centre for Policy Research has analyzed the evolving dynamics of child recruitment by illegal armed groups in Colombia. It has been found that despite the 2016 peace agreement with the FARC, various armed actors—including dissident factions, criminal organizations, and other non-state groups—continue to recruit children, exploiting gaps in security and governance (Downing et al., 2022). Similarly, the Centro Nacional de Memoria Histórica highlights that the recruitment of children is ongoing, and it happens in the same spaces where children live their everyday lives, like schools, game rooms, and community centers. They also point out factors that increase their vulnerability, such as a turbulent home life, poverty, and lack of a stable family structure (Centro Nacional de Memoria Histórica, 2017).

Regarding the recruitment of girls into the Colombian armed conflict, Parra and Hoyos have identified three distinct phases these girls go through upon recruitment: There is a first exploratory phase that can be exciting, which explains why the majority of girls want to stay with the groups, even when they had the possibility of leaving; a second phase in which most girls manage to “adjust” their expectations to the situation they find in the armed group, and thanks to a bargaining process, they manage to articulate themselves to the life of the group in a more or less way fluid. Finally, in almost all cases, we find a third phase in which said adjustment is no longer sustained, or is exhausted, and the group’s regime becomes unbearable (Carmona Parra & Tobón Hoyos, 2011).

Different media outlets depict girl soldiers as victims, which raises awareness, but it risks further victimizing them by focusing more on their suffering than on condemning their perpetrators. Carmona Parra & Tobón Hoyos, in their research, spoke to several former girl soldiers who confirmed the reasons for joining these groups ranged from wanting to feel close to their chosen families, to adventure, to a desire for career advancement. For the majority of these girls, joining the armed group offered a sense of community and belonging, presenting two key draws compared to their former rural existence: the excitement of adventure, breaking the monotony of their previous life, and a heightened sense of sexual and personal autonomy, surpassing what they experienced at home despite the groups’ strict rules (Carmona Parra & Tobón Hoyos, 2011). Some of these narratives detail a journey from “war

child” to “child soldier” and ultimately to “child survivor,” highlighting moments of crisis and transformation. Their stories show the complex interplay of personal agency, resilience, and the socio-political factors that influenced their recruitment and roles within armed groups (Charles & Fowler-Watt, 2022).

The dichotomy between active participant and victim of the armed conflict has been the object of study of several studies. Media representations often feature boy soldiers brandishing AK-47 rifles, while girls in combat roles are seldom shown with weapons and instead are portrayed as subservient to the men. The reality in Colombia, is that amidst these the favorable aspects of staying in illegal armed groups, these girls also acknowledged a negative dimension, encompassing three key facets: First, there were the challenges of military life: enduring long marches, standing guard, engaging in combat, carrying heavy loads of supplies, equipment, firewood, and water, enduring hunger, and sleeping in harsh conditions; secondly, they were responsible for the domestic tasks in the camps: ranching (cooking); agricultural tasks; dig holes for latrines, garbage cans and trenches; get up early and stay up late; and, finally, physical and psychological abuse: shouting, insults, humiliation; inequity and injustices; lack of freedom of action and expression; sexual harassment (Carmona Parra & Tobón Hoyos, 2011).

Unfortunately, the recognition of children, and specifically girls, as key actors in internal armed conflicts or dictatorships is not a given. While the victimization of children in these settings has been well documented, it has not been approached from a differential or intersectional viewpoint aimed at understanding their specific impacts based on age, gender, ethnicity, or functional diversity. This would facilitate truth, justice, and reparation processes and contribute to overcoming the binary analysis surrounding the victim-perpetrator categories (Mendoza Molina, 2021).

