

SUMMARY

This work is devoted to international law, particularly humanitarian law and human rights with emphasis on international legal instruments governing the position of children serving in the armed forces. In this work are discussed various international conventions, as well as mechanisms for the protection of child soldiers.

The first chapter defines the position of child soldiers and the specifics of their involvement in military conflicts. The decisive criteria for the involvement of children in government armed forces or non-state army is age. Furthermore there is described into more details the mechanism of conscription into the army. There is difference between voluntary and forced recruitment of child soldiers.

The various international legal instruments are analyzed more in detail in chapter two. The issue of Child soldiers is addressed with both the rules of humanitarian law, specifically the Additional Protocols to the Geneva Conventions and Human rights conventions. Special attention is paid to the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict. Analyzed is the only regional convention addressing the problem of child soldiers -the African Charter on the Rights and Welfare of the Child. The issue of child recruitment is also partly governed by the Convention No. 182 of International Labour Organization and Palermo Protocol. Development of legislation in this area completes the Rome Statute that established the International Criminal Court. In addition to these international treaties the role and the Committee on the Rights of the Child and the UN Security Council is discussed in more detail.

The third and fourth chapter deals with the criminal penalty and the criminalization of the offenses committed by child soldiers or perpetrators of crime of illegal child recruitment. In this part is discussed in more detail the function of criminal tribunals and criminal courts and their jurisdiction over the crimes. Finally, here are analyzed in detail two court decisions with Samuel Hinga Norman and Thomas Lubanga Dyilo.

The last chapter attempts to describe the difficulties and the risks of re-involvement of child soldiers back into society after the end war conflict. It describes the priorities that have to be achieved and successful humanitarian programs that were run in countries most affected

by child soldier problem. Provisions of international conventions that reflect reintegration process is mentioned here.