

# CHILDREN IN WAR





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- The *Children in War* information kit contains short, regularly updated papers. The kit is available in French, English, Spanish and Arabic. Its purpose is to promote a better understanding of ICRC activities aimed at helping children.
- The papers are also available in the *Children in war* section of the ICRC Website ([www.icrc.org/eng/children](http://www.icrc.org/eng/children)). In keeping with the ICRC's comprehensive approach, each document is linked with related information of a more general nature. For example, there are links from "ICRC's conception of protecting children in war" (ICRC efforts to protect children, plus examples from field operations) to documents on protection activities in general. The same is true of the papers on legal protection, dissemination of humanitarian law, etc.
- **Contents of the kit:**
  - 1) Background article: "*Children and War*," June 2001 (updated 2004). A survey of the issue and of the legal and operational activities carried out by the ICRC and the Movement (published in French in the *International Review of the Red Cross*, June 2001, Vol. 83, No. 842)
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  - 8) Paper on relations with armed and security forces: "Discussion paper for FAS delegates concerning the protection of children in armed conflicts and disturbances"
  - 9) "*Children affected by armed conflict: plan of action of the Movement and the International Conference of the Red Cross and Red Crescent*"

All of these texts were reviewed/revised in July 2004 by the people in charge of the corresponding programmes.

- **Further information:**

Please visit our website: [www.icrc.org](http://www.icrc.org)

July 2004





## CHILDREN IN WAR

### ***Comprehensive action to meet specific needs***

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose mission is to protect and assist the civilian and military victims of war and internal violence. It takes action on the basis of the mandate that it has received from the States party to the Geneva Conventions of 1949 and their Additional Protocols of 1977. It also endeavours to prevent suffering in the first place by strengthening and promoting compliance with humanitarian law and universal humanitarian principles. The ICRC founded the International Red Cross and Red Crescent Movement and bases its work on that Movement's Fundamental Principles. These include neutrality, impartiality and independence, which give the ICRC its unique character. It is this in particular which sets the ICRC apart from other humanitarian organizations.

Most modern conflicts are internal: they mainly affect ethnic, racial and religious minorities within the borders of a single country, with the poorest members of society usually bearing the brunt. The state of terror so often inflicted by the combatants serves as a means of social control; it is a kind of total war permeating the entire fabric of society – its economic, political, social and cultural realms – in which the civilian population is increasingly targeted by the warring parties. This is sometimes a deliberate strategy and no one is spared – indeed the most vulnerable members of society are the first to fall victim to the violence. Children, women, elderly, injured, sick, detained persons, missing, therefore warrant special attention.

Taking a particular interest in the plight of children does not mean creating a separate category of victims among the civilian population and thus failing to observe the Movement's fundamental principle of impartiality. The ICRC acts impartially to assist all the victims of war and internal violence according to their need. However, it cannot be denied that the needs of children are radically different from those of women, men and the elderly. Today children are still often regarded as miniature adults and are frequently at the mercy of a society or an environment which is not always willing to grant them the status they require: that of future adults. Showing better understanding of children merely means providing them with aid that is more consistent with their needs as developing individuals.

All too often children are helpless, first-hand witnesses of atrocities committed against their parents or other family members. They are killed, mutilated, imprisoned or otherwise separated from their families. Cut off from the environment familiar to them, even those who manage to escape lack any certainty as to their future and that of their loved ones. They are often forced to flee, abandoned to their own devices and rejected without an identity. These children suffer deep psychological wounds that seem incurable to them, but from which well-targeted care can help them recover. Showing better understanding of children also means equipping them with the means to reconstruct themselves so that they cease to be passive – or active – victims of war, and instead take the future into their own hands.

### ***General protection and specific protection under international humanitarian law***



In order to provide the most effective protection possible for all the victims of war, whether the conflict is international or non-international, humanitarian law protects the civilian population as a whole, without giving preference to one category of individuals at the expense of another.

As persons not taking a direct part in hostilities, children enjoy general protection with fundamental guarantees. Like any other civilians, children are entitled to respect for their right to life and for their physical and mental integrity. Like anyone else, they benefit from the prohibitions on coercion, corporal punishment, torture, collective punishment and reprisals.

International humanitarian law also grants special protection to children as particularly vulnerable persons. Over 25 articles of the Four Geneva Conventions and the two Additional Protocols specifically concern children.

### ***International humanitarian law and child soldiers***

In 1999, to mark the 50<sup>th</sup> anniversary of the Geneva Conventions, the ICRC carried out a major survey among combatants and war victims entitled *People on War*. Some of those surveyed spoke about their experiences as child soldiers. They stressed the immaturity that had led them to adopt rash behaviour and the severe trauma they generally carried with them for the rest of their lives. An Afghan teacher spoke of the "Kalashnikov culture" and a Somali civilian said that children today understood only one language, that of bloodshed. A Somali soldier stated that child soldiers were not only victims: they resorted to excessive force, fired indiscriminately and were all too often unaware of their behaviour and of the suffering they inflicted.

The number of children recruited into armed groups either voluntarily or by force is today increasing steadily despite provisions aimed at preventing this in international humanitarian law, such as the rule requiring "Parties to the conflict to take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict must endeavour to give priority to those who are oldest" (Additional Protocol I, Article 77[2]). Even if they do participate in hostilities, in violation of this prohibition, child combatants younger than 15 who are captured by enemy continue to enjoy the special protection granted children by international humanitarian law (Additional Protocol I, Article 77(3)).

In non-international armed conflicts, Additional Protocol II to the Geneva Conventions (Article 4[3c,d]), provides that children under 15 years of age must not be recruited or take part in hostilities.

Children living with their families or left to themselves in conflict zones – because they are from poor families who cannot escape or because they have been separated from their families or otherwise marginalized from society – are potential candidates for recruitment as soldiers. Deprived of a family, deprived of an education and all the advantages that would otherwise help prepare them for adulthood, these child recruits find it almost impossible to conceive of life without war. Joining an armed group is a way of ensuring one's own survival.

Children who take part in hostilities not only place their own lives at risk, their often immature and impulsive conduct endangers the lives of everyone around them.

### ***ICRC contributions to developing the law***

The Geneva Conventions and their Additional Protocols give prominence to the protection of children, both by means of provisions protecting civilian population as a whole and provisions that focus specifically on children. The ICRC has been involved in negotiation of other treaties that provide similar protection, especially the 1989 *Convention on the Rights of the Child* (Article 38 in particular) and its *Optional Protocol* on the involvement of children in armed conflict adopted in 2000 and the 1998 *Statute of the International Criminal Court*, Article 8 of which considers the recruitment of children under the age of 15 years or using them to participate actively in hostilities a war crime.

The Convention on the Rights of the Child, which defines a child in general terms as any person below the age of 18 years, set 15 the minimum age for taking direct part in hostilities or for recruiting such persons (Article 38).

The Optional Protocol on the involvement of children in armed conflicts somewhat extends this protection by prohibiting compulsory recruitment into states' armed forces of persons who have not reached the age of 18 (Article 2). States are also required to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 do not take a direct part in hostilities (Article 1). States parties to the Protocol are also required to raise the minimum age for voluntary recruitment from 15 (Article 3). Armed groups that are distinct from the armed forces of a State should not recruit or use in hostilities persons under the age of 18 years (Article 4) and states parties are required to criminalise such practices by armed groups. It should be noted that the Optional Protocol requires the States Parties to "cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations" (Article 7).

Although it constitutes an advance, this Protocol is merely a first step toward eradicating the recruitment and participation in hostilities of child soldiers. One of the Protocol's weakness lies in the minimum age for voluntary recruitment into government forces, which it failed to fix at 18 years of age. One could well ask how certain it is that a child has enlisted voluntarily. Moreover, Article 3 of the Protocol, which requires that the age for voluntary recruitment be raised, does not apply to military academies.

As the guardian of international humanitarian law, the ICRC also has a responsibility for the dissemination of that law. Spreading knowledge of humanitarian law, encouraging States to comply with their treaty obligations to do likewise – in particular within their armed forces – and supporting the promotional work of the National Red Cross and Red Crescent Societies also number among the ICRC tasks. Among the means by which knowledge of international humanitarian law is spread are organized discussions, seminars and courses for various groups such as police forces, the regular armed forces, other bearers of weapons, the general public, the universities and, of course, children themselves.

The law protects only to the extent to which it is complied with. When states work to promote widespread knowledge of international law protecting the rights of children, they are helping cultivate genuine respect for children.

### ***Working at headquarters and in the field: a good balance between thought and action***

The ICRC draws from its enormous operational experience all the information needed for the constant analysis which, in turn, guides its work. Through its various activities both at headquarters

and in the field, the organization gathers, interprets, clarifies and develops information in order to lay down rules of conduct for itself so that it remains consistent in its work and predictable in the eyes of those with whom it deals.

With headquarters in Geneva, the organization is represented by its delegations in 79 countries affected by armed conflict, in Africa, the Middle East, Asia, America and Europe. It seeks both to protect and assist the victims of war and, as a result, is constantly confronted with the heartrending situation of children affected by these events.

“Protection” work is aimed essentially at ensuring respect for the rights of the victims, whereas the term “assistance” refers to the material aid supplied to them. The ICRC is always concerned to come to the aid of all the victims of war and internal violence, without giving preference to one at the expense of another. Children are among the beneficiaries of all the ICRC field activities.

***What does the ICRC do to aid children, either directly or indirectly?***

- **protection** of separated minors (where possible: identification, searching for next-of-kin and reuniting families; in other cases: seeking other long-term solutions), tracing missing persons and promoting respect for the right to education;
- **monitoring and improving conditions of detention** (including the separation of children from adults and girls from boys, where possible reuniting them with detained family members);
- **food aid and other assistance** both in emergencies and over the long term (transportation, storage and distribution of food), agricultural and veterinary rehabilitation and non-food relief (distribution of blankets and clothing, construction of shelters);
- **health care and health maintenance**, disease prevention, first aid, war surgery, limb-fitting workshops, feeding programmes and provision of drinking water.

By way of illustration, in 2003 the ICRC:

- visited a total of 469'648 detainees, including 3'028 boys and girls under the age of 18;
- reunited 2'640 people with their families;
- collected 717'592 Red Cross messages and delivered 568'734;
- registered 4'954 children who were separated and reunited 2'452 with their families.

***The Movement's plan of action to assist children affected by armed conflict***

The International Red Cross and Red Crescent Movement is made up of the ICRC, the International Federation of Red Cross and Red Crescent Societies, and the National Red Cross and Red Crescent Societies themselves. The Movement is united and guided by its seven Fundamental Principles (humanity, impartiality, neutrality, independence, voluntary service, unity and universality). Each of the above-mentioned organizations engages in specific activities. Solidarity within the Movement is of crucial importance, and each component has a particular role to play.

The Movement's various components are at present involved in different programmes (some run jointly) for children affected by armed conflict. In order to develop these activities, the Movement's Council of Delegates, which every two years brings together representatives of the ICRC, the International Federation of Red Cross and Red Crescent Societies and individual National Societies, adopted a plan of action (“children affected by armed conflict”, or CABAC) in Geneva in 1995 to help child victims of armed conflict. The plan adopted committed the Movement to:

1. *promoting the principle of non-recruitment and non-participation in armed conflict of persons under the age of 18 years;*
2. *taking concrete action to protect and assist child victims of conflict.*

### ***International Conference of the Red Cross and Red Crescent***

The International Conference of the Red Cross and Red Crescent brings together representatives of the various components of the International Red Cross and Red Crescent Movement and representatives of the States party to the Geneva Conventions, in principle every four years. Together they consider matters of shared humanitarian concern and any other related questions, and take decisions regarding them.

Several resolutions have been adopted by recent International Conferences and the Council of Delegates to provide specific measures for the protection of children caught up in armed conflict – see *Movement's Plan of Action*.

### ***Conclusion***

Given the scale of the problem and the terrifying reality of modern conflicts, in which even the most vulnerable are not spared, should we conclude that children are not adequately protected under the law? The number of rules laid down specifically for children, by international humanitarian law in particular, suggests the opposite. Thus, it is not only a question of devising new rules but rather of implementing the rules that already exist. It is with this in mind that the ICRC endeavours first and foremost to promote compliance among the armed forces and the community as a whole.

As regards participation by children in armed conflict – whether directly, indirectly, whether voluntarily or obligatorily – the various components of the International Red Cross and Red Crescent Movement continue unanimously and actively to promote a universal age limit of 18 years.

