Recruitment, as distinct from enlistment [1], is the compulsory incorporation of individuals into an armed force [2] or group [3]. Although the two terms may sometimes be used interchangeably (see Art. 4 (3) (c) Additional Protocol II and Art. 38 of the Convention on the Rights of the Child [4]), the International Criminal Court [5] ruled in the Lubanga case that these are two separate notions.

IHL contains a number of restrictions on compulsory recruitment.

According to Rule 95 [6] of the ICRC’s Customary International Humanitarian Law Study, “[c]ompelling persons to serve in the forces of a hostile power is a specific type of forced labour [7] that is prohibited in international armed conflicts [8]. The Hague Regulations specify that it is forbidden to compel nationals of the hostile party to take part in operations of war directed against their own country, even if they were in the belligerent’s service before the war. The Third and Fourth Geneva Conventions state that so compelling a prisoner of war [9] or a protected civilian [10] is a grave breach [11]. The prohibition is repeated in the list of war crimes [12] in the Statute of the International Criminal Court.”

For the IHL prohibition concerning recruitment of children [13] for participation in hostilities: see child soldiers [14].

See Children [13]; Child soldiers [14]; Protected Persons [10]; Enlistment [1]; Prisoners of War [9];
OUTLINE

Chapter 8, II. 2. c) bb) prohibition of recruitment

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PI, 77/2

PII, 4/3c

CIHL, 136

DOCUMENT

Optional Protocol on the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict

CASES

Sri Lanka, Conflict in the Vanni (Paras. 10-11)

ICC, The Prosecutor v. Thomas Lubanga Dyilo

Afghanistan, Code of Conduct for the Mujahideen (Art. 50)

Case Study, Armed Conflicts in Sierra Leone, Liberia and Guinea (Part 2., A.)
Sierra Leone, Special Court Ruling on the Recruitment of Children [24]

Democratic Republic of Congo, Involvement of MONUSCO [25]

Mali, Conduct of Hostilities [26]

Engaging Non-state Armed Groups on the Protection of Children [27]

Philippines, Armed Group Undertakes to Respect Children [28]

Somalia, the fate of Children in the conflict [29]

ICC, Confirmation of Charges against LRA Leader [30]

UN/Colombia, Human Rights Committee Clarifications and Concluding Observations (2016) [31]

In occupied territory

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GCIV, 51 [32]

CIHL, 95 [33]

Source URL: https://casebook.icrc.org/glossary/recruitment

Links

[1] https://casebook.icrc.org/glossary/enlistment

[33] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule95