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Platform & Workflow by: [Open Journal Systems](#)**Detention of Children as Security Threats under International Law****Fraz Ashraf Khan**

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ABSTRACT

The detention of children deemed security threats in armed situations poses a difficult and little examined issue within international law. Notwithstanding established legal frameworks, including the Convention on the Rights of the Child and the Geneva Conventions, numerous children globally are incarcerated by state and non-state entities due to purported affiliations with armed groups or alleged involvement in hostilities. This practice prompts essential inquiries about the sufficiency of existing legal safeguards, the definition and extent of "security threat," and the alignment of detention procedures with the core principles of necessity, proportionality, and non-discrimination. Children in detention often endure severe conditions, insufficient access to legal aid, and minimal oversight, usually leading to infringements of their rights to due process, education, and rehabilitation. Furthermore, the stigmatization and suffering linked to detention hinder their reintegration into society and increase the likelihood of re-recruitment or radicalization. The paper explores a child protection methodology that emphasizes prevention, diversion, and alternatives to detention, consistent with international standards. It highlights the pressing necessity for research on governmental policies, accountability mechanisms, and the establishment of effective frameworks that harmonize genuine security concerns with the rights and welfare of the child. Rectifying these deficiencies is crucial for enhancing international legal adherence and safeguarding vulnerable children in conflict situations

Keywords: Detention, Children, Security, Threats, International Law**Introduction and Background**

International law offers substantial protections for children in war scenarios, highlighting their susceptibility and right to specialized care. The United Nations Convention on the Rights of the Child (CRC), its Optional Protocols, and the Geneva Conventions emphasize the paramount importance of a child's best interests, even during armed conflict or national security concerns. Notwithstanding these frameworks, the real implementation of these protections is beset with difficulties. A multitude of youngsters classified as security threats are confined in military or high-security institutions, frequently lacking access to legal representation, familial communication, or educational opportunities. They may endure torture, maltreatment, and stigmatization, exacerbating the trauma already suffered from conflict. Numerous documented instances reveal that children have faced prosecution in

military tribunals, endured arbitrary detention, or been deprived of fundamental procedural protections.

The justification for the detention of children as security concerns is often associated with overarching counter-terrorism discourses, particularly in areas impacted by violent extremism or insurgency. Nevertheless, the data indicates that such measures never enhance authentic security and may rather intensify cycles of violence and resentment. Detention hinders children's development, diminishes their opportunities for social reintegration, and may elevate the chance of re-recruitment by armed factions. International organizations and human rights entities have advocated for a paradigm shift—from punitive measures to child-centered strategies that emphasize prevention, diversion, and rehabilitation. This transition necessitates both legal reform and tangible investment in alternative strategies, including community-based initiatives, psychiatric assistance, and restorative justice models. Characterizing the imprisonment of children as security threats is not merely a legal obligation but also an issue of preserving human dignity and promoting enduring peace.

Legal Structures Regulating Child Detention in Armed Conflict

International law offers a comprehensive, albeit occasionally disjointed, framework for safeguarding children in armed conflict, particularly those held as perceived security threats. The United Nations Convention on the Rights of the Child (CRC) is the fundamental instrument delineating the rights of those under eighteen, particularly focusing on those who are incarcerated. Article 37 of the CRC stipulates that the imprisonment of children should be employed solely as a last option and for the briefest suitable duration, while also requiring humane circumstances and the right to immediate access to legal and other relevant aid (United Nations, 1989). The CRC's Optional Protocol on the engagement of children in armed conflict (OPAC) explicitly forbids the mandatory enlistment of individuals under eighteen into armed forces and mandates that nations implement measures to avert such recruitment and utilization (United Nations, 2000).

The Geneva Conventions and their Additional Protocols, in conjunction with the CRC, provide safeguards for children in both international and non-international armed conflicts. The Fourth Geneva Convention (1949) and Additional Protocol I (1977) explicitly acknowledge the necessity for enhanced protection of children, particularly those under the custody of a conflicting party of which they are not nationals (ICRC, 1949, 1977). The International Committee of the Red Cross (ICRC) has consistently emphasized that, even amid wars or security operations, children should not be considered as adults or subjected to arbitrary or protracted detention (ICRC, 2011). Moreover, customary international humanitarian law mandates that all conflict parties treat children with humanity and undertake all practicable measures to guarantee their protection and welfare (Henckaerts & Doswald-Beck, 2005). Notwithstanding these strong legal safeguards, execution is irregular. In some instances, domestic counter-terrorism, security, and military legislation supersede or bypass international standards, resulting in activities that contravene both the intent and provisions of international law (UNICEF, 2018; Human Rights Watch, 2016). In many

conflict-affected nations, children alleged to be affiliated with non-state armed organizations are incarcerated under expansive national security legislation, frequently lacking definitive evidence or procedural protections (Defence for Children International, 2017). The implementation of administrative detention, military tribunals, and emergency regulations exacerbates adherence to international standards, as these systems often fail to provide sufficient protections for children, such as the presumption of innocence and the right to a fair trial (Watchlist on Children and Armed Conflict, 2020).