All the governments and organizations involved in aiding the victims of armed conflict must pool their efforts and cooperate in a spirit of complementarity and respect for each other's mandates. Attitudes must change. Measures to prevent conflicts must be taken, psychological and social assistance must be provided and programmes to ease the individual's reintegration into normal society must be set up for the civilian population in general and children in particular. The ICRC, the International Federation of Red Cross and Red Crescent Societies, the National Societies and governments must all work together to this end.

The national authorities and local communities in each of the countries concerned must take the steps needed to attain those objectives, promoting respect for the rules protecting child victims of conflict while at the same time facilitating alternatives to the recruitment and enlistment of children. These youngsters must also be helped to once again find their place in their home communities and to enjoy a supportive family environment favourable to their development and future well-being.

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## Legal Protection of Children in Armed Conflict

International humanitarian law provides broad protection for children. In the event of armed conflict, either international or non-international, children benefit from the **general protection** provided for civilians not taking part in the hostilities. Non-combatant civilians are guaranteed humane treatment and covered by the legal provisions on the conduct of hostilities. Given the particular vulnerability of children, the Geneva Conventions of 1949 (hereafter GCIII and GCIV) and their Additional Protocols of 1977 (API and APII) lay down a series of rules according them **special protection**. Children who take direct part in hostilities do not lose that special protection. The Additional Protocols, the 1989 Convention on the rights of the child and its recent Optional Protocol, in particular, also set limits on children's **participation in hostilities**.

### General protection

In the event of an **international armed conflict**, children not taking part in the hostilities are protected by GCIV relative to the protection of civilians and by API. They are covered by the fundamental guarantees that these treaties provide, in particular the right to life, the prohibitions on coercion, corporal punishment, torture, collective punishment and reprisals (Art. 27-34 GCIV and Art. 75 API) and by the rules of API on the conduct of hostilities, including both the principle that a distinction must be made between civilians and combatants and the prohibition on attacks against civilians (Art. 48 and 51).

In the event of **non-international armed conflict**, children are also covered by the fundamental guarantees for persons not taking direct part in the hostilities (Art. 3 common to the GC and Art. 4 APII). They are further protected by the principle that *«the civilian population as such, as well as individual civilians, shall not be the object of attack»* (Art. 13 APII).

### Special protection

GCIV guarantees special care for children, but it is API that lays down the principle of special protection: *«Children shall be the object of special respect and shall be protected against any form of indecent assault. The*

*Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason»* (Art. 77). This principle also applies to non-international armed conflict (Art. 4, para. 3 APII). The provisions setting out this protection may be summarized as follows:

- evacuation, special zones – Art. 14, 17, 24 (para. 2), 49 (para. 3) and 132 (para. 2) GCIV; Art. 78 API; Art. 4 (para. 3e) APII;
- assistance and care – Art. 23, 24 (para. 1), 38 (para. 5), 50 and 89 (para. 5) GCIV; Art. 70 (para. 1) and 77 (para. 1) API; Art. 4 (para. 3) APII;
- identification, family reunification and unaccompanied children – Art. 24-26, 49 (para. 3), 50 and 82 GCIV; Art. 74, 75 (para. 5), 76 (para. 3) and 78 API; Art. 4 (para. 3b) and 6 (para. 4) APII;
- education, cultural environment – Art. 24 (para. 1), 50 and 94 GCIV; Art. 78 (para. 2) API; Art. 4 (para. 3a) APII;
- arrested, detained or interned children – Art. 51 (para. 2), 76 (para. 5), 82, 85 (para. 2), 89, 94 and 119 (para. 2) and 132 GCIV; Art. 77 (para. 3 and 4) API; Art. 4 (para. 3d) APII;
- exemption from death penalty – Art. 68 (para. 4) GCIV; Art. 77 (para. 5) API; Art. 6 (para. 4) APII.

### Participation in hostilities *The 1977 Additional Protocols*

Participation by children in armed hostilities occurs too frequently. This participation may range from aiding combatants (bringing them weapons and munitions, carrying out reconnaissance missions, etc.) to the actual recruitment of children as combatants in national armed forces and other armed groups. The 1977 Additional Protocols were the first international treaties to cover such situations. Thus, API obliges States to take all feasible measures to prevent children under 15 from taking direct part in hostilities. It expressly prohibits their recruitment into the armed forces and encourages Parties to give priority in recruiting among those aged from 15 to 18 to the oldest (Art. 77). APII goes further, prohibiting both the recruitment and the participation – direct or indirect – in hostilities by children under 15 years of age (Art. 4, para. 3c).

Despite the above-mentioned rules, children who take direct part in international armed conflict are recognized as combatants and in the event of their capture are entitled to prisoner-of-war status under GCIII. The Additional Protocols provide that child combatants under 15 are entitled to privileged treatment in that they continue to benefit from the special protection accorded to children by international humanitarian law (Art. 77, para. 3 API and Art. 4, para. 3d APII).

### **The 1989 Convention on the rights of the child**

This treaty, which has been almost universally ratified, covers all the fundamental rights of the child. Article 38 extends the field of application of Art. 77 API to non-international armed conflict. Article 38 urges States Parties to take all feasible measures to ensure that those aged of less than 15 years do not take a direct part in hostilities (para. 2) and that priority be given in recruitment to the oldest of those aged between 15 and 18 (para. 3). It thus falls short of the ban on direct or indirect participation laid down by APII.

### **Optional Protocol to the Convention on the rights of the child**

The Optional Protocol on the involvement of children in armed conflict, adopted on 25 May 2000, generally strengthens protection for children in armed conflict:

- the States Parties must take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years do not take direct part in hostilities (Art. 1);
- compulsory recruitment into the armed forces of persons under 18 years of age is prohibited (Art. 2);
- the States Parties shall raise the minimum age for voluntary recruitment from 15 years. This rule does not apply to military academies (Art. 3);
- armed groups distinct from the national armed forces should not, under any circumstances, recruit (whether on a compulsory or voluntary basis) or use in hostilities persons under the age of 18 years, and the States Parties must take legal measures to prohibit and criminalize such practices (Art. 4).

### **Statute of the International Criminal Court (ICC)**

The Statute, adopted in Rome on 17 July 1998, includes in its list of war crimes within the Court's jurisdiction the active involvement in hostilities of children under 15 or their recruitment into national armed forces during an international armed conflict (Art. 8, para. 2b [xxvi]) or into the national armed forces or other armed groups during a non-international armed conflict (Art. 8, para. 2e[vii]).

According to the principle of complementarity, the Court has jurisdiction in situations where a State

is unable or unwilling to prosecute. In order to take advantage of this principle and to ensure repression at the national level, States should adopt legislation enabling them to prosecute the perpetrators of such crimes.

### **National implementation**

Despite the rules laid down by international law, thousands of children are nevertheless taking an active part in hostilities and are themselves the innocent victims of those events.

States have the primary responsibility to put an end to this situation. They are therefore urged to ratify the treaties protecting children in armed conflict and to take national measures adapted to their legal systems in order to implement these treaties. Whether in legislative or other form, these measures are intended to enable States to respect and to ensure respect for the rules laid down by the treaties.

It is suggested that priority be granted to implementation of the following rules.

### **Participation in hostilities**

- A State bound by the **Optional Protocol** to the Convention on the rights of the child should take legislative measures prohibiting and punishing both compulsory recruitment into the armed forces of children under 18 years of age (Art. 2 and 6) and compulsory or voluntary recruitment – and any use of – children under 18 by armed groups distinct from the national armed forces (Art. 4).
- States Party to the **Convention on the rights of the child** (Art. 38, para. 3) or to **API** (Art. 77, para. 2) should take legislative measures prohibiting the conscription or enlistment in its armed forces of children under 15, and measures ensuring that priority in recruitment be given to the oldest among those aged between 15 and 18.
- States Party to **APII** shall take legislative measures prohibiting the recruitment of children under 15 and any participation by them in internal conflicts (Art. 4, para. 3c).
- In order to take advantage of the principle of complementarity, States party to the **ICC Statute** should ensure that their national criminal legislation makes it

possible to prosecute persons who have recruited children under 15 years of age or who have used children as active participants in hostilities (Art. 8, para. 2[b, xxvi, and e, vii]).

### **Detention and internment**

- States party to the 1977 **Additional Protocols** should take legislative or other measures to ensure that any child under 15 years of age who is arrested, detained or interned for reasons relating to conflict enjoys the special protection provided by international humanitarian law (Art. 77, para. 3 API and Art. 4, para. 3d APII).

### **Death penalty**

- The States party to **GCIV** (Art. 68, para. 4) and the **Additional Protocols** (Art. 77, para. 5 API and Art. 6, para. 4 APII) should take legislative measures under penal and military law to prohibit the pronouncement or execution of a death sentence against anyone aged less than 18 years at the time of the offence, when the offence is related to an armed conflict.

### **Dissemination**

A large-scale effort to promote knowledge of and compliance with international humanitarian law is required in order to ensure true respect for children. States are legally obliged to engage in dissemination activities (Art. 47, 48, 127 and 144 of, respectively, GCII, GCIII and GCIV; Art. 83 API; Art.19 APII; and Art. 6 of the Optional Protocol of 2000).

Thus, States should include the concept of child-specific protection in peacetime training and exercises at all levels of the armed and national security forces.

Likewise, consideration should be given to introducing this subject into the curriculum of universities and specialized institutions, and to organizing campaigns to raise awareness among the general public, in particular among children and adolescents.



# SUMMARY TABLE OF IHL PROVISIONS SPECIFICALLY APPLICABLE TO CHILDREN

## Summary table of provisions of international humanitarian law and other provisions of international law specifically applicable to children in war

### Preliminary remarks

Reference is made here to the provisions of international humanitarian law (and of international law applicable to armed conflict in general) that specifically concern children. Provisions relating indirectly to children, such as those relating to family unity, education, expectant mothers and mothers of young children, are also mentioned.

Through the provisions summarized in this table, international humanitarian law (and international law applicable to armed conflict in general) grants children special protection, in addition to the general protection granted to civilians.

In cases where children take part in hostilities, they lose the general protection granted to civilians but retain the special protection enjoyed by children.

The Third and Fourth Geneva Conventions and Additional Protocol I apply only to international armed conflicts. Additional Protocol II applies to non-international armed conflicts. The articles of the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, the Statute of the International Criminal Court, the Convention on the Worst Forms of Child Labour, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the resolutions of the International Red Cross and Red Crescent Movement mentioned in the table apply to both international and non-international armed conflicts. The statutes of the International Tribunals for the former Yugoslavia and Rwanda apply to the armed conflicts which took place in those countries.

With regard to the Fourth Geneva Convention, the field of application of each part and each section is mentioned specifically. Articles 14 to 26 apply to the entire populations of the parties to an armed conflict, whereas Articles 27 ff. apply only to “protected persons”, that is to say, to persons who are in the power of a party to a conflict – including an occupying power – of which they are not nationals.

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**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR, 1949 (THIRD GENEVA CONVENTION)</b>	
<b>16</b>	<b>Equality of treatment</b> Prisoners of war must be treated alike by the detaining power, subject to any privileged treatment which may be accorded to them by reason of their age, among other criteria.
<b>49</b>	<b>Labour of prisoners of war</b> The detaining power may utilize the labour of prisoners of war who are physically fit, taking into account their age, among other criteria.
<b>GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, 1949 (FOURTH GENEVA CONVENTION)</b>	
<b>PART II</b>	<b>GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR</b>
<b>14</b>	<b>Hospital and safety zones and localities</b> In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the belligerents, may establish hospital and safety zones and localities with a view to protecting from the effects of war, wounded, sick and aged persons, children under 15, expectant mothers and mothers of children under seven.  The ICRC is invited to facilitate the establishment of these zones.
<b>16</b>	<b>General protection</b> Expectant mothers must be the object of particular protection and respect.
<b>17</b>	<b>Evacuation</b> The parties to the conflict must endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of medical personnel and medical equipment on their way to such areas.
<b>18</b>	<b>Protection of hospitals</b> Civilian hospitals organized to give care to maternity cases, in particular, may in no circumstances be the object of attack.
<b>21</b>	<b>Land and sea transport</b> Convoys on land or sea conveying maternity cases, in particular, must be respected and protected in the same manner as the hospitals provided for in Article 18.
<b>22</b>	<b>Air transport</b> Aircraft exclusively employed for the removal of maternity cases, in particular, may not be attacked, but must be respected while flying at heights, times and on routes specifically agreed upon between all the parties to the conflict concerned.