In recent decades, significant legal and jurisprudential advancements have occurred concerning the international protection of children and adolescents involved in armed conflicts. The recruitment and use of children under 15 years old is banned under the Convention on the Rights of the Child (United Nations, 1987). This prohibition is also recognized as a rule of customary international law, meaning it applies whether the conflict is international or non-international. It binds both state military forces and non-state armed groups (Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 2009). International human rights law has reinforced protections for children by raising the minimum age for direct involvement in armed conflict to 18. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (United Nations, 2000) mandates that State parties set 18 as the minimum age for both compulsory recruitment and participation in hostilities. Countries that still allow voluntary enlistment of individuals under 18 must implement strict safeguards. Furthermore, the Protocol completely bans non-State armed groups from recruiting or using children under 18 in any situation.

Children must not be enlisted or permitted to participate in hostilities under any circumstances. However, the legal framework addressing the involvement of children and teenagers in armed conflicts exhibits deficiencies that impact the international legal protection afforded to girls associated with non-state armed groups. Specifically, the norms of international humanitarian law prohibiting their recruitment in armed conflicts offer varied legal protections without a gender perspective, resulting in significant gaps in defining their legal status. These deficiencies also extend to the classification and interpretation of crimes related to the recruitment, enlistment, and utilization of minors under 15 years old in active hostilities, as well as the connection between these crimes and those involving sexual and gender-based violence—a matter of particular significance for safeguarding girls associated with non-state armed groups (Abril Stoffels & Ojinaga Ruiz, 2021).

The Colombian context: recruitment by non-state armed groups

Colombia's narrative has been deeply entwined with conflict from its very inception. Modern historians often highlight La Violencia, a brutal civil war sparked by the 1948 assassination of presidential candidate Jorge Eliécer Gaitán, as a pivotal moment in the nation's internal strife (González Arana & Molinares Guerrero, 2010). By the 1960s, the influence of the Cuban revolution further solidified violence as a method for gaining political power and territorial control. This era was characterized by overt confrontations driven by leaders expressing radical sectarianism, bipartisan violence, and a repressive crackdown on agrarian, labor, and popular movements, alongside the emergence of armed factions within political spheres (Echeverri Uruburu, 2007). In 1957, the Frente Nacional was established to quell partisan violence and end the longstanding conflict between the liberal and conservative factions. This was achieved through a pact that granted both parties equal shares of public positions across the three branches of government for 12 years (Gamarra-Amaya, 2022). Unfortunately, the lack of a legitimate avenue for political participation turned some marginal groups into subversive rebel groups.

The FARC-EP and other rebel criminal organizations routinely recruited and drafted children. According to a 2003 report by Human Rights Watch, the FARC-EP did not show leniency towards children due to their age, assigning them the same tasks and duties as adults. Children who violated minor disciplinary rules were tasked with digging trenches or latrines, clearing forests, cutting and carrying firewood, or performing kitchen duties. If they lost a weapon, they might be compelled to enter combat without one until they could retrieve a replacement from the enemy. For more serious infractions, a "war council" was convened, where combatants heard a show of hands could decide charges and defenses, and a death sentence. Deserting children were often executed, especially if they took their weapons with them, as were suspected informants, infiltrators, or children who fell asleep while on guard

duty. A select group chosen by the commander would carry out the execution, with the child, hands bound by nylon cord, taken beyond the camp's perimeter and forced to wait while the squad dug a grave (Human Rights Watch, 2003).

The ELN's recruitment practices were similar to the FARC's but placed a stronger emphasis on political and ideological indoctrination. They focused on integrating children into their revolutionary cause, often targeting areas with significant indigenous and Afro-Colombian populations. The ELN's recruitment was deeply intertwined with their political objectives, aiming to instill a sense of purpose aligned with their ideological stance (Centro Nacional de Memoria Histórica, 2017). Conversely, the Autodefensas Unidas de Colombia – AUC – were more transactional in their recruiting strategy, often involving direct monetary compensation. They operated as a network of regional warlords and businesspeople, where ranks and positions could be purchased. The AUC leveraged economic vulnerabilities, offering payments to impoverished families in exchange for their children's enlistment. Their recruitment was less about ideological alignment and more about expanding their military capabilities and territorial control (Centro Nacional de Memoria Histórica, 2017).