Alongside international humanitarian law and human rights legislation, soft law mechanisms are essential. The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007) offer comprehensive suggestions about the treatment, release, and reintegration of children involved with armed actors. Although not legally enforceable, these principles have garnered extensive support from states and international organizations as a pragmatic framework for fulfilling child protection responsibilities (UNICEF, 2007). The United Nations Security Council has enacted many resolutions particularly 1612 (2005), 1882 (2009), and 2427 (2018) that create monitoring and reporting frameworks for serious breaches against children in armed conflict, including arbitrary imprisonment. The interaction among diverse legal systems presents both opportunities and challenges for safeguarding incarcerated children. Despite international law's clear acknowledgment of children's rights, the absence of enforcement mechanisms, the precedence of national security interests, and the changing dynamics of armed conflict such as the emergence of non-state actors and transnational terrorism often create discrepancies between legal standards and their implementation. The effective safeguarding of children classified as security threats necessitates legal reform, political will, institutional ability, and ongoing involvement from the international community (Sivakumaran, 2012; Happold, 2005).

Legal Frameworks Governing Child Detention in Armed Conflict

In numerous conflict zones and security contexts, the detention of children as perceived security risks has become a universal practice, frequently rationalized by states and non-state organizations on the basis of national security, public order, or counter-terrorism. The profiles of detained children vary: some are claimed soldiers or affiliates of armed groups, others are apprehended during extensive security operations, and many are detained solely on the basis of suspected association or for being in regions dominated by adversarial forces (Coalition to Stop the Use of Child Soldiers, 2008; Singer, 2006). In Iraq, Syria, Nigeria, Somalia, Afghanistan, and other regions, thousands of children have been detained by governmental troops, militias, or international coalitions and subjected to various types of confinement (UNICEF, 2018; Human Rights Watch, 2016).

The conditions and duration of confinement differ significantly; however, they exhibit common characteristics of concern. A multitude of children are confined in military or high-security institutions, frequently alongside adults, in violation of international rules that mandate their separation from adult detainees and the provision of age-appropriate circumstances (Defence for Children International, 2017; ICRC, 2011). Overpopulation,

limited healthcare access, inadequate food and water supply, and vulnerability to violence are persistent issues. The psychological distress is exacerbated by the ambiguity of detention, absence of familial contact, and, in certain instances, the menace or application of torture or maltreatment to elicit confessions or information (Human Rights Watch, 2016; Save the Children, 2019).

The legal mechanisms available to jailed children sometimes do not meet international standards. In certain jurisdictions, children charged with security offenses are adjudicated in military tribunals, which frequently lack the procedural protections found in civilian juvenile justice systems. This includes restricted access to legal counsel, a presumption of guilt, and determinations based on clandestine or forced evidence (Committee on the Rights of the Child, 2011; OHCHR, 2014). In certain instances, children are sent to administrative custody without charges or trial, occasionally for months or even years. The absence of defined age assessment protocols and dependable documentation exacerbates the likelihood of wrongful or arbitrary detention of kids (Watchlist on Children and Armed Conflict, 2020). Security-based detention is not exclusive to governmental actors. Non-state armed groups, encompassing insurgent, paramilitary, and terrorist organizations, also apprehend children—either as alleged spies, collaborators, or as a method of asserting dominance over populations (UNODC, 2019; Liebel, 2020). Such groups frequently function without any legal parameters, exposing children to extrajudicial justice, coerced indoctrination, or punitive violence. In certain settings, detention by non-state actors serves as a precursor to coerced enlistment, sexual exploitation, or utilization as human shields (Coalition to Stop the Use of Child Soldiers, 2008; Machel, 1996). The patterns of detention illustrate the overarching themes of war and insecurity. Children are often imprisoned not due to specific actions they have undertaken, but rather because of broad suspicion, collective punishment, or to be utilized as bargaining chips in discussions between conflicting parties (Singer, 2006; Dallaire, 2011). The stigmatization of children regarded as security threats transcends detention, impacting their reintegration into families and communities while subjecting them to persistent prejudice and violence. These dynamic underscores the necessity to tackle not just the immediate circumstances of detention but also the structural and social factors that sustain cycles of exclusion and abuse (Liebel, 2020; Save the Children, 2019).