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

FOURTH GENEVA CONVENTION 1949 (CONTINUED)	
<b>23</b>	<p><b>Consignment of medical supplies, food and clothing</b></p> <p>The High Contracting Parties must permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under 15, expectant mothers or maternity cases.</p> <p>The High Contracting Parties may, however, stipulate conditions to prevent the consignments from being diverted from their destination or a definite advantage from accruing to the military efforts or economy of the enemy through the substitution of those consignments.</p>
<b>24</b>	<p><b>Measures relating to child welfare</b></p> <p>The parties to the conflict must take the necessary measures to ensure that children under 15, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education must, as far as possible, be entrusted to persons of a similar cultural tradition.</p> <p>The parties to the conflict must facilitate the reception of such children in a neutral country for the duration of the conflict.</p> <p>They must, furthermore, endeavour to arrange for all children under 12 to be identified by the wearing of identity discs, or by some other means.</p>
<b>25</b>	<p><b>Family news</b></p> <p>All persons in the territory of a party to the conflict, or in a territory occupied by it, must be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them.</p> <p>The parties to the conflict concerned may request the assistance of the Central Agency provided for in Article 140.</p>
<b>26</b>	<p><b>Dispersed families</b></p> <p>Each party to the conflict must facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It must encourage, in particular, the work of organizations engaged on this task.</p>
PART III	STATUS AND TREATMENT OF PROTECTED PERSONS
<i>Section I</i>	<i>Provisions common to the territories of the parties to the conflict and to occupied territories</i>
<b>27</b>	<p><b>Treatment</b></p> <p>Protected persons are entitled, in all circumstances, to respect for their persons, their honour, and their family rights.</p>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>FOURTH GENEVA CONVENTION 1949 (CONTINUED)</b>	
<i>Section II</i>	<i>Aliens in the territory of a party to the conflict</i>
<b>38</b>	<b>Non-repatriated persons</b> Aliens in the territory of a party to the conflict who have not been repatriated enjoy minimum protection. Children under 15 years, pregnant women and mothers of children under seven years must benefit by any preferential treatment to the same extent as the nationals of the State concerned.
<i>Section III</i>	<i>Occupied territories</i>
<b>49</b>	<b>Deportations, transfers, evacuations</b> When undertaking transfers or evacuations (which are authorized only if the security of the population or imperative military reasons so demand), the occupying power must ensure that members of the same family are not separated.
<b>50</b>	<b>Children</b> The occupying power must facilitate the proper working of all institutions devoted to the care and education of children.  It must take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any circumstances, change their personal status or enrol them in formations or organizations under its authority.  The occupying power must make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war.  The official information bureau (Article 136) is responsible for identifying children who are orphaned or separated from their families and for recording this information.  The occupying power must not hinder the application of any preferential measures which may have been adopted prior to the occupation in favour of children under 15 years, expectant mothers, and mothers of children under seven years (in regard to food, medical care and protection against the effects of war).
<b>51</b>	<b>Enlistment, labour</b> The occupying power may not compel protected persons to work unless they are over 18 years of age, and then only under specific conditions.
<b>68</b>	<b>Death penalty</b> The occupying power may only apply the death penalty in specific cases. In any case, the death penalty may not be pronounced against a protected person who was under 18 years of age at the time of the offence.
<b>76</b>	<b>Treatment of detainees</b> In the treatment of protected persons who are accused or have been convicted of offences, proper regard must be paid to the special treatment due to minors.  This provision also applies to internees who are in the national territory of the detaining power (Article 126).
<b>FOURTH GENEVA CONVENTION 1949 (CONTINUED)</b>	
<i>Section IV</i>	<i>Regulations for the treatment of internees</i>
<b>81</b>	<b>Maintenance</b>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

	The detaining power must provide for the support of those dependent on the internees, if such dependants are without adequate means of support or are unable to earn a living.
<b>82</b>	<p><b>Grouping of internees</b></p> <p>Members of the same family, and in particular parents and children, must be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the application of disciplinary sanctions. Wherever possible, they must be given separate accommodation from other internees, together with facilities for leading a proper family life.</p> <p>Internees may request that their children who are left at liberty without parental care be interned with them.</p>
<b>85</b>	<p><b>Accommodation, hygiene</b></p> <p>Internees must have suitable bedding and sufficient blankets, account being taken of their age, among other criteria.</p>
<b>89</b>	<p><b>Food</b></p> <p>Expectant and nursing mothers and children under 15 years of age must be given additional food, in proportion to their physiological needs.</p>
<b>91</b>	<p><b>Medical attention</b></p> <p>Maternity cases must be admitted to any institution where adequate treatment can be given and must receive care not inferior to that provided for the general population.</p>
<b>94</b>	<p><b>Recreation, study, sports and games</b></p> <p>The education of children and young people must be ensured; they must be allowed to attend schools either within the place of internment or outside.</p> <p>Special playgrounds must be reserved for children and young people so that they can engage in physical exercise, sports and outdoor games.</p>
<b>119</b>	<p><b>Disciplinary punishments</b></p> <p>The disciplinary punishments applicable to internees must take account of their age, among other criteria.</p>
<b>127</b>	<p><b>Transfers of internees</b></p> <p>Maternity cases must not be transferred if the journey would be seriously detrimental to their health, unless their safety imperatively so demands.</p>
<b>132</b>	<p><b>Release, repatriation and accommodation in neutral countries during hostilities or occupation</b></p> <p>The parties to the conflict must endeavour, during the course of hostilities, to conclude agreements for the release, repatriation, return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children.</p>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>FOURTH GENEVA CONVENTION 1949 (CONTINUED)</b>	
<i>Section V</i>	<i>Information Bureaux and Central Agency</i>
<b>136 to 140</b>	<p><b>Official Information Bureaux and Central Agency</b></p> <p>Each of the parties to the conflict must establish an official Information Bureau responsible for receiving and forwarding information in respect of the protected persons who are in its power. One of the tasks of the Bureau is to notify the families of these persons and to identify children who are orphaned or have been separated from their families (Article 50).</p> <p>A Central Information Agency for protected persons, in particular for internees, must be created in a neutral country. The International Committee of the Red Cross will offer to organize the Agency. The function of the Agency is to collect information on protected persons and to forward it to the countries concerned. One of its tasks is to forward family news (Article 25).</p>
<b>ADDITIONAL PROTOCOL RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS, 1977 (ADDITIONAL PROTOCOL I)</b>	
<b>PART II</b>	<b>WOUNDED, SICK AND SHIPWRECKED</b>
<b>8</b>	<p><b>Terminology</b></p> <p>The terms "wounded" and "sick" also cover expectant mothers, maternity cases and new-born babies.</p>
<b>PART IV</b>	<b>CIVILIAN POPULATION</b>
<b>52</b>	<p><b>General protection of civilian objects</b></p> <p>Civilian objects must not be the object of attack or of reprisals.</p> <p>In the event of doubt, schools are presumed to be civilian objects.</p>
<b>70</b>	<p><b>Relief actions</b></p> <p>In distributing humanitarian aid to the civilian population, priority must be given to children, expectant mothers, maternity cases and nursing mothers, among others.</p>
<b>74</b>	<p><b>Reunion of dispersed families</b></p> <p>The States party to the Protocol and the parties to the conflict must facilitate in every possible way the reunification of families dispersed as a result of armed conflicts. They must encourage the work of the humanitarian organizations engaged in this task.</p>
<b>75</b>	<p><b>Fundamental guarantees</b></p> <p>Women whose liberty has been restricted for reasons related to the armed conflict must be held in quarters separated from men's quarters. Nevertheless, in cases where families are detained or interned, they must, whenever possible, be held in the same place and accommodated as family units.</p>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>ADDITIONAL PROTOCOL I 1977 (CONTINUED)</b>	
<b>76</b>	<p><b>Protection of women</b></p> <p>The cases of pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict must be considered with the utmost priority.</p> <p>To the maximum extent feasible, the parties to the conflict must endeavour to avoid the pronouncement of the death penalty on such women for an offence related to the armed conflict. The death penalty for such offences must not be executed on such women.</p>
<b>77</b>	<p><b>Protection of children</b></p> <p>Children must be the object of special respect and must be protected against any form of indecent assault. The parties to the conflict must provide them with the care and aid they require, whether because of their age or for any other reason.</p> <p>The parties to the conflict must take all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities and, in particular, they must refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, the parties to the conflict must endeavour to give priority to those who are oldest.</p> <p>If, in exceptional cases, children who have not attained the age of 15 years nevertheless take a direct part in hostilities and fall into the power of an adverse party, they continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.</p> <p>If arrested, detained or interned for reasons related to the armed conflict, children must be held in quarters separate from the quarters of adults, except where families are accommodated as family units.</p> <p>The death penalty for an offence related to the armed conflict must not be executed on persons who had not attained the age of 18 years at the time the offence was committed.</p>
<b>78</b>	<p><b>Evacuation of children</b></p> <p>No party to the conflict may arrange for the evacuation of children, other than its own nationals, to a foreign country except in the case of a temporary evacuation which has become necessary for compelling reasons of the health or safety of the children. In this case, the written consent of the parents or legal guardians is required.</p> <p>The education of each evacuated child must be provided with the greatest possible continuity.</p> <p>With a view to facilitating the return to their families and country of evacuated children, the authorities concerned must establish for each child a card with photographs, which they must send to the Central Tracing Agency of the International Committee of the Red Cross. (The Article contains a list of the information to be stated on the card.)</p>

Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war

<b>ADDITIONAL PROTOCOL RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS, 1977 (ADDITIONAL PROTOCOL II)</b>	
<b>4</b>	<p><b>Fundamental guarantees</b></p> <p>Children must be provided with the care and aid they require, and in particular:</p> <p>(a) they must receive an education, including religious and moral education;</p> <p>(b) all appropriate steps must be taken to facilitate the reunification of families temporarily separated;</p> <p>(c) children who have not attained the age of 15 years must neither be recruited into the armed forces or groups nor allowed to take part in hostilities;</p> <p>(d) the special protection provided by this Article to children who have not attained the age of 15 years remains applicable to them even if they take a direct part in hostilities;</p> <p>(e) measures must be taken, if necessary, and whenever possible with the consent of their parents or persons who are responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country.</p>
<b>5</b>	<p><b>Persons whose liberty has been restricted</b></p> <p>Women must be held in quarters separated from those of men, except when men and women of a family are accommodated together.</p>
<b>6</b>	<p><b>Penal prosecutions</b></p> <p>Persons prosecuted for a criminal offence related to the armed conflict enjoy minimum protection. In particular, the death penalty must not be pronounced on persons who were under the age of 18 years at the time of the offence, and must not be carried out on pregnant women or mothers of young children.</p>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>CONVENTION ON THE RIGHTS OF THE CHILD, 1989</b>	
<b>1</b>	<p><b>Definition of a child</b></p> <p>A child means any human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.</p>
<b>38</b>	<p><b>Armed conflicts</b></p> <p>States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.</p> <p>States Parties must take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.</p> <p>States Parties must refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties must endeavour to give priority to those who are oldest.</p> <p>In accordance with their obligations under humanitarian law to protect the civilian population in armed conflicts, States Parties must take all feasible measures to ensure protection and care of children who are affected by an armed conflict.</p>
<b>AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, 1990</b>	
<b>2</b>	<p><b>Definition of a child</b></p> <p>A child means any human being below the age of 18 years.</p>
<b>22</b>	<p><b>Armed conflicts</b></p> <p>States Parties must undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.</p> <p>States Parties must take all necessary measures to ensure that no child takes a direct part in hostilities and refrain, in particular, from recruiting any child.</p> <p>In accordance with their obligations under international humanitarian law, States Parties must protect the civilian population in armed conflicts and must take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules also apply to children in situations of internal armed conflicts, tension and strife.</p>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, 1993</b>	
<b>4</b>	<b>Genocide</b> Genocide means, inter alia, forcibly transferring children of a national, ethnic, racial or religious group to another group with intent to destroy, in whole or in part, that group as such.
<b>STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, 1994</b>	
<b>2</b>	<b>Genocide</b> Genocide means, inter alia, forcibly transferring children of a national, ethnic, racial or religious group to another group with intent to destroy, in whole or in part, that group as such.
<b>ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, 1998</b>	
<b>6</b>	<b>Genocide</b> Genocide means, inter alia, forcibly transferring children of a national, ethnic, racial or religious group to another group with intent to destroy, in whole or in part, that group as such.
<b>8</b>	<b>War crimes</b> A war crime is defined to include, inter alia, conscripting or enlisting children under the age of 15 years into the national armed forces or into armed groups or using them to participate actively in hostilities.
<b>CONVENTION ON THE WORST FORMS OF CHILD LABOUR, 1999 (ILO Convention No. 182)</b>	
<b>1 and 3</b>	<b>Compulsory recruitment</b> Each ILO Member which ratifies this Convention must take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency, including the forced or compulsory recruitment of children for use in armed conflict.
<b>OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, 2000</b>	
<b>1</b>	<b>Direct participation in hostilities</b> States Parties must take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.
<b>2</b>	<b>Compulsory recruitment</b> States Parties must ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD 2000 (CONTINUED)	
<b>3</b>	<p><b>Voluntary recruitment</b></p> <p>States Parties must raise the minimum age for the voluntary recruitment of persons into their armed forces from that set out in the Convention on the Rights of the Child (15 years), recognizing in particular that persons under 18 years of age are entitled to special protection.</p> <p>Upon ratification of or accession to the Protocol, States Parties must deposit a binding declaration that sets forth the minimum age at which they will permit voluntary recruitment into their national armed forces.</p> <p>If the age of voluntary recruitment is below 18 years, States Parties must adopt maintain safeguards to ensure that:</p> <ul style="list-style-type: none"> <li>(a) such recruitment is genuinely voluntary;</li> <li>(b) such recruitment is done with the informed consent of the person's parents or legal guardians;</li> <li>(c) such persons are fully informed of the duties involved in such military service;</li> <li>(d) such persons provide reliable proof of age prior to acceptance into national military service.</li> </ul> <p>The requirement to raise the minimum age for voluntary recruitment does not apply to military academies.</p>
<b>4</b>	<p><b>Armed groups</b></p> <p>Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.</p> <p>States Parties must take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.</p>
<b>6</b>	<p><b>Demobilization and recovery</b></p> <p>States Parties must take all feasible measures to ensure that children recruited or used in hostilities contrary to this Protocol are demobilized and must, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.</p>

