

*The Invisible Victims: How Legal Frameworks and
Methodological Biases Erase the Sexual Victimization of Girl
and Boy Child-Soldiers*

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It is undeniable that the international community has made commendable progress in the acknowledgment of conflict-related sexual violence (CRSV) as a weapon of war. However, “blind spots” still remain and hinder humanitarian efforts. Nowadays, a major concern emerges: the sexual victimization of young girls and boys within armed groups, a harsh reality that often gets overshadowed by the common image of the child soldier as just a young male combatant. This stereotype leads to what can be called a “double erasure”, phenomenon where the diverse roles of child recruits and the specific abuses they suffer are neglected. Legal and data-collection frameworks, rooted in traditional views, showcase soldier status as profoundly linked to active combat, overlooking other forms of violence in the process. Consequently, thousands of victims are excluded from post-conflict funding, medical care, and essential recovery programs. This prompts a necessary inquiry: how does patriarchal legal definitions and methodological biases systematically obscure the sexual violence endured by child soldiers, and to what extent does this "erasure" exclude both girls and boys from targeted post-conflict rehabilitation?

This research question can be answered through a qualitative approach that will combine both document analysis and the review of secondary data; all while respecting the ethical principle of “do no harm” in humanitarian research (WHO, 2007). To try and firstly understand the legal erasure of child soldiers, the research will focus on legal rulings from international and domestic courts, in particular the ICTR and the Special Court for Sierra Leone. This aims to see how sexual crimes against young people are truly classified. Furthermore, the study must assess impacts through the review of literature, demographic surveys, and Disarmament, Demobilization, and Reintegration (DDR) guidelines from organizations like the Alliance for Child Protection in Humanitarian Action and the UN. This bilateral approach can help further uncover the heteronormative biases present today in data collection and that often result in people being left out of psychosocial support.

Reflecting wider societal biases, the legal invisibility of child soldiers has vastly different effects based on the gender of the young person.

For girls, sexual enslavement is often disguised by the term ‘traditional domesticity.’ They are frequently forced into ‘bush marriages,’ where their duties in cooking, cleaning, and serving as ‘wives’ mirror patriarchal social norms. As a result, military commanders and international investigators have historically treated them as ‘camp followers’ or ‘dependents’ rather than acknowledging them as combatants or victims (Raison Publique, 2012). International law has only recently begun to address this issue. For instance, the Special Court for Sierra Leone had to specifically recognize ‘forced marriage’ as a separate crime against humanity to highlight the unique mix of forced domestic work and sexual violence beyond the usual definitions of sexual slavery (Swaine, 2018). Without this legal recognition, the experiences of thousands of girls are still seen as domestic rather than violations of international humanitarian law.

In contrast, the victimization of boys is erased through miscategorization and biased domestic laws. Many national legal systems have a heavily male-centered definition of rape, frequently leaving male victims without legal options. Even at the international level, when sexual violence against males is prosecuted, tribunals like the International Criminal Tribunal for Rwanda frequently categorize these acts under broader terms like "torture" or "other inhumane acts." (Gopsill, 2022). While these labels may be technically accurate, they fail to capture the true nature of the crimes and the intentional use of sexual violence as a weapon. This erasure is further complicated by a homophobic "double bind," in which boys who report sexual violence may face questioning about their sexual orientation or be prosecuted for homosexuality in their

home countries rather than being offered protection as survivors of war crimes (“in up to 70 countries”, Touquet et al., 2020).

This legal shortcoming is aggravated by inadequate or incomplete data collection practices, ones that perpetuate exclusion. Human rights investigators and non-governmental organisations frequently utilise survey tools based on the assumption of male perpetrators and female victims. Initial research on violence against women largely excluded adolescent girls and today researchers are replicating this oversight by omitting adolescent boys aged 15–17 from sexual violence studies (Touquet, 2020). Many studies also rely on interviewing heads of households which largely ignores the experiences of young boys and girls who may be marginalised within their family structures. As mentioned previously, when sexual violence against boys is recorded only as ‘torture’ in official statistics, it effectively disappears from the CRSV record. This absence of reliable gender-neutral data leads to the misallocation of resources as policymakers assess the need for support and compensation based on incomplete or distorted datasets (Cohen & Nordås, 2021; Davies & True, 2015).

The most obvious and harmful effect of this invisibility occurs during Disarmament Demobilisation and Reintegration (DDR) processes. These programs often have unfortunate built-in biases, in the case, for example, of weapon surrender. The strict entry rule of ‘one person, one weapon’ systematically excludes children whose roles were not necessarily combative (Alliance for Child Protection in Humanitarian Action, 2023). Because girls’ roles are typically domestic and boys’ sexual victimisation is not perceived as a ‘combat’ experience these children often lack the necessary ‘proof of combatant status’ to access assistance (IRIN, 2013). As highlighted by research, this exclusion forces youth to self-demobilise silently to avoid social stigma condemning them to a ‘double penalty’ (Observatoire de Recherche d’Études Décoloniales, 2026). After returning to their communities, they often find themselves without the specialized psychosocial or medical support necessary for their recovery, both mental and physical (Alliance for Child Protection in Humanitarian Action, 2020; Chynoweth et al., 2020; ORED, 2026).

If the international community desires to put an end to this harmful cycle, legal definitions and humanitarian practices need to be rethought. To ensure the research’s feasibility and depth, it will focus on a primary case study: the Democratic Republic of the Congo (DRC). It could furthermore be used as a comparative dossier with other reports such as Northern Uganda or Sierra Leone. These regions offer crucial contexts for examining the « double erasure » due to the extensive histories of groups like the Lord’s Resistance Army (LRA) in Uganda and various militias in the DRC. These groups have exploited girls as « bush wives » and subjected boys to widespread sexual violence. By anchoring the study in these contexts, we demonstrate why the international community must push for universal acceptance of gender-neutral definitions of sexual violence in domestic laws. This will ensure all survivors, regardless of gender, are recognised. Researchers should also ethically capture data from adolescent males and acknowledge girls’ non-combat roles. By creating destigmatised, inclusive reintegration paths, the global community can finally address child victimisation and ensure the « double erasure » no longer obstructs justice and recovery.

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