Effects on Children and Communities

The detention of children as perceived security risks significantly affects the physical, psychological, and social welfare of both the individuals involved and their communities. Detention impedes essential phases of child development, denies children access to education, healthcare, and familial support, and subjects them to surroundings that are sometimes hazardous or traumatic (Machel, 1996; UNICEF, 2018). Physical health declines swiftly in overcrowded and unclean detention centers, while the likelihood of sexual and gender-based violence, including against males, increases due to insufficient protective measures (Human Rights Watch, 2016; Save the Children, 2019).

Detention can psychologically provoke or intensify several mental health disorders, including as anxiety, depression, post-traumatic stress disorder (PTSD), and suicide thoughts. Arbitrary or protracted detention, frequently associated with prior exposure to violence or displacement, exacerbates trauma and hinders mental recovery (Dallaire, 2011; Liebel, 2020). Children subjected to interrogation or coercion for confessions may cultivate profound mistrust of authorities and social institutions, hence hampering rehabilitation and reintegration attempts (Defence for Children International, 2017). The social ramifications of detention are similarly substantial. Upon release, children frequently encounter stigmatization, marginalization, and mistrust from their families and communities, who may perceive them as security threats, collaborators, or sources of shame. This marginalization obstructs reintegration and heightens the likelihood of re-recruitment by armed factions or engagement in criminal activities (Watchlist on Children and Armed Conflict, 2020; UNICEF, 2018). Girls who have been incarcerated or are thought to be affiliated with armed organizations are especially susceptible to gender-based violence and discrimination, including forced marriage and exclusion from educational and social services (Save the Children, 2019). The confinement of children impacts entire communities. The extraction of children from families erodes social cohesion, interrupts the intergenerational transfer of culture and values, and may perpetuate cycles of violence and distrust between communities and authorities (Liebel, 2020; Happold, 2005). The detention of numerous children can lead to a sense of collective punishment or targeting across entire communities, exacerbating grievances and hindering prospects for peace and reconciliation (Machel, 1996; Singer, 2006). Researchers and practitioners are increasingly acknowledging the long-term developmental consequences of detention. Research indicates that children subjected to imprisonment have an elevated risk of academic underperformance, unemployment, criminal activity, and adverse health consequences in adulthood (UNICEF, 2018; OHCHR, 2014). The lack of competent psychosocial support and rehabilitation programs hinders efforts to disrupt cycles of violence and foster sustainable development. Mitigating the effects of detention necessitates a comprehensive strategy that includes legal and policy reform as well as investment in health, education, and social safety systems (Save the Children, 2019; UNICEF, 2018).

Responsibility, Prevention, and Alternatives to Detention

Initiatives to tackle the detention of children perceived as security threats have increasingly emphasized enhancing accountability, preventing arbitrary or unwarranted detention, and advocating for alternatives that align with international standards. A primary concern is the absence of accountability for infringements of children's rights within the framework of security-related imprisonment. National governments and, in certain instances, non-state actors have infrequently faced accountability for the arbitrary detention, torture, or mistreatment of children, attributable in part to inadequate legal frameworks, insufficient transparency, and the politicization of security matters (Human Rights Watch, 2016; Watchlist on Children and Armed Conflict, 2020).

International accountability procedures are constrained. The International Criminal Court (ICC) and other international tribunals have jurisdiction over war crimes involving children, such as wrongful confinement; nevertheless, prosecutions are infrequent and often concentrate on the most severe violations (Sivakumaran, 2012). The United Nations' Monitoring and Reporting Mechanism (MRM) on severe violations against children in armed conflict has enhanced the visibility and documentation of detention practices; however, its efficacy is limited by a lack of enforcement authority and reliance on state cooperation (United Nations Security Council, 2018; UNICEF, 2018). Preventing the detention of children as security threats necessitates a fundamental transformation in the perception and approach of authorities and societies about children's participation in armed groups. The implementation of child-centered methodologies, as endorsed by the Paris Principles and the CRC, emphasizes prevention, diversion, and alternatives to imprisonment rather than punitive actions (UNICEF, 2007; Committee on the Rights of the Child, 2011). Such approaches acknowledge that children affiliated with armed groups are predominantly victims of rights violations and should be regarded primarily as children requiring protection, rather than as security threats or offenders (Defence for Children International, 2017; Dallaire, 2011).

Alternatives to detention encompass community-based rehabilitation and reintegration initiatives, restorative justice frameworks, and diversion from the formal judicial system to child welfare agencies. These options have demonstrated greater efficacy in enhancing security, diminishing recidivism, and fostering the long-term welfare of children and communities (Save the Children, 2019; UNICEF, 2018). Viable options necessitate investment in education, psychosocial support, and family reunification, with initiatives to tackle the underlying reasons of recruitment and participation in armed conflict (Liebel, 2020; UNODC, 2019).

