

Child war crimes offenders- Issue of international criminal responsibility for committed war crimes by children and the approaches for achieving justice.

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Abstract

The impetus to write these dissertation was the discrepancy between the rights of the victims of child soldiers with the rights of the children. Author analyse international regulations related to the children involved in armed conflict, as well as doctrine and achievements of NGOs concentrated on this issue. As a result, lack of consistency within international law appears. There are no clear definition of a “child”, under some regulations it still allowed to recruit children under 18 to armed forces. Therefore, in some circumstances the guilt of juvenile war crimes offenders have to be considered. International practise developed some factors that excludes responsibility of child soldiers for committed atrocities: involuntary recruitment, intoxication and coercion. However, this is not a case of all young ex- combatants. In situations when accountability still can be applied it is crucial co consider a child not only as a perpetrator, but also as a victim of war.

Mechanisms created to deal with that issue gives a partial satisfaction. Therefore there still have not been invented better solution of that issue than preventing children from taking part in armed conflict in the firs place.