In August 2021, the Chamber for the Recognition of Truth and Responsibility and the Determination of Facts and Conduct – SRVR of the Colombian Special Justice Tribunal (Pantoja Mallama, 2017) found a provisional total of 18,677 victims whom the extinct Farc-EP allegedly recruited. This figure was obtained after crossing 31 databases provided through 45 reports presented by victims' organizations, the State, and academia (Jurisdicción Especial para la Paz, 2024a). In addition, the Chamber also estimated that between 19,253 and 23,811 boys and girls were recruited in incidents not previously recorded.

According to the information collected, 48% of the acts of recruitment and use of girls and boys are associated with the action of the Eastern Bloc of the former FARC-EP. This block, which operated in Arauca, Boyacá, Cundinamarca, Casanare, Meta, Guaviare, Vichada, Guainía, and Vaupés, is the structure with the highest number of associated victimizations. It is followed by the former Northwestern, Western, Central Joint Command, Middle Magdalena, and Caribbean blocks. For this reason, the Chamber decided to prioritize the investigation territorially (Jurisdicción Especial para la Paz, 2024a).

On October 9, 2024, the Recognition Chamber charged six former FARC-EP Secretariat members with war crimes, including recruiting and using children and committing abuses such as torture, homicide, and sexual and reproductive violence within their ranks. Case 07 examined gender-based violence, particularly the coercive environment that stripped victims of autonomy over their sexual and reproductive lives. Girls were subjected to forced contraception and abortions, with some newborns being murdered or forcibly given away. The Court found that these practices were imposed through coercion, misinformation, and violence, with sanctions against those who resisted. This systematic abuse aimed to prevent parenthood from affecting the group's strength and was enforced through a formal birth control policy mandated by the FARC-EP leadership (Jurisdicción Especial para la Paz, 2024b).

The Chamber is tasked with employing a differential approach when identifying victims and their perpetrators. As such, it explicitly investigates the differential impact of the recruitment and use of boys and girls on ethnic peoples (Londoño Lázaro & Idárraga Martínez, 2024). In addition, the work performed by The Chamber has aimed to determine the participation of boys and girls in the Colombian armed conflict, particularly in the past decades. It has not, however, employed a gender-based approach when identifying the victims of recruitment. This information is almost unbelievable, taking into consideration that the same Chamber has identified 843 individual victims, of which 61% are women (Jurisdicción Especial para la Paz, 2024a).

According to a report from 2022, 42.6% of the accredited victims who were recruited as children also suffered sexual violence in the context of recruitment, with a prevalence of forced abortion (42.6% of cases), forced contraception (35%), and violent or abusive sexual intercourse (53%). The information available focuses on gender identity, diversity, and sexual orientation. However, it does not paint a clear picture of the situations faced by girl soldiers, specifically (Jurisdicción Especial para la Paz, 2022).

A gender perspective is essential to ensure that the treatment of girl soldiers, since a child's participation in an armed conflict, in this case Colombia's, is sensitive to gender differences and the Special Justice for Peace (JEP) needs to effectively address the specific needs of these young women, both during their time in armed groups and upon their reintegration into society. Currently, the Special Jurisdiction for Peace (JEP) in Colombia has actively incorporated international frameworks to address the recruitment and use of girl soldiers during the armed conflict. This is primarily evident in Case 07, which investigates the recruitment and utilization of children by armed groups, with a particular focus on gender-based violations (Jurisdicción Especial para la Paz, 2024a). However, continued recruitment by armed groups and the evolving tactics used to enlist minors, such as the use of social media platforms, pose ongoing threats. The JEP, in collaboration with other state institutions and civil society organizations, continues to adapt its strategies to effectively address these challenges and uphold its commitments to international norms (Mouthaan, 2015).