**Summary table of provisions of International humanitarian law and other provisions of international law specifically applicable to children in war**

<b>26th International Conference of the Red Cross and Red Crescent, 1995</b>	
Resolution 2 § C	Protection of the civilian population in periods of armed conflict C. With regard to children
<b>Council of Delegates, 1995</b>	
Resolution 5	Children in armed conflicts
<b>The Movement's plan of action concerning children in armed conflict, 1995</b>	
Commitment 1	To promote the principle of non-recruitment and non-participation in armed conflict of children under the age of 18 years.
Commitment 2	To take concrete action to protect and assist child victims of armed conflict (address the psychosocial and physical needs of children).
<b>Council of Delegates, 1997</b>	
Resolution 8 § 1	Peace, international humanitarian law and human rights With regard to children in armed conflicts
<b>Plan of action for the years 2000-2003 – 27th International Conference of the Red Cross and Red Crescent, 1999</b>	
Final goal 1.1 § 1f) § 7	Full compliance by all the parties to armed conflict with their obligations under international humanitarian law to protect and assist the civilian population and other victims of the conflict Special protection for children Implementation of the Movement's Plan of Action for children affected by armed conflict
<b>Council of Delegates, 1999</b>	
Resolution 8	Children affected by armed conflict
Resolution 9	Street children



## THE ICRC'S CONCEPTION OF PROTECTING CHILDREN IN WAR

The ICRC's mission is mainly to safeguard the lives and dignity of the victims of war and internal violence, to come to their aid when they suffer and to prevent that suffering by promoting and strengthening universal humanitarian law and principles. Within this framework, all ICRC activity is ultimately aimed at protection. And protection moulds the ICRC's identity. The organization's protection-oriented work brings together the law and the needs observed. This focuses ICRC action on the causes of suffering (essentially violations of the rights of the individual) and alleviates that suffering (meeting those needs).

By means of its protection work, the ICRC seeks to prevent and/or put a stop to the violations of the rights of the individual, and to do so in keeping with the letter and spirit of the various bodies of law (international humanitarian law, human rights law and refugee law) and practices and customs by making use of all the strategies needed to persuade the authorities and combatants to respect their obligations. In both its acts and its words, the organization places protection at the very heart of its *raison d'être*. Its priority is effectiveness.

The ICRC takes a holistic view of its protection work (in the narrow sense of the word "protection") in behalf of persons not or no longer taking part in the violence. It strives to remain in close proximity with those affected, to engage in dialogue with the authorities and combatants and to monitor individuals and groups at risk.

Working in situations that range from acute emergencies to the last stage preceding a situation in which human rights are respected, the ICRC endeavours to set standards in the realms of detainee-welfare work and restoring and maintaining family links.

Protecting the civilian population when conflict rages is based on a key principle of international humanitarian law, i.e. that civilians not taking part in hostilities must in no circumstances be the target of attacks; they must be spared and protected. The 1949 Geneva Conventions and their Additional Protocols of 1977 contain precise rules protecting civilians. In the event of internal disturbances, civilians are protected by the fundamental principles of international humanitarian law and by the inalienable core of human rights law.



## Protecting child victims of armed conflict

In addition to the general protection they enjoy as civilians, children are protected by specific provisions of international humanitarian law which take account of their special vulnerability. Indeed, more than 25 articles in the Geneva Conventions and their Additional Protocols refer specifically to children<sup>1</sup>

On the basis of its mandate, which rests upon the four Geneva Conventions, their two Additional Protocols and the organization's own statutes, the ICRC is concerned about the welfare of children who are separated from their parents or are unaccompanied, minors being held in detention and child soldiers. It also concerns itself with the medical, material and psycho-social needs of all children in these situations<sup>2</sup>.



ICRC/Liberia (Ref. LR-E-00063)

The following is an attempt to list what can happen to children in the event of armed conflict or internal violence:

- children go missing;
- children are separated from their families and deprived of contact with them;
- children are executed, often to be found in mass graves;
- children are ill-treated physically, psychologically and sexually;
- children are enslaved or perform forced labour;
- children are displaced inside their countries and become refugees outside their countries.

Often children are included in the general concern as part of a bigger issue although they have specific needs and are easy prey even long after the conflict is over. And an internally displaced child can also be a minor separated from his/her family (or more likely to become one) and therefore be likely to be reported missing or be forcibly recruited or illegally adopted. Children separated from their families may become asylum seekers or illegal migrants in the quest for a better life or simply in the quest for survival.

Because of armed conflict and internal violence:

- 20 million children are currently refugees or displaced inside their own countries<sup>3</sup>;
- 300 thousand children have been forcibly recruited into armed forces or other armed groups in 30 countries<sup>4</sup>;
- 2 million children have died from the direct effects of war in the past 10 years<sup>5</sup>;
- over 1 million children have been separated from their families<sup>6</sup>;

<sup>1</sup> See "Legal protection of children in armed conflict".

<sup>2</sup> See "Assisting Children in War" and "Communication programmes for young people".

<sup>3</sup> UNICEF at a Glance, UNICEF, p. 26, 2004.

<sup>4</sup> Guide to the Optional Protocol on the Involvement of Children in armed conflict, UNICEF, p. 3, Dec. 2003.

<sup>5</sup> UNICEF at a Glance, UNICEF, p. 26, 2004.

<sup>6</sup> UNICEF, [www.unicef.org/protection/index\\_armedconflict.html](http://www.unicef.org/protection/index_armedconflict.html).

- 6 million children have been disabled for life or otherwise seriously injured<sup>7</sup>.

And that is not all. In the post-conflict phase, poverty and insecurity offer day-to-day challenges and create an ideal environment for organized crime and street violence. A child separated from his/her family can easily be viewed as an outcast – an undesirable within the social system – and be drawn into these twilight worlds (trafficking in children, street gangs, prostitution, slavery, etc.). The availability of resources, of suitable facilities and of professionals qualified in the care of war-affected children are not absolute priorities for a conflict-torn country rebuilding itself. Hence the need to act with utmost speed to protect children – by reuniting them with their families, by caring for them if they are detained and by helping them if they have become soldiers.

### **...protection through family reunification**

What could be more terrifying for a child than to find himself alone, lost, separated from his family and relatives – and all that in the midst of war? Without the care and protection of his family, he is easy prey for all sorts of abuse and exploitation. His very survival is threatened. In the turmoil of conflict – which today leaves a growing number of orphans – the ICRC endeavours to protect children and to trace their parents or other relatives.

Many thousands of children and parents are wrenched apart by armed conflict or internal violence. Neither knows what has happened to the other and they live in a state of constant anguish. Endeavouring to ease this anguish has been part of Red Cross work from the beginning. Through its Central Tracing Agency<sup>8</sup>, the ICRC facilitates the restoration and maintenance of family links. This activity remains at the heart of ICRC operations because, despite the law in force, in many current conflicts millions of people continue to be separated from their loved ones and are totally reliant on the Red Cross and Red Crescent Movement to trace and put them into contact with their relatives.



ICRC/Timor (Ref. : n° 00052)

The largest operation of this type was that launched following the 1994 genocide in Rwanda and the following exodus of large numbers of people from the country. Of the 81,451 unaccompanied children registered by the ICRC in Rwanda and neighbouring countries, 70,545 have been reunited with their families.

And the ICRC continues to strive constantly to reunite families in Angola, the Democratic Republic of the Congo and other parts of the world.

In the Congo, for example, 1,518 children were reunited with their families throughout the country in 2003. Since the family-reunification programme (run in conjunction with the Congolese Red

<sup>7</sup> UNICEF, [www.unicef.org/protection/index\\_armedconflict.html](http://www.unicef.org/protection/index_armedconflict.html).

<sup>8</sup> The ICRC's Central Tracing Agency guides and coordinates the work of the worldwide Red Cross and Red Crescent Movement network to reunite families and trace missing persons.

Cross) was launched under ICRC auspices in 1997, over 4,000 children – mostly girls – have benefited from it.

In Angola, where the peace process began in 2002, the ICRC has set up a family-reunification network together with the Angolan Red Cross. Over 130 tracing offices have been set up across the country. By the end of 2003, the ICRC had registered 1,419 unaccompanied children, 767 of whom had been reunited with their loved ones. The work continues.

Ibrahim (not his real name) had not seen a single member of his family since he received a visit from his parents, three years ago, when he was being held as a detainee near Baghdad. Following the invasion of Iraq in early 2003, Ibrahim's parents had lost all trace of their son. They found it again a few months ago with the help of the ICRC's Jerusalem office, which they had approached.

ICRC delegates had visited and registered Ibrahim in southern Iraq and his family was quickly informed of the place where he was being held. When the date was announced for Ibrahim's release, the ICRC took steps, in conjunction with the coalition forces in Iraq and the Jordanian and Israeli authorities, to ensure that Ibrahim could safely return to Anata, a small village in the West Bank near Ramallah.

On 28 April 2004, Ibrahim boarded an ICRC aircraft in Basra. When he arrived in Amman, he was accompanied by ICRC delegates to the Allenby (King Hussein) Bridge, the border post between Jordan and the Palestinian territories. There he was placed in the care of delegates based in Jerusalem who, once customs formalities had been carried out, took him to Anata.

Together with the two delegates, Ibrahim arrived in the village in early evening. He was greeted by fireworks, shouts, laughter and the tears of his wife, his parents and his brothers and sisters who were waiting for him with over a hundred people. It was amid this tumult that *Ibrahim saw his five-year-old daughter for the first time.*

On 23 and 24 June 2004, an ICRC aircraft made two flights to reunite 37 children – six of them demobilized child soldiers – with their families.

One group of 11 children was flown from the capital Kinshasa to Goma and, the next day, 26 others flew from Goma to Kinshasa. In scenes of great joy, these children, who ranged in age from four to 17, were reunited with members of their family after several years of separation caused by war.

In conjunction with volunteers from the Red Cross Society of the Democratic Republic of the Congo, the ICRC had registered all the children, traced their families and helped restore links between them through the network of Red Cross messages (brief, personal messages) that has been operating for many years throughout the country. Such reunification is organized on a strictly voluntary basis.

**...protecting detained minors**

Detained minors must be protected by particular measures. Apart from very young children who accompany their mother held in detention, minors must be separated from adults, receive special care and be dealt with by an adequate judicial system. When visiting detainees, the ICRC carefully checks whether the rights of minors are being respected by the authorities.



ICRC/Rwanda (Ref. : n° 00183)

When it started visiting prisons in Myanmar in May 1999, the ICRC made a number of representations to the prison authorities to have detained minors separated from adult detainees. Following these representations, the authorities took the appropriate steps. Over 1,000 minors are being monitored in various places of detention and in special training schools in order to optimize their protection. Eager to prevent family links from being disrupted when a minor is transferred from one place to another, the organization has a programme to finance family visits. In the case of the training schools, it has assessed the major needs for education, professional training and medical care, and is striving to engage in constructive dialogue with the authorities concerned.

