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Criminalizing the victim : why the legal community must fight to ensure that child soldier victims are not prosecuted as war criminals / Sara A. Ward

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Abstract:	<p>Part I establishes a foundation by defining who child soldiers are, discussing the responsibilities of adolescent militants, describing the different manners in which children become members of armies, and examining the number of countries which currently exploit children soldiers, among other pertinent information. It also offers a brief synopsis of war crime tribunals and the manner in which the UN Protocols and Conventions address child warfare, emphasizing the way in which those who advocate for prosecuting children soldiers could potentially violate the Protocols. Part II discusses and refutes arguments favoring the prosecution of children soldiers as war criminals. Part III explores alternatives to charging children as war criminals. Part IV addresses how the American Bar Association Standards and UN Protocols would benefit from amendments that specifically limit attorneys' ability to prosecute children soldiers. The Note concludes by stressing that prosecuting children soldiers as war criminals is tantamount to punishing the victim and by emphasizing how updating the American Bar Association Standards and the UN Protocols could serve as an effective deterrent to the proliferation of prosecutions like that of Omar Khadr.</p>
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