Legal protections and their limits: the international framework

The issue of girl soldiers and their protection intersects both the international legal framework for the protection of children and women; and as a result, it becomes imperative to examine both in order to understand its implementation and the place where girl soldiers fit in the bigger picture of making the tenets of international law a reality (Ulloa Plaza & Benavides Casals, 2023). It is also necessary to acknowledge that these frameworks often fall short when applied to the realities of the Global South. One major limitation is that most instruments that deal with the protection of child combatants are gender-blind, and they do not fully capture the specific horrors faced by girls, such as sexual violence, forced motherhood, and reproductive coercion (Haer & Böhmelt, 2018). Reintegration programs derived from these

frameworks often lack a gender-sensitive design, frequently focusing on male combatants and sidelining the needs and agency of girls. Additionally, enforcement mechanisms remain weak in conflict-affected states, where judicial systems are under-resourced and national implementation of international obligations is inconsistent or purely symbolic (Centro Nacional de Memoria Histórica, 2017).

Another core limitation is the framework's state-centric focus, which fails to effectively address recruitment by non-state armed groups, who are often the primary perpetrators in contemporary conflicts across the Global South (United Nations Office for the Coordination of Humanitarian Affairs, 2018). These groups typically operate beyond the reach of international monitoring and often do not consider themselves bound by international law. Compounding this is a lack of reliable data on the number and experiences of girl soldiers, which leads to underrepresentation in policy and reintegration programs (Hurtado et al., 2023). Cultural stigmas and community rejection further hinder the reintegration of girls, especially those returning with children or having suffered sexual abuse. Without long-term psychosocial support and community-based approaches, the international framework risks being aspirational rather than transformative. To be truly effective, it must be complemented by locally grounded, gender-responsive, and survivor-informed strategies (De Castro & Bravo, 2025).

It is essential to establish a clear and universally accepted definition of a child according to international law. This task is challenging because various international agreements differentiate between minors above or below the age of fifteen concerning recruitment and conscription (Gamarra-Amaya, 2022). The United Nations Convention on the Rights of the Child defines a child as "every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier" (United Nations, 1989). Conversely, the Rome Statute of the International Criminal Court adopts a more practical stance, setting eighteen years of age as the minimum requirement for joining armed forces, but punishing the recruitment of children under 15 as a War Crime (United Nations, 1998).

Several global agreements have established a standard age for identifying individuals recruited into armed conflicts as child soldiers, and that age is acknowledged to be 18 (Gamarra-Amaya, 2022). Article 4 c) of the Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts states that the taking of hostages is forbidden (United Nations, 1987). The Convention on the Rights of the Child provides a comprehensive framework for the protection and rights of children, including girl soldiers, emphasizing their right to be protected from recruitment, exploitation, and abuse, and their right to access education, health care, and rehabilitation services. Article 32 states that children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.

This includes protection from being recruited or used in armed conflicts, because, as stated before, armed groups do not distinguish between child and adult soldiers when it comes to assigning deadly tasks. Article 38 recognizes the special protections and assistance that children affected by armed conflict require. States parties must take all feasible measures to ensure that children under 15 years of age do not take a direct part in hostilities and must refrain from recruiting them into their armed forces. Additionally, it requires states to provide appropriate care and rehabilitation to child victims of armed conflict. Article 37 prohibits the use of torture or cruel, inhuman, or degrading treatment or punishment against children. This provision protects girl soldiers from abusive treatment by non-state armed groups (United Nations, 1989).