#### **...protection through help for child soldiers**

Children are the victims of war. But they can also find themselves taking part. These children have been recruited by force, joined up as a means of surviving, or volunteered in search of vengeance. Easy to manipulate, they often find themselves on the frontline or sent on suicide missions. They are also used to carry messages, patrol territory, guard installations and act as human mine detectors. They frequently become sex slaves. The consequences of their recruitment can be very direct (death or injury, including disfigurement) or can make themselves felt over the long term (psychological problems, trouble readjusting to society, HIV/AIDS and life-long disability).

Child soldiers often commit serious crimes and they are not always accepted back into their families or communities. For all that they remain children, and as such must be protected.

In addition to awareness-raising campaigns aimed at preventing the recruitment of minors, the ICRC seeks to help these children by restoring contact between them and their families, by reuniting them with their families and by taking part along with other humanitarian organizations - in



ICRC/DRY (Ref. : n° 00072)

particular the other members of the Red Cross and Red Crescent Movement – in practical steps to help them find their way again in society.



ICRC/Liberia (Ref. LR-E-00067)

The ICRC is working to help over 1,000 child soldiers throughout the world. Almost 700 of them are in the Democratic Republic of the Congo. It facilitates the restoration of links between them and their loved ones by means of Red Cross messages. It also helps reunite them with their families. In Sierra Leone, the ICRC has taken action together with the Sierra Leone Red Cross Society and the International Federation of Red Cross and Red Crescent Societies to open four camps aimed at helping former child soldiers reintegrate into society. Other, similar camps are planned.

In Sri Lanka, there is particular concern about recruitment of children under 18 years of age. When approached by families who allege that this has happened, the organization makes representations to those responsible to ask that the children be returned to their homes. When minors are arrested in connection with the conflict, the ICRC monitors their situation with particular attention and insists that they be transferred to specially adapted centers. As in other places of detention, they are visited and assisted when necessary. The ICRC also provides funds for visits to the children by their families.

In Colombia as well, the ICRC shows its concern about child soldiers. Most come from impoverished backgrounds and are volunteers to join armed groups as a means of improving their situation. The ICRC approaches the commanders of these groups to urge them to refuse the recruitment of minors. Minors who have surrendered or being captured are taken into the care of the *Instituto Colombiano de Bienestar Familiar* and placed in centres where they will be helped to reintegrate into society. The ICRC regularly visits them there. By means of Red Cross messages and financial help with travel, it enables many of these young people to remain in contact with loved ones living in areas controlled by armed groups.

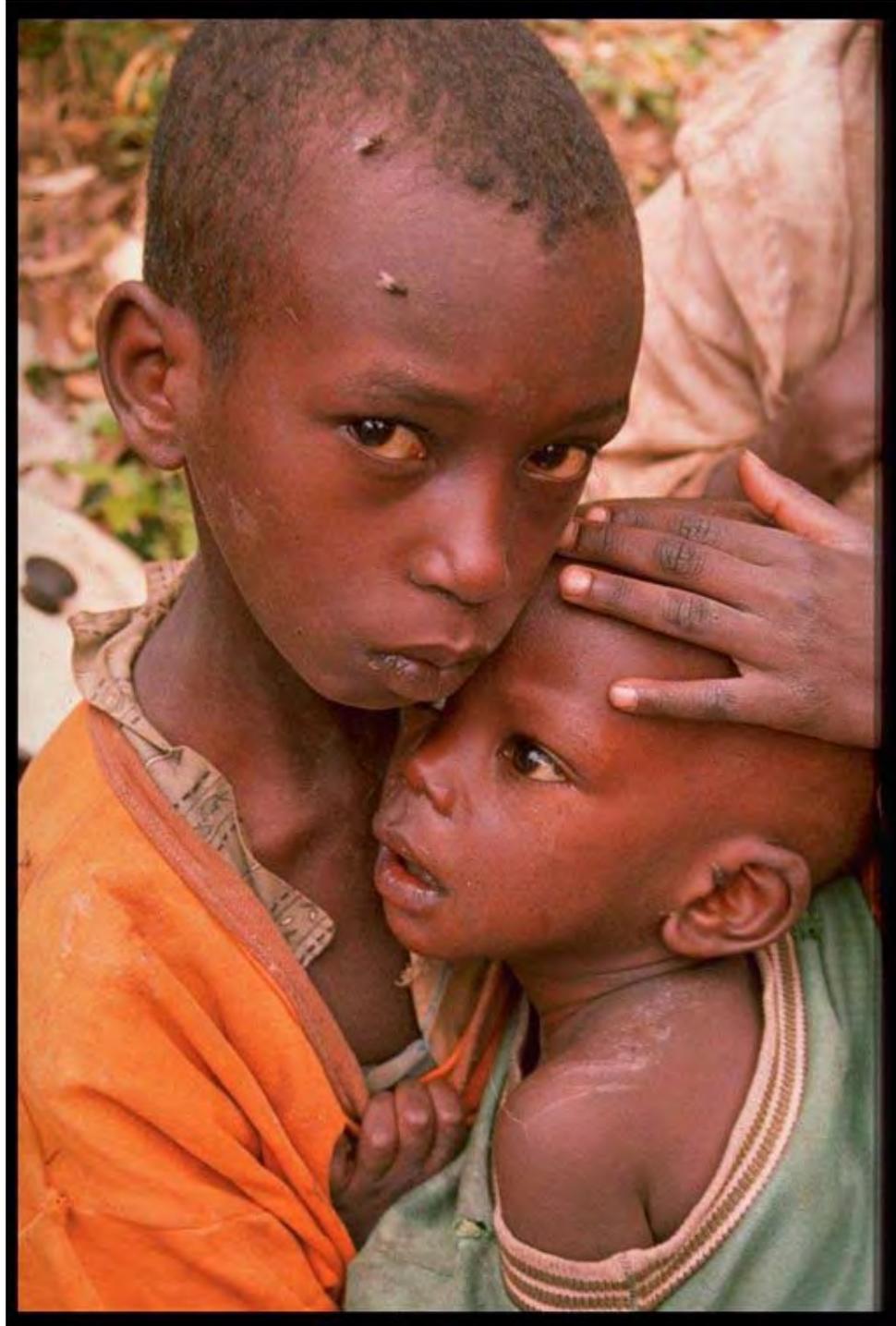
Just outside Goma, a recently demobilized child soldier is reunited with his sister under ICRC auspices. He was a 15-year-old child when he was recruited in 1996 and has not seen his family since.



ICRC/DRC (Ref. CD-E-00155)



## ASSISTING CHILDREN IN WAR



## **Introduction**

The ICRC works under the specific mandate conferred on it by the States party to the 1949 Geneva Conventions and their 1977 Additional Protocols. This mandate defines the organization's two major areas of activity: protecting the victims of armed conflict and internal violence, and providing assistance. When people are affected by violence, it is vital to preserve their physical integrity and their dignity, and to help them regain their autonomy as quickly as possible.

The primary aim of assistance operations is to protect the life and health of war victims, whose suffering must be alleviated. Everything must be done to ensure that the consequences of armed conflict – disease, wounds, hunger, displacement and a difficult physical and/or psychological environment – do not deprive the victims of a viable future. The ICRC's work very often entails adopting a multidisciplinary strategy to cope with a great many needs, which vary from one conflict to another.

A child faced with violence is particularly vulnerable, as his or her physical, psychological and emotional development is not yet complete. In the aggressive environment of an armed conflict, children do not have the same capacity for self-defence and survival as adults do – they cannot gauge the dangers of war.

You say  
that working with children is tiring.  
You're right. You add that it's  
because you have to stoop to their level,  
bend over, reach down, make yourself small ...  
And that's where you're wrong.  
What's tiring is having to rise  
to the level of their sentiments,  
stretch out, reach up, stand on tiptoe  
so as not to hurt them.

Janusz Korczak, 1942

**In practice, the ICRC's focus on children in war can be seen in its work on the following issues:**

### **(1) Health care for mothers and children**

In several countries in Africa, South America and Eastern Europe, the ICRC conducts programmes based on the principles of primary health care, thereby helping to maintain (and, if need be, restore) access to health care for people who have been isolated or displaced by a conflict. As a particularly vulnerable group, mothers and their children are clearly a major focus, notably in the following activities:

- expanded vaccination programme and vaccination campaigns targeting specific diseases (measles, yellow fever, etc.)
- monitoring of growth
- partnership with WHO in eradicating polio
- communicable disease control
- monitoring of pregnancy and antenatal and postnatal care
- health education, in cooperation with teachers
- referral of children to hospitals and providing for them while in hospital, as necessary
- training of local staff in the treatment of childhood illnesses (global approach to health care)
- treatment to prevent mother-to-child transmission of AIDS
- caring for child victims of rape

In 2003, in southern Sudan:

- 34,543 children under the age of five were vaccinated;
- 13,040 children were vaccinated against polio in the national campaign to eradicate the disease;
- 8,421 antenatal consultations were given.

### **(2) Nutritional rehabilitation**

Conflicts and natural disasters can cause famine and epidemics, which lead in turn to high levels of serious malnutrition. Here the priority is, naturally, to combat the causes of malnutrition by distributing provisions and ensuring a safe water supply, basic hygiene and access to health care. Nonetheless, help may arrive late, and living conditions may be such that the most vulnerable children slip through the prevention net, with the result that serious malnutrition has to be tackled. The mortality risk associated with this condition is very high owing to the effects of malnutrition on the body and the impact of communicable diseases, which are fostered and aggravated by malnutrition, thus setting in motion a vicious circle. Treating serious malnutrition therefore means providing sufficient medical, dietary and emotional care to bring the mortality rate down to a maximum level of 5%, which appears to be the lowest limit attainable. The treatment is usually dispensed in specialized centres with qualified medical staff.

### **(3) Policy on milk**

The ICRC was quick to recognize the dangers inherent in the systematic use of powdered milk in aid operations. The fact is that, whatever the programme, distributing powdered milk to infants and young children is too often made a priority. In a crisis situation, however, the risks involved in

reconstituting the milk (contamination and incorrect dilution) and stopping breast-feeding can lead to catastrophic increases in morbidity and mortality rates in young children. In view of these risks, and in line with the WHO policy of promoting breast-feeding, in 1984 the ICRC decided to restrict the use of powdered milk to the treatment of serious malnutrition in suitable centres and under medical supervision. In 1985 the International Red Cross and Red Crescent Movement also adopted a policy on the use of breast-milk substitutes, probably less restrictive than that of the ICRC but drawn up in the same spirit. The aim is to safeguard the physical and mental health of the child by preventing the risk of contamination and encouraging breast-feeding. By HIV-infected mothers avoidance of all breastfeeding is recommended only when replacement feeding is acceptable, feasible, affordable, sustainable and safe. Otherwise, exclusive breastfeeding is recommended during the first months of life.

#### **(4) Baby parcels**

One frequent effect of armed conflict is to reduce access to vital necessities. Accordingly, there can be a desperate lack of articles of hygiene, toiletries, clothing and blankets, with an increased risk to the health of young children, who are a particularly vulnerable group. Whenever necessary, the ICRC averts such risks by organizing the regular distribution of parcels containing articles suitable for the care and comfort of infants. The items most commonly distributed are shampoo, soap, cream, thermometers, washing powder, disposable and reusable nappies, baby clothes and blankets. The content of the parcels can change, depending on particular needs. Assistance of this kind provides access to goods that are in short supply, and lifts part of the burden from households whose finances are under strain.

#### **(5) Children in hospitals**

The ICRC is prepared to give practical assistance to the hospital paediatric units receiving its support. It has already done this in places such as Angola and Timor, and will do so elsewhere in the future. Wherever possible, this assistance will go to existing rather than to replacement facilities.

Children under 15 who are wounded in armed conflicts are treated in ICRC hospitals or are otherwise assisted by the ICRC in Afghanistan, southern Sudan, Somalia and Angola. Of the 1,479 children treated in these hospitals 239 were wounded by anti-personnel mines. Even though, in a logic of public health, assistance to a hospital's paediatric unit should only be given where there is a network of health centres, as in Dili, East Timor, in some situations – for instance in Huambo, Angola – the emergency is so great that it is impossible to follow this principle.