Advancing accountability and prevention necessitates the transformation of national legal systems to conform to international standards. This entails the elimination of military courts for children, guaranteeing immediate access to legal counsel, instituting independent oversight of detention centers, and implementing definitive age-assessment protocols (OHCHR, 2014; Human Rights Watch, 2016). International collaboration and capacity enhancement are crucial, as numerous conflict-affected nations lack the resources or experience to independently execute these reforms (Coalition to Stop the Use of Child Soldiers, 2008). Moreover, Advocacy and awareness-raising are essential elements of prevention and accountability. Civil society organizations, child rights advocates, and survivors have been instrumental in exposing atrocities, galvanizing public opinion, and advocating for change at both national and international levels (Watchlist on Children and Armed Conflict, 2020; Dallaire, 2011). The endorsement of UN Security Council resolutions concerning children and armed conflict, along with the enhanced incorporation of child protection into peacekeeping and peacebuilding mandates, signifies an escalating acknowledgment of the significance of this matter (United Nations Security Council, 2018).

The Future Child Protection in Conflict Setting

The ongoing imprisonment of children as security risks presents a considerable issue for the international community, highlighting the greater conflict between security needs and human rights responsibilities. As armed conflict progresses—marked by the emergence of non-state actors, cyber warfare, and the expansion of counter-terrorism initiatives—the likelihood of youngsters becoming entangled in security operations is expected to endure or potentially escalate (UNODC, 2019; Sivakumaran, 2012). Resolving this issue necessitates enduring political determination, investment in child protection frameworks, and a dedication to maintaining international standards amidst emerging and intricate challenges. In the future, the formulation and execution of comprehensive child protection programs will be crucial. These methods must encompass law change, capacity enhancement, and the provision of comprehensive support to children and their families. Involving children and impacted communities in the formulation and implementation of interventions is essential for guaranteeing that solutions are pertinent and efficacious (Liebel, 2020; Save the Children, 2019). Increased focus is necessary on the distinct requirements of especially vulnerable populations, such as girls, children with disabilities, and those from disadvantaged or minority communities (OHCHR, 2014; Machel, 1996).

Global collaboration and unity are essential. The issues surrounding child detention in crisis zones are worldwide and necessitate collaborative efforts from governments, international bodies, civil society, and local populations. This encompasses the dissemination of best practices, the enhancement of competence, and the assurance of accountability for breaches of international law (UNICEF, 2018; ICRC, 2011). Research, monitoring, and evaluation must persist in guiding policy and practice, emphasizing the identification of effective alternatives to detention and the documentation of the long-term effects of initiatives. The international community's response to the detention of children as security threats will ultimately reflect its commitment to the rights and dignity of the most vulnerable populations. Adhering to international legal standards, investing in child-focused alternatives, and tackling the underlying causes of conflict and recruitment are both legal and ethical obligations, as well as crucial for establishing enduring peace and security. The difficulty is significant, yet the stakes for children, communities, and the global population are exceedingly high.

Conclusion

The detention of children as perceived security risks persists as a significant and contentious problem at the convergence of international law, children's rights, and global security. Notwithstanding the presence of extensive international legal frameworks particularly the Convention on the Rights of the Child and the Geneva Conventions implementation frequently fails to meet these benchmarks. Numerous children globally persist in facing unjust detention, severe conditions, and a lack of due process and rehabilitative assistance. The consequences of such confinement are significant, extending beyond the person to influence families, communities, and the potential for enduring peace and social cohesion. Current detention practices often emphasize security concerns over child welfare, indicating a

deficiency in political resolve and the impact of counter-terrorism discourses. Children, frequently subjected to forced recruitment or coercion by armed groups, are typically regarded and treated as perpetrators rather than victims. This method neglects their developmental requirements, the significance of rehabilitation, and the enduring repercussions of subjecting youth to institutionalization, violence, and trauma.

A model shift in policy and practice is essential for progress. States and other entities must reaffirm their dedication to international legal standards, eliminate the utilization of military courts and administrative imprisonment for children, and invest in child-centric alternatives such as community-based rehabilitation, education, and psychosocial assistance. Accountability for infractions must be reinforced, and preventive measures must tackle both the immediate and underlying reasons of kid participation in conflict. Furthermore, the significant involvement of impacted children and communities in formulating solutions is crucial for guaranteeing relevance and sustainability. The extent of a society's dedication to human rights and the rule of law is ultimately demonstrated by its treatment of its most vulnerable members—its children. Protecting their rights and dignity not only satisfies legal and ethical responsibilities but also establishes the groundwork for more peaceful, equitable, and resilient societies.

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