The CRC also contemplates general measures of protection for all children, including those recruited in armed conflicts: Article 28 emphasizes the right of every child to education, including girl soldiers who may have been deprived of education due to their involvement in armed groups. States are obligated to ensure that all children, including those affected by armed conflict, have access to education on an equal basis. Article 24 recognizes the right of children to the highest attainable standard of health and to access healthcare. This includes physical and psychological rehabilitation for children who have been involved in armed conflict, including girl soldiers who may have experienced trauma or physical injuries (United Nations, 1989). The Geneva Conventions and their additional protocols contain specific provisions for the protection of child soldiers. Both the recruitment of children and the raping or sexual abuse of a child constitute grave breaches of International Humanitarian Law (Ulloa Plaza & Benavides Casals, 2023), and commanders have been imprisoned after being found guilty of sexual violence against women and girls (ICRC, 1949).

The Geneva Conventions protect girl soldiers by establishing rules and standards for the treatment of all individuals affected by armed conflict, including women and girls. Article 4 of the Fourth Geneva Convention, relative to the protection of civilians in times of war, ensures that women and girls who are not taking part in hostilities are considered civilians and are entitled to protection against violence, inhumane treatment, and discrimination. This protection extends to girl soldiers who may have been forcibly recruited or coerced into armed groups, as they do not have the age necessary to be considered combatants (ICRC, 1949). In the same manner, Article 27 of the Fourth Geneva Convention prohibits sexual violence, rape, and other forms of sexual exploitation against civilians, including women and girls. These acts are considered war crimes and violations of international humanitarian law. Girl soldiers are entitled to protection from sexual violence and exploitation, and perpetrators can be prosecuted for these crimes (ICRC, 1949).

In addition to the above, the Geneva Conventions require parties to the conflict to provide medical care and humanitarian assistance to all civilians, including women and girls, who are wounded, sick, or otherwise in need of assistance. This includes access to medical treatment, food, water, and shelter for girl soldiers who may have been injured or traumatized

during their involvement in armed conflict. Common Article 3 of the Geneva Conventions prohibits discrimination based on gender, among other factors, in the treatment of individuals who are not taking part in hostilities. This provision ensures that girl soldiers are treated fairly and without discrimination based on their gender (ICRC, 1949).

Regarding the prevention of recruitment of children, while not explicitly stated in the Geneva Conventions themselves, the prohibition against recruiting children under the age of 15 into any armed force or armed group, or using them in hostilities, is recognized as a customary norm of international humanitarian law. This prohibition protects girls under the age of 15 from being forcibly recruited or used as child soldiers in armed conflict (Gamarra-Amaya, 2022). On May 25, 2000, the United Nations General Assembly adopted the Optional Protocol on the involvement of children in armed conflict (OPAC) to safeguard children from recruitment and exploitation in hostilities. OPAC came into force on February 12, 2002, also known as International Day against the Use of Child Soldiers. Later, in 2010, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, along with United Nations partners, launched the “Zero Under 18” campaign, aiming to achieve universal ratification of the OPAC. Currently, 158 countries have ratified the Protocol, while 22 countries have neither signed nor ratified it (United Nations, 2015). Colombia signed it on September 6, 2002, and ratified it on May 25, 2005 (United Nations, 2000).

Regarding the international framework for the protection of women, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), established in 1979, serves as a reinforcement of existing international instruments aimed at eradicating discrimination against women and promoting gender equality. Currently, it has garnered ratification from 183 states (United Nations, 1979). Colombia ratified this treaty in 2007. CEDAW defines discrimination against women as any act that, based on sex, either directly or indirectly impairs or annuls women’s equal recognition, enjoyment, or exercise of human rights and fundamental freedoms across various spheres, regardless of marital status. It places obligations on states to, among other things, embed the principle of gender equality in national constitutions and legislation, enact laws prohibiting discrimination against women, ensure adequate protection and avenues for redress against discriminatory acts, address social and cultural norms contributing to gender-based discrimination, combat prostitution and trafficking of women, and ensure gender equality in political participation, education, employment, healthcare, finance, social security, legal matters, civil rights, and family law (Sierra Zamora et al., 2024). States are also permitted to implement temporary special measures to expedite the achievement of gender equality (Inter-Agency Standing Committee, 2014).