In Huambo, for example, 5,624 children under the age of 15 (428 of whom died) were admitted to hospital during the first four months of 2002. These figures show how urgent are the needs the ICRC tries to cope with when it takes over the paediatric unit of a general hospital.

#### **(6) Disabled children**

Children are the innocent victims of anti-personnel mines and other features of war. Those under 15 account for an average of 5% of the amputees who are fitted with artificial limbs in ICRC-supported prosthetic/orthotic workshops in Cambodia, Afghanistan and Angola. Limb-fitting for children calls for closer monitoring than for adults; as children continue to grow, they need to be seen at least every six months to ensure that their prostheses fit properly or are changed if necessary. Polio is still a scourge in some parts of the world, especially in Africa.

In Cambodia in 2003, the ICRC manufactured 61 prostheses and 569 orthoses for children under the age of 15.

## **(7) Psychological support**

Civilians caught up in the torment of a conflict are often faced with extremely violent situations. The main victims are women and children, who very often make up the majority and most vulnerable section of the population. Every year, thousands of children throughout the world witness massacres, indiscriminate attacks and summary executions. Thousands become orphans. Violence does not spare them, and it may even target them.

In November 1999, the ICRC and the Algerian Red Crescent signed four cooperation agreements on support for a programme to provide psychological care for child victims of violence. Faced with the scale of the need, the Algerian Red Crescent and the ICRC decided to provide backing for government facilities. This undertaking involves 120 mental-health professionals working in 70 counselling centres and 20 transit centers for 6,000 children a year.

## **(8) Rehabilitation of schools**

The destruction of infrastructure caused by fighting and bombing does not leave schools unscathed. To help children resume their education quickly after the end of a conflict, it is vital to repair damaged schools, or even rebuild them. Of course rehabilitation work also extends to the drinking-water supply, the evacuation of waste water and, where necessary, overall environmental hygiene.

For example, rehabilitation work has been carried out in:

- eight schools in villages in Bosnia (1996).
- nine village schools along the demarcation line between Nagorny Karabakh and Azerbaijan (1997-1998);
- 25 schools in towns and villages in Kosovo – a project delegated to the Spanish Red Cross (1999-2000);
- gas stoves have been supplied and fitted in social institutions in various towns across Chechnya (2000-2004).

Healing the wounds of war-torn societies is a long and difficult undertaking. The immediate demand is to ensure that people, and especially children, are adequately fed, have access to safe water and are protected against disease. But recent experience has underlined the importance of five other tasks: caring for unaccompanied children; demobilizing child soldiers; healing the mental wounds of war; restarting schools; and embarking on education for peace.

The State of the World's Children 1996, UNICEF, p. 37

## Convention on the Rights of the Child, 20 November 1989

### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measure:
  - (a) To diminish infant and child mortality;
  - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  - (d) To ensure appropriate prenatal and postnatal health care for mothers;
  - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
  - (f) to develop preventive health care, guidance for parents and family planning education and services.

August 2004



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# Communication Programmes for Young People

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## Introduction

When it ratifies the Geneva Conventions of 1949, a State obliges itself to promote knowledge of and compliance with international humanitarian law (IHL) among military personnel in particular but also among the civilian population as a whole. While the International Committee of the Red Cross (ICRC) has a long tradition of helping governments to promote the law among their military and security forces, the organization decided in 1994 to step up its efforts to make IHL better known to young people.

Two large-scale programmes for young people in educational settings have since been launched: a secondary school programme for countries of the former Soviet Union and the "Exploring Humanitarian Law" (EHL) programme. A smaller teaching module, "The Exploitation of Violence – the Violence of Exploitation" was developed particularly for schools in Europe.



ICRC/Ukraine (UA-E-00007)

The basic aim of the ICRC's communication programmes for young people in educational settings is:

- to familiarize them with the principles of international humanitarian law and with the nature and work of the International Red Cross and Red Crescent Movement;
- to familiarize them with the notion of human dignity as an inviolable principle that must be respected, both in peacetime and wartime.

The ICRC endeavours in all its large-scale IHL-promotion work to act in close conjunction with the ministries concerned. It merely acts as a catalyst, with the sustainability of IHL education depending on the government concerned. Wherever possible, the respective Red Cross or Red Crescent Society plays a major role in this process.

# **1. Exploring Humanitarian Law**

## **The programme**

Exploring Humanitarian Law is an international education programme for young people between 13 and 18 years of age. Its objective is to introduce adolescents to the basic rules and principles of international humanitarian law. Also known as the law of armed conflict, IHL is intended to protect life and human dignity during armed conflict and to prevent or at least reduce the suffering and destruction that result. Developed by the International Committee of the Red Cross, in close association with the Educational Development Center Inc. and with the active participation of 20 countries from all parts of the world, EHL offers 30 hours of educational activities. It is transnational in scope, cutting across political, social, religious and cultural lines, and can easily be adapted to diverse educational settings.

The final version of the programme was published in English, Arabic, Spanish and French in early 2002, and distributed worldwide.

Today, EHL also exists 16 languages versions including Amharic, Tigrigna, Russian, Lithuanian, Hebrew, Serbian, Bosnian, Croatian, Albanian, Greek, Macedonian, and Norwegian languages. In 2004, it is expected that the Bahasa Indonesian, Ukrainian, Romanian, Latvian, Polish, Portuguese, German, Japanese, Chinese, Malay, Slovak, Bulgarian, Polish, Slovene and Turkish versions will be completed bringing **the total number to 32 language versions**.

## **Rationale**

Education in humanitarian law is based on the following four observations that may be made with regard to young people, armed conflict and other violence.

- Various kinds of armed conflicts continually emerge around the world.
- It is growing ever more difficult to distinguish between armed conflict as such and other types of conflict since all societies appear increasingly prone to various forms of violence.
- Young people are increasingly affected by and involved in both urban violence and armed conflict.
- Young people are increasingly exposed to media coverage of human conflict, as well as to entertainment products that glorify violence.

In situations of acute social and political tension, as in the aftermath of war or when actual social reconstruction and cohesion are needed, education programmes such as EHL may have an indirect pacifying effect. Developing knowledge and understanding of IHL and related humanitarian issues through school-based education for young people is an attempt to prevent or at least limit violations of IHL and of the “hard core” of human rights law.

By developing awareness and understanding of international humanitarian rules for armed conflict, EHL also helps develop social awareness among the young and an understanding of the rules that must be observed if people are to live together. EHL is about protecting life and human dignity in wartime and, by extension, in all our experiences. EHL therefore has a central place in the preparation of informed adult citizens worldwide and offers a unique contribution to citizenship education at the local, national and global levels.

Finally, the States party to the Geneva Conventions have an obligation in both peace and war to spread knowledge of IHL as widely as possible, including among the civilian population and, if possible, to include the subject in the school curriculum. To date, 192 countries have ratified the Geneva Conventions.

## Structure, methods and objectives

The resource pack comprises five core modules plus introductory and closing modules. Each module takes about four teaching hours to work through. They are devised so as to enhance exploration of the following subjects:

1. the nature of the humanitarian act and the role of bystanders;
2. the need to regulate the conduct of armed conflicts, and the basic rules of IHL;
3. implementing and enforcing IHL – the question of responsibility;
4. the need to punish perpetrators of violations;
5. the need for, and the requirements of, humanitarian action in wartime.

The programme, totalling 35 hours of activity, is designed to provide educators with learning materials for IHL in such a way that it can be integrated into secondary-school curricula as a subject in its own right, or as part of a number of existing subjects. The modules can also be delivered as an optional after-school activity, perhaps in conjunction with a research project or a thematic study. Finally, it can be taught in out-of-school settings such as youth-development programmes and summer camps.

The worldwide range of historical and contemporary examples of armed conflicts that are used, as well as the fundamental ethical questions raised, have obvious links with academic subjects such as civics, social studies, philosophy, history, law and literature. As such, EHL's interactive teaching methods can help develop many important academic and life skills such as communication, respectful disagreement, reasoning, research, problem-solving and critical thinking.

The primary learning goal of EHL is to help young people embrace the principles of humanitarianism in their daily lives and guide them in the way they assess events at home and abroad. In particular, it should promote:

- awareness of legal limits and the various forms of protection applicable to armed conflict;
- understanding of the multiple aspects of international humanitarian law, of the complexity of its application, and of the main issues of humanitarian concern;
- interest in current international events and humanitarian action;
- the ability to view conflicts – including those in one's own country – from a humanitarian perspective;
- active involvement in community service or other work to help the most vulnerable members of society.



EHL pilot phase, Morocco

## Implementation

EHL is designed to be implemented by ministries of education (implementing agencies) and wherever possible in cooperation with National Red Cross and Red Crescent Societies (local

partners). Specialized organizations working with out-of-school youth and juvenile offenders can also make use of the programme.

The strategic goal is that Education in Humanitarian Law become fully accepted and integrated as part of basic education in formal secondary school curricula across the world. To that end, the ICRC is acting as a catalyst, rendering technical and academic support to the implementing agencies while helping to train teachers.

#### The countries and regions currently working toward the implementation of EHL

**Africa:** Burkina Faso, Burundi, Comoros, Congo Brazzaville, Côte d'Ivoire, Djibouti, Ethiopia, Mali, Mauritius, Kenya, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sudan and Zimbabwe

**Americas:** Canada, USA, Chile, Colombia, Dominican Republic, Guatemala, Honduras, Jamaica, Peru, Salvador, Uruguay and Venezuela.

**Asia:** Australia, China (including Hong Kong), Indonesia, Japan, Kazakhstan, Malaysia, Maldives, Mongolia, Singapore, Thailand and Viet Nam.

**Central and Eastern Europe:** Albania, Belarus, Bosnia Herzegovina, Bulgaria, Croatia, Estonia, Hungary, Kosovo, Latvia, Lithuania, Macedonia, Moldova, Poland, Czech Republic, Romania, Serbia and Montenegro, Slovakia, Slovenia and Ukraine.

**Middle East and North Africa:** Algeria, Palestinian Authority, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

**Western Europe:** Austria, Belgium, Denmark, Germany, Finland, France, Greece, Iceland, Ireland, Northern Ireland (UK), Luxemburg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Turkey.

Member countries of UNESCO-Africa and of the African Union, as well as those of the League of Arab States, positively reviewed the programme and made recommendation for its official adoption. At the XXVIII International Conference of the Red Cross and Red Crescent Movement, the European Union confirmed its commitment to strengthen the dissemination of IHL, in particular among youth, through the provision and promotion of education materials such as EHL. At this conference, which took place in December 2003, in total some 35 governments and 33 national Red Cross and Red Crescent societies pledged explicitly to support the EHL programme.

#### **Further action**

Beyond the encouraging steps already taken, it is hoped that an even greater number of States will initiate implementation of EHL and introduce international humanitarian law into their school curricula. For those that have initiated the implementation process, it is very important to maintain the momentum, mobilize the appropriate technical, administrative and material means, stimulate regional cooperation and, where necessary, call on the support of the ICRC and the National Red Cross and Red Crescent Societies concerned.

#### **Contacts**

If you are interested in learning more about the EHL programme, please contact your country's national Red Cross or Red Crescent society or the ICRC representative in your area.

## 2. The secondary school programme in CIS Countries (“MinEduc” programme)

### **The programme**

Since 1995, the ICRC has worked closely with ministries of education and the National Red Cross and the Red Crescent Societies of seven members of the Commonwealth of Independent States (CIS) to run an educational programme. The objective of the secondary school programme in CIS Countries is to introduce adolescents to the basic rules and principles of international humanitarian law. Also known as the law of armed conflict, IHL aims to protect life and human dignity during armed conflict and to prevent, or at least reduce, the suffering and destruction that results from war.

Secondary school pupils between the ages of 10 and 17 years, including military college cadets, benefit from the programme, which builds on school manuals and teachers' guides developed by the ICRC and local experts. Depending on the context, the manuals provide material for between eight and 20 academic hours. Today, more than 10 million manuals have been published and distributed. The secondary school programme in the CIS is one of the ICRC's longest-running preventive-action programmes. Every year it reaches out to more than 2.5 million young people and tens of thousands of teachers in the Russian Federation, the southern Caucasus and Central Asia. Through the insertion of IHL into the respective course curricula, teaching the basics of this body of law has already become compulsory in a number of CIS countries. By the end of 2007, the ICRC will have handed over the main responsibility for IHL-education to the national authorities. In order to ensure sustainability, IHL-education will also be integrated in pre- and in-service teacher training.

### **Learning goals**

The school manuals emphasize local humanitarian traditions, drawing parallels between a country's culture, history and literature and modern IHL. Rather than offering exhaustive information on IHL, the manuals stress the principles underlying it: humanity, respect for human dignity, and compassion. Wherever possible, interactive teaching methods are used to promote critical and analytical debate among the pupils. In particular, the programme seeks to help young people to:

- ***understand the need to respect life and human dignity***, especially in times of violence and armed conflict;
- ***get to know the humanitarian rules*** applicable in wartime;
- ***get to know the International Red Cross and Red Crescent Movement***;
- ***understand current events from a humanitarian point of view***;
- ***counter indifference and feelings of helplessness*** with regard to violent situations;
- ***engage in community activities*** to promote solidarity and prevent or defuse violence.



### **Implementation**

Implementing a country programme involves a network of trainers, regional coordinators and contact persons within the ministries of education, as well as representatives of National Red Cross or Red Crescent Societies. Between 1995 and 2002, the ICRC conducted over 800 seminars for trainers who, on their turn, conducted thousands of seminars for teachers. Today, the emphasis is on integrating such training into pre- and in-service institutes and universities.

In all the countries, various side activities have emerged. Since 2000, all of Uzbekistan's 8,500 secondary schools have participated in annual, nation-wide contests on humanitarian issues. In Georgia, the ICRC has initiated a play based on the Chingis Aitmatow's *Mangourte*, which highlights the provisions of the Geneva Convention on the treatment of prisoners of war. In all cases, documentaries and radio spots have been produced to promote the programme through the media. Teachers in all countries have demonstrated their professional skills, imagination and enthusiasm for the programme by organizing activities for their pupils such as the making of wall-stands, essay and drawing contests, and plays.

### **Evaluation**

After several internal assessments – focusing mainly on distribution and utilization of the manuals – a large scale evaluation (covering quantitative and qualitative aspects) was conducted in 2000 in the Russian Federation, Georgia and Uzbekistan by experts from the British-based Carl Bro Consulting Group. The final report indicates two major trends: 1) the broad support for the programme from pupils, teachers, parents, the authorities, and the National Red Cross and Red Crescent Societies in the region, and 2) a clear increase in knowledge and comprehension of issues of humanitarian concern on the part of young people who studied the manuals.

### **Continuing to teach humanitarian principles**

In order to ensure that the teaching of humanitarian principles in the CIS continues, the ICRC lobbies on an ongoing basis for the complete integration of IHL into the educational practice of the respective countries. This means that IHL has to be permanently included in the respective course curricula, and also is integrated into the pre- and in-service teacher training.

By the end of 2007, this process should be completed. The last manuals sponsored by the ICRC were published in the 2002-3 school year. Wherever possible, the ICRC will continue to monitor the programme's development, to offer its expertise where required and to lobby for the inclusion of IHL in all relevant course curricula and in new school books. Today, IHL has already been introduced into more than 18 new manuals in the Russian Federation, thereby becoming an integral part of basic education in secondary schools.

## **Building partnerships with the ICRC**

The ICRC is convinced of the long-term benefits of the secondary school programme in CIS countries. As such, the organization is determined to ensure its sustainability by consolidating and building on the achievements made during the first phase of this programme. The ICRC is therefore looking for partners interested in taking over the programme's financing in the next few years. The ICRC will continue to act as a facilitator, offering expertise through its teams of local experts. Manuals will have to be updated, reprinted and distributed; teacher training must be continued; the necessary monitoring and follow-up must be carried out. Organizations or individuals who are interested are invited to contact the ICRC in Geneva at the following address:

COM\_EDUC\_YOUTH  
ICRC  
19 Avenue de la Paix, 1202 Geneva  
Switzerland

## **3. "The Exploitation of Violence - the Violence of Exploitation" Teaching Module**

### **The Module**

The teaching module *The Exploitation of Violence - the Violence of Exploitation* deals with violence committed against children. This exploitation takes advantage of the children's vulnerability and denies them their right to human dignity. Originally published in 1998 by ICRC and UNICEF, the module was revised and updated in 2002. It was primarily produced for educators in the "developed" world and exists in English, French, German and Italian.

### **Content**

*The Exploitation of Violence - the Violence of Exploitation* is designed to provide material for two to four hours of activity. It includes:

- a video cassette with **two films** (13 minutes each): one on child soldiers and one on child labour;
- **teaching notes** with suggestions for use, explanations and background information (30 sheets, format A4).

### **Concept**

Both the films and the pedagogical material point out parallels between violence and exploitation in the "developing world" and in industrialized societies. The films were designed to encourage young people to think about their own behaviour and to discuss the complex interrelationship between violence and exploitation - whether in connection with armed conflict, in the midst of poverty, or in industrially developed countries. The learning resources are intended to show young people that there are international laws protecting children in both wartime and peacetime, such as the Convention on the Rights of the Child and international humanitarian law. In view of the sensitive nature of the subject matter, an adult should be present at the showing of the film on child soldiers, and a discussion should follow.

### **Aim**

The aims of this educational module are:

- to have young people explore the interrelationship between violence and exploitation, especially with regard to children and adolescents;
- to familiarize young people with the significance of the law and with its potential and limits;
- to help young people recognize that there is always a way to prevent actions that violate the dignity of the child, or at least to alleviate their consequences.



Teaching module "Exploitation of Violence"

#### **4. Reaching young people who do not attend school**

In its communication work, the ICRC distinguishes between two groups of young people: those who are obtaining an education and those not. Among the youngsters outside any educational structure, the ICRC distinguishes between two additional groups:

- young people who are at risk of being drawn into an armed conflict (e.g. street children, refugee children, orphans, etc.)
- young people already taking part in an armed conflict, particularly those carrying weapons (child soldiers, militia members).

Child soldier in Afghanistan



With regard to young people at risk of becoming involved in an armed conflict, the emphasis must be on discouraging them from joining an armed group. To date, the ICRC has only occasionally been able to do anything specific to this end. Regarding child soldiers, the organization must try to ensure that it is perceived as unthreatening and impartial, and that the Red Cross emblem is respected, i.e. that the safety of ICRC personnel is assured. The objectives of communication activities for child soldiers are:

- to ensure that young weapon bearers allow the ICRC access to the victims of armed conflict;
- to help encourage the demobilization and rehabilitation of child soldiers.

The key challenge regarding both groups – young people at risk and young weapon bearers – is to reach them and gain their confidence. It is particularly difficult to get into contact with child soldiers since any attempt must go through their commanders, who are often unwilling to admit

that they have children in their ranks. The following are concrete examples of activities taken with these groups.

- **Liberia:** Small posters in the form of guessing games were distributed to raise awareness among young checkpoint guards regarding respect for the red cross emblem and some basic rules of IHL.



Young combatants

- **Somalia:** A collection of comic drawings, portraying young militiamen in their everyday environment, provided a means of opening dialogue with them on behavior in the midst of war. Other IHL-related initiatives such as plays, songs and poster campaigns were then launched on the basis of this collection.
- **Nigeria:** Since 2000, the ICRC together with the Nigerian Red Cross society are supporting the "Alternatives to Violence Nigeria" project. Youths and young adults from various conflict-affected communities in Nigeria are trained in methods of non-violent conflict resolution and are thereby motivated to transform their attitudes and behavioral patterns. A "multiplier effect" is achieved by the fact that project participants pass on their knowledge to other youths in their social surroundings.

In 2000, the ICRC conducted a study with a view to making this type of activity more systematic. It focused on means of facilitating communication with young weapon bearers.

July 2004



## MINE/ERW ACTION PROGRAMMES AND CHILDREN

*The overall goal of mine/ERW action programmes is to reduce the number of casualties by: changing patterns of behaviour, developing alternate short-term coping solutions, and ensuring that clearance agencies prioritize clearance activities effectively*

### Mine/ERW action concept

The ICRC, working closely with the National Red Cross and Red Crescent Societies, has gradually refined its strategy so as to focus better on the specific needs of populations at risk, thus increasing the impact of its mine/ERW action programmes. These programmes are currently based on three main principles:

1. Victim-data gathering – gathering accurate data to develop an accurate, targeted mine/ERW action strategy.
2. Community involvement – involving mine-contaminated communities in finding solutions that include awareness, short-term risk reduction measures (such as safe play areas) and the definition and prioritization of clearance requirements<sup>1</sup>.
3. Cooperation with other bodies – working closely with other organizations to respond to communities' needs and to reduce or eliminate the risks they face. This may mean cooperating with other organizations involved in mine action, or with such sectors as water, shelter, food and health.

### Why are we prioritizing children?

Most mine/ERW victims are not children. They tend to be men aged between 20 and 45 engaged in activities outdoors (cutting wood, farming, herding, travelling, etc.) at the time of the accident. Even so, the data collection system in Bosnia-Herzegovina has revealed that 20% of mine and ERW victims are aged 18 or younger. There is a similar pattern in other countries where the ICRC collects data, except in Afghanistan where 50% of mine/ERW casualties are children.

Some countries will have to deal with the landmine/ERW problem for many years to come; children will be the next generation that has to live with it, so they need to learn about the dangers as early as possible. The ICRC's approach requires children to think and make choices, the idea being to educate the next generation to take responsibility for their own lives and build for the future. It is this approach that will keep the mine awareness message alive and circulating within the community.

Unlike adults, who often enter dangerous areas for economic reasons, children are killed or injured mainly due to ignorance, curiosity or peer pressure. It is often possible to prevent this type of accident if children are made aware of the risks and if teachers, parents and adults in general are also involved in the process. Short-term risk reduction solutions such as safe play areas can also help. In certain countries, however, children are responsible for such activities as herding cattle and cutting wood and are even more exposed to the dangers of mines and ERW. In such contexts it will be more difficult to tackle the economic aspect as part of the awareness programme. However, it is often possible to use school pupils to reach these children out of school – a “child-to-child” approach. Teaching mine awareness to children has also proved to be an effective way of reaching adults – parents in particular – and vice versa.

### Making children the priority: some examples

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<sup>1</sup> The ICRC does not itself clear mines and UXO; it defines priorities and then feeds these to clearance capacities working in the same area.

### **Finding out what children know and don't know about mines: a quiz competition for children**

Children living in Bosnia and Herzegovina know all about the dangers from mines and unexploded ordnance. They know from television what happens if you play with unexploded ordnance, and Red Cross volunteers have given presentations in class about how to prevent accidents. Having given children information and advice, a new approach was needed, to remind them to use the information.

These children are familiar with quiz competitions from school and radio, so the Red Cross Society of Bosnia and Herzegovina included a quiz competition in the mine awareness programme. All schools are involved in the mine awareness quiz competition, via the ministries of education in Republika Srpska and the Federation of Bosnia and Herzegovina. Mine awareness presentations are given again to remind children of the danger, and materials are distributed to help them study before the quiz takes place. Parents become involved and the local Red Cross branches quickly run out of posters and leaflets as parents come to collect mine awareness materials to help their children study.

Winners of the competition at school level go on to compete at municipality and entity level before the national finals, held three months after the first of the school competitions. The mine awareness competition in Bosnia and Herzegovina has now become a yearly event, with the local media involved and the finals shown on national television.

Quiz competitions have proven to be an effective way of involving the whole community in Bosnia and Herzegovina in the mine awareness programme. It is not always easy to find an activity that can motivate both young and old to learn and disseminate information about the dangers of mines. Mine awareness activities are more than the giving of information; they need to mobilize the community to find solutions to the mine problem. Community mine awareness initiatives are only one of many approaches.

### **Cheerdig teaches children about the dangers of mines and unexploded ordnance**

Every child in the Chechen Republic knows Cheerdig, a character who features in traditional stories handed down from generation to generation. Now, he's taking on a new role as he teaches children about the dangers of mines and unexploded ordnance. He started his new career as a mine risk educator at the beginning of 2001, in a puppet theatre production for children living in camps and collective centres in the neighbouring republic of Ingushetia. The Chechen Puppet Theatre Company then toured Chechnya, bringing their puppet theatre to children in the regions affected.

Children began to emulate Cheerdig, spreading his message to other children, and a comic book was produced to support children in their new role. Teachers used the book in class and parents used it to talk about mines with their children. Parents helped children do the mine awareness crossword at the back of the book and children taught their parents about the mine signs using the game that came with it. At the request of teachers, most of whom are also parents, a second comic book was prepared to build on the information included in the first and to address the "at risk" activities children were involved in. Children still talk about the advice Cheerdig gave them in the books and how they now take a longer but safer route to school rather than using short cuts.

Since 2002, the monthly edition of the children's magazine Rainbow has included Cheerdig stories, giving teachers an additional resource to use when reminding children of the mine danger. Schools have written plays for puppet theatres using the stories from the magazine, while older children have had their own stories featuring Cheerdig published in Rainbow.