While CEDAW itself does not explicitly mention girl soldiers, its provisions apply to their protection in several ways: In the first place, CEDAW prohibits discrimination against women and girls in all aspects of life, including access to education, employment, and participation in armed conflict. This principle ensures that girl soldiers are not discriminated against based on their gender. In the same manner, this international treaty aims to protect women and girls

from exploitation and abuse, which are prevalent risks for those involved in armed conflict, including girl soldiers. It calls for measures to prevent their recruitment and use in hostilities and to ensure their physical and psychological well-being (United Nations, 1979).

In addition, CEDAW includes provisions related to the reintegration and rehabilitation of women and girls affected by armed conflict, including girl soldiers. States parties are obligated to provide support and services to facilitate their transition back into civilian life, including access to education, healthcare, and vocational training. CEDAW also requires states parties to adopt gender-responsive policies and programs to address the specific needs and challenges faced by women and girls, including those involved in armed conflict. This may include initiatives to address the root causes of recruitment, such as poverty and lack of education, and to promote alternative opportunities for girls outside of armed groups (United Nations, 1979).

The United Nations' Division for the Advancement of Women, in collaboration with UNICEF, has had the task of bringing global attention to safeguarding girls internationally (United Nations, 2006). While international laws and declarations afford special protections to boys and women (Naranjo Álvarez, 2021), these safeguards extend to girls as well in theory, as outlined in international humanitarian law (IHL) and human rights law, with support from international criminal law standards. However, in practice, the experiences of girls often go unnoticed, overlooked in legislative processes and global political agendas (Naranjo Álvarez, 2021). This is particularly evident concerning girls associated with illegal armed groups, where a misunderstanding of child soldier dynamics has led to their exclusion from legal protections and efforts for post-conflict reintegration. The Paris Commitments in 2007 acknowledged this oversight, with participating UN member states expressing concern over the invisibility of girls in programs and diplomatic initiatives aimed at addressing the recruitment and exploitation of children by any armed force or armed group and pledging to rectify this disparity (Abril Stoffels & Ojinaga Ruiz, 2021).

Regarding the Inter-American system for the protection of human rights, article 19 of the American Convention states that "every child has the right to measures of protection that his condition as a minor requires from his family, from society and the state" (Organization of American States, 1969) the Commission stressed back in 2012 that the involvement of children and adolescents in armed conflicts by States or other armed groups, places young boys and girls in life threatening circumstances, compromises their well-being, and infringes upon their right to education and other rights enshrined in the United Nations Convention on the Rights of the Child (United Nations, 1989). The IACHR has monitored instances of underage recruitment in the Americas through its petitions and cases system and monitoring mechanisms. In 1999, the Inter-American Commission issued a comprehensive recommendation aimed at eradicating the recruitment and involvement of children in armed conflicts (Organization of American States, 2012).

The Inter-American Court has dealt in detail with the scope of Article 19 of the American Convention. This norm constitutes a state obligation that is added to the general ones of re-

spect and guarantee without discrimination, in those cases in which the person who owns the rights is under 18 years of age. Based on this general analysis, the Inter-American Court has also addressed the issue of subjects of protection (definition of the protected subject, progressive development and situation of vulnerability); the international corpus iuris on the protection of the rights of children and adolescents; the scope of their best interest applied to the system of inter-American conventional law and, finally, it has outlined some particular references on the prohibition of discrimination (Inter-American Court of Human Rights, 2021). To date, no case law by the IACHR deals specifically with girl soldiers and a gender approach to the recruitment of minors.

Meeting the protection needs of children and devising effective strategies to address them often requires gender-sensitive approaches tailored to the unique experiences and vulnerabilities of girls and boys (Woolcott-Oyague & Guío-Camargo, 2022). Therefore, conducting a gender analysis is crucial for the development and implementation of child protection programs. For instance, when designing release and reintegration initiatives for children formerly associated with armed groups, it is essential to consider specific measures catering to the needs of girls. In many conflict settings, women and girls are disproportionately affected by gender-based violence, which includes forms such as sexual exploitation and forced marriage. Girls recruited by non-state armed groups are particularly vulnerable to such abuses, as they may be coerced into providing sexual services, a risk less prevalent among boys. Additionally, girls may assume various roles within these illegal groups beyond combat, such as cooks, porters, or spies (Inter-American Court of Human Rights, 2021; Conklin & Meier, 2008).

The Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces broaden the definition of child soldiers to encompass girls recruited for sexual exploitation and forced marriage. This highlights the importance of ensuring that demobilization and social reintegration efforts extend to all children who have been involved with any armed force or armed group, irrespective of whether they directly carried arms (United Nations, 1997).

Assessing effectiveness: protection gaps and reintegration challenges

Although international law ensures equal rights for women and men in the enjoyment of all human rights, women and girls continue to encounter disparities when it comes to their implementation. Moreover, armed conflicts amplify these disparities, hindering progress towards gender equality and the full realization of women's human rights (Gamarra-Amaya, 2024). Humanitarian aid and protection efforts during such crises should actively contribute to advancing equality and upholding women and girls' rights.

The importance of disengagement processes for girls has primarily been approached through the lens of reforming disarmament, demobilization, and reintegration (DDR) programs to enhance their accessibility and effectiveness upon reintegration. Scholars have delved into the gender aspects of DDR initiatives and the inclusion of girls affiliated with

armed groups in such programs. There is a consensus advocating not only for the reform and adaptability of DDR procedures but also for the establishment of supplementary mechanisms and initiatives tailored to suit the needs of these girls better (Mazurana, 2005). The legal framework discussed, along with efforts on the domestic front, play a crucial role in protecting girl soldiers. However, their effectiveness can vary depending on several factors such as implementation, enforcement mechanisms, and cultural contexts (Abril Stoffels & Ojinaga Ruiz, 2021).

In Colombia, the goal for girls who were recruited to take part in the armed conflict is to reintegrate them into civilian life and give them the tools they need to succeed in life. Achieving this goal becomes difficult when the reality is that most of these women were recruited as girls and have spent most of their existence engaged in deep trauma (Quintero, 2019). In addition, there are no programs specifically tailored to address the specific needs of girls and women in their post-conflict lives. When researching the effects of DDR programs, there is very scarce literature detailing the situation from a gender perspective.

Hundek-Pichon states that most women reintegrated into civilian life after being involved with illegal armed groups during their teenage years, driven by a mix of ideological convictions and personal motivations while seeking a new sense of purpose. Because of this, transitioning back into civilian life has been a deeply traumatic experience, given gender roles that perpetuate gender inequality in civilian society. Disarmed, both literally and figuratively, they feel like the society they are coming back to is less conducive to their political involvement. These reintegrated women now confront a world still hostile to their presence, lacking the weapons that once empowered them, and now grappling with the complexities of rebuilding their emotional, familial, and professional lives (Hundek-Pichon, 2016).

Traditionally, the main objective of DDR processes has been political. The members of armed groups involved in the peace process must leave their weapons behind to return to society and move towards a peaceful way of life. Consequently, the resources harnessed by the international community, the State itself, and civil society are geared towards putting an end to the armed conflict. Abril Stoffels contends, therefore, that the goal is not to preserve the rights of those affected by the conflict, but rather an eminent political approach in which the DDR is conceived to promote and facilitate the peace process (Abril Stoffels & Ojinaga Ruiz, 2021). International law designed to protect girl soldiers needs to go beyond mere theoretical propositions and aid women departing from insurgency activities: It must adapt to prepare these women to reenter a society entrenched in age-old cultural norms, patriarchal structures, and discriminatory practices, which often confine women to traditional domestic, sexual, and reproductive roles.

Analysis of protection gaps and enforcement failures

A systematic review of existing literature, including academic papers, reports, and policy documents to understand the international legal framework surrounding the protection of

girls in armed conflicts suggests that while the international legal framework has created important normative protections against the recruitment of girls into armed conflict, its effectiveness is undermined by enforcement gaps, gender-insensitive implementation, and lack of integration with local realities. In other words, international legal norms have raised awareness, but enforcement remains weak across jurisdictions, including Colombia.

In the first place, instruments such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) and the Rome Statute of the ICC have helped establish a global consensus that recruiting children under 18, including girls, is a violation of international law. However, empirical studies like UN reports and investigations by NGOs show limited enforcement, especially in non-state armed groups and in fragile or failed states. In Colombia, the Special Jurisdiction for Peace has attempted to bridge that gap with mixed results.

In second place, this investigation has found that gender-neutral laws overlook the specific vulnerabilities of girls recruited by non-state armed groups. Legal frameworks tend to adopt a gender-neutral approach to child soldiering, ignoring the particular realities of how girls are uniquely affected (e.g., as fighters, cooks, porters, and victims of sexual violence). Reports from several conflict-ridden countries show that girls are less likely to be identified, demobilized, or reintegrated due to stigmatization and invisibility in legal and DDR (Disarmament, Demobilization and Reintegration) programs.

Thirdly, it has been found that many states have ratified relevant international treaties but lack domestic legislation or fail to implement them effectively. Specifically, Colombia has a strong legal framework for the punishment of the recruitment of children, but national laws do not criminalize the specific recruitment of girls. In fourth place, it has been evidenced that DDR and reintegration programs often exclude or fail girls. Data from programs in Colombia (ICBF), Sierra Leone, and Uganda show that girls rarely self-identify as ex-combatants due to fear of stigma or rejection, especially if they bore children during captivity. Even when legal frameworks provide for reintegration, empirical evaluations show that psychosocial, economic, and legal support is often inadequate or male-centered, limiting the protective effect of international norms in practice.

Finally, there is some positive impact from strategic litigation and advocacy. In a few cases, international and hybrid courts (e.g., the ICC's *Lubanga* case) have begun to recognize the role of gender and sexual violence in child recruitment, contributing to norm development and visibility. Strategic litigation and advocacy have pushed states to adopt action plans.

Conclusions

Applying a gender perspective in the treatment of girl soldiers is essential to understanding and addressing the complex roadblocks these young women face in their path to social justice. By recognizing that girl soldiers often face unique and different challenges than boy

soldiers, both during their participation in armed conflict and their reintegration into society after conflict, states and non-state actors can aid in combatting the underlying causes of recruitment of girls into illegal armed groups, which may include gender inequalities, gender violence, poverty, discrimination, and lack of access to education. Additionally, by identifying specific consequences for girls, such as sexual violence, early pregnancy, social stigma, and exclusion, these actors can develop specific programs and policies that address the protection and support needs of girl soldiers, including protection from gender-based violence, access to sexual and reproductive health services, psychosocial support, and community reintegration.

Existing international instruments need to be geared towards reinsertion programs, which are essential to the involvement of former girl soldiers in decision-making about programs and policies that affect them, as well as empower them so that they can claim their rights and participate fully in society. Gender awareness and training are required for all actors involved in the treatment of girl soldiers, including health professionals, social workers, military personnel, and non-governmental organization staff. Despite these efforts, challenges remain in effectively protecting girl soldiers. These challenges include a lack of political will, resource constraints, weak legal frameworks in some countries, and ongoing armed conflicts that make it challenging to implement and enforce international law. Additionally, cultural norms and gender stereotypes may contribute to the marginalization and stigmatization of girl soldiers, making it harder for them to access support and protection. Overall, while international law instruments provide important tools for protecting girl soldiers, concerted efforts by states, international organizations, and civil society are needed to ensure their effective implementation and enforcement.

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