Using a character already known to children and adults in a mine awareness programme has proven to be an effective way of ensuring that children know what to do and what not to do. More importantly, this approach has broadened the scope of awareness activities, as parents and teachers have used the same character to remind children of the mine danger.

The corridors of most schools in Chechnya now display Cheerdig posters produced by the ICRC or drawn by children, while at home children see the well-known mine awareness character on television in a cartoon film prepared by the ICRC and broadcast by the Chechen State Television Company.

### **Safe play areas for children; an example from Kyrgyzstan**

The main concern of affected communities in Kyrgyzstan was children. Not only did they have less information about the mine danger, they also had nowhere safe to play. A plan was agreed upon with these communities, whereby the Red Crescent Society of Kyrgyzstan would work with teachers, who in turn would inform children. It was also important to involve parents, whom the community also felt had a key role to play in reaching children.

Although education activities were expected to reduce the number of accidents involving children, they were not going to address the main concern – the fact that children were playing in minefields. The only solution was to create a place where children could play at any time of day, where parents would not have to worry about their children's safety. In most communities, the only possible locations were in the school playground or in front of the village hall; any other site would involve sacrificing much-needed agricultural land.

Head teachers agreed to the project and worked with children to clear the sites of stones and other rubbish before the mine awareness volunteers from the local Red Crescent branch brought in gravel and sand to prepare a mini football field. After consulting children and teachers, the volunteers chose ten pieces of equipment for each play area; five for younger children and another five for the older ones.

With the equipment installed, the mine awareness volunteers had one more job to do before play could start; they needed to make sure children understood exactly why they could play here and not in other areas outside their village. By asking questions, the volunteers found out what the children knew about the mine danger. They then gave them a specific scenario and asked what message they would give to other children who wanted to play in dangerous areas outside the village. The messages they chose were then displayed on hoardings around the play area as a constant reminder to children of the mine danger and the fact that in this play area they could play football without the risk of stepping on a mine.

In preventing mine accidents involving children, key members of the community need to be mobilized; where an education system is in place, children see teachers as one of the channels through which they receive information and advice. Parents need to be included in mine awareness programmes, as not only can they discuss information with their children at home but they can give advice as children leave the house. Children and teenagers also have an important role to play in encouraging changes in risky behaviour, especially among teenagers.

July 2004



# DISCUSSION PAPER FOR FAS DELEGATES CONCERNING THE PROTECTION OF CHILDREN IN ARMED CONFLICTS AND DISTURBANCES

## 1. Introduction

Members of armed forces need to be well acquainted with provisions of the Geneva Conventions and their Additional Protocols protecting children. The Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict also need to be known, despite the fact that those instruments have been less widely ratified. Obligations relating to child protection and welfare have to be emphasized in the training of armed forces in the law of armed conflict. They are therefore covered in several chapters of the new teaching file on the basis of the applicability of the Geneva Conventions and their Additional Protocols in conflict situations, and of relevant human rights instruments in situations relating to internal security operations.

The minimum age for persons recruited into armed forces or taking a direct part in hostilities is one of the issues treated differently in the various treaties. States that have ratified the Optional Protocol to the Convention on the Rights of the Child must respect the age limit it prescribes. In developing future treaties, the Advisory Service on International Humanitarian Law should follow the established policy of the Movement. For FAS delegates and instructors, however, the situation is different: if they were not to follow the rules of established international legal instruments in teaching the law of armed conflict to armed forces, they might lose the credibility it has taken them years to earn.

The plan of action concerning children in armed conflict endorsed by the Council of Delegates in 1995 was based on two commitments:

- To promote the principle of non-recruitment and non-participation in armed conflict of children under the age of 18 years.
- To take concrete action to protect and assist child victims of armed conflict.

The 26th International Conference of the Red Cross and Red Crescent held in 1995 recommended that States abstain from arming children under the age of 18 years. FAS delegates and instructors are advised to emphasize this policy. The resolution reads as follows:

- The Conference recommends that parties to a conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities.
- The Conference encourages States, the Movement and other component entities and organizations to develop preventive measures, assess existing programmes and set up new programmes to ensure that child victims of conflict receive medical, psychological and social assistance, provided if possible by qualified personnel sensitive to the specific issues involved.

At the 27th International Conference of the Red Cross and Red Crescent held in 1999, a number of States and components of the Movement reiterated their support for the plan of action and announced a series of concrete measures.

## **2. Excerpts from the teaching file**

### **2.1 In the lessons on the conduct of operations, the subject is covered as follows:**

**Civilians** - By children we generally mean people who are not yet 18 years old. In the law of armed conflict, however, different provisions apply to those under 15 years of age and those between 15 and 18. In our discussion, “children” means those under 15 years of age. Children are entitled to special treatment and must be protected against any form of indecent assault. Every effort must be made to provide them with the special care and aid they require.

**Combatants** - A particularly tragic aspect of modern conflict is the active participation in hostilities of children, both boys and girls. This would seem to have less to do with cultural traditions and more to do with expediency or the shortage of soldiers – often it is simply an excuse or abuse by those in power, in other words getting a child to do an adult’s job. These child soldiers operate with little or no training and are often fed a diet of alcohol and drugs. Of course, they can be formidable and tough foes to deal with. Deal with them you must, but with due regard and some sympathy for their plight.

**The law prohibits the direct participation in hostilities of children under the age of 15 years, who must not be recruited into the armed forces.** In recruiting those who have reached the age of 15 years but are not yet 18 years old, priority should be given to those who are the oldest.

If children are recruited into armed forces or take a direct part in hostilities, they must, if captured, be guaranteed treatment and conditions of captivity which take their age into consideration, whether they are POWs or not. Certainly in no circumstances should the standard of treatment given to them be lower than that given to POWs. In particular, such *child soldiers* must be held separately from adults, unless in a family unit.

In the case of children aged between 15 and 18 years, the more their treatment can be assimilated to that of those under 15, the better.

In international armed conflicts, persons who were under the age of 18 years when they committed an offence punishable by the death penalty may be sentenced to death, but the sentence must not be carried out. In non-international armed conflicts, such persons may not even be sentenced to death.

**GC IV, Art. 24  
P I, Art. 77**

**Child combatants taken as POWs** are entitled to POW status and must be given treatment at least as favourable as that granted to POWs. This means in particular that they may not be prosecuted for having taken part in hostilities. They must be protected against any form of indecent assault. They should be held in separate accommodation from adult POWs.

**GC III, Art. 16  
P I, Art. 77**

### **2.2 In the lesson on internal conflicts, emphasis is placed on Article 3 common to the four Geneva Conventions and Additional Protocol II.**

Children must of course be protected in any armed conflict and, as we have seen, the law does indeed provide the necessary protection. In non-international armed conflicts, children tend to be more vulnerable and are often separated from their parents or other members of their family. One tragic example was Rwanda and the subsequent exodus of the Hutu population into what was then Zaire in the mid-1990s.

The provisions on children in Additional Protocol II take this greater vulnerability into account. They stipulate that children must be provided with the care and aid they require. In particular, they must receive an education, including religious and moral education, in keeping with the wishes of their parents or guardians.

All appropriate steps must be taken to facilitate the reunification of families temporarily separated. Many will recall the efforts made by humanitarian organizations such as Save the Children, UNHCR and the ICRC on behalf of separated family members during the crises in Rwanda and Kosovo.

Where necessary, measures must be taken to remove children temporarily from the conflict area to a safer area within the country, whenever possible with the consent of their parents or guardians, and ensure that they are accompanied by persons responsible for their safety and well-being.

Children under the age of 15 years must not be recruited into the armed forces or groups or allowed to take part in hostilities. (Note that this language is stronger than that used by the rules governing international armed conflicts, which state that "all feasible measures" must be taken to ensure that children under the age of 15 years do not take part in hostilities.) If, despite this rule, children do take a direct part in hostilities and are captured, they remain fully protected by the law.

*P II, Art. 4.3*

### **2.3 In the lessons dealing with internal security operations in connection with internal disturbances, where the main international legal instruments belong not to international humanitarian law but to human rights law, the emphasis is on the latter.**

**Use of firearms against children.** Unlawful gatherings inevitably attract children, who usually do nothing more than throw stones at the security forces. Of course they should not do this, but in real terms the threat they pose is minimal. Soldiers armed with the range of protective clothing and defensive equipment described above can stand in front of a crowd of stone-throwing children (and indeed adults) all day and probably come to no harm. If the military do not react, then the children usually soon get bored and disperse — the military will therefore have achieved their aim. Firing live ammunition at children who are throwing stones indicates a complete breakdown in the soldiers' discipline and a complete lack of command and control by their superiors. It shows they cannot distinguish a military threat from a slight inconvenience or annoyance. Such a response is therefore unnecessary and utterly disproportionate.

#### **Special rules for the arrest of children**

We have already dealt with the law applicable to children and child soldiers in armed conflict. International human rights law tends to reinforce these rules and in some areas enhances the protection given to children. It is important for soldiers to know these rules. In armed conflicts, contact with juveniles tends to be a relatively rare occurrence. The opposite holds true for internal security operations: almost all such operations undertaken by the armed forces, in particu-

lar in response to demonstrations or riots, will bring them into contact with children. Soldiers must therefore be familiar with the applicable law.

**Key law:** there is an emerging consensus in international law that a child is anyone under the age of 18 years. Therefore, anyone under the age of 18 years is entitled to special protection if arrested or detained.

**The Convention on the Rights of the Child** defines a child as anyone below the age of 18 years unless, under national law, majority is attained earlier. **The United Nations Rules for the Protection of Juveniles Deprived of their Liberty** define a juvenile as “every person under the age of 18”. The age of majority is determined by States, but must not deviate greatly from international norms.

*The minimum age of criminal responsibility varies from country to country. You will need to seek the advice of your legal branch to know what that age is in your country.*

***Convention on the Rights of the Child, Art. 1  
Rules for the Protection of Juveniles Deprived of their Liberty, Rule 11(a)***

These two instruments, together with **the International Covenant on Civil and Political Rights** and **the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)**, provide guidance for the arrest or detention of children. The important points for soldiers to know are set out below.

Children retain all the rights already covered above for adults if arrested. **In addition:**

**Last Resort.** Arrest (and, as we will see, detention or imprisonment) of children should be avoided whenever possible and is a measure of last resort. When children are arrested and detained, their cases are to be given the highest priority and handled as fast as possible to ensure the shortest possible period of detention prior to trial.

***ICCPR, Art. 10.2 (b)  
Convention on the Rights of the Child, Arts 37 and 40  
Rules for the Protection of Juveniles Deprived of their Liberty, Rules 1 and 17  
Beijing Rules, Rules 13 and 19***

**Notification of next-of-kin.** When a child suspected of breaking the law is arrested or apprehended, his or her parents or guardian are to be notified immediately, unless doing so would be detrimental to the interests of the child. If immediate notification is not possible, the parents or guardian are to be notified within the shortest possible time thereafter.

***Convention on the Rights of the Child, Art. 9.4  
Rules for the Protection of Juveniles Deprived of their Liberty, Rule 22  
Beijing Rules, Rule 10.1***

**Separation from adults.** Children arrested and detained pending trial must be segregated from adults, except where this would not be in the best interests of the child. For example, if the child's parents are being held then it might be in the child's best interests to be held with them rather than separately.

***ICCPR, Art. 10.2 (b)  
Convention on the Rights of the Child, Art. 37 (c)  
Rules for the Protection of Juveniles Deprived of their Liberty, Rule 29  
Beijing Rules, Rule 13.4***

**Respect for special status.** Contacts between military personnel and children must be conducted in a manner which respects the legal status of the child, avoids harming children and promotes their well-being.

***Beijing Rules, Rule 10.3***

### **3. Excerpts from *To Serve and to Protect***

The protection of children both in times of conflict and of peace is clearly an issue of much greater concern to law enforcement agencies than to the military, which deals directly with children and juveniles only in exceptional cases.

It should be noted, however, that *To Serve and to Protect* was written before the Optional Protocol and before the resolution adopted at the 26th International Conference of the Red Cross and Red Crescent. It was based mainly on the Convention on the Rights of the Child and on the Beijing Rules.

Chapter 12 of *To Serve and to Protect*, which is entirely devoted to this important issue, is quoted in full below.

#### **The Special Position of Children in Society**

##### **Introduction**

Children need special care and protection and are dependent upon the aid and assistance of adults, especially in the early years of their existence. It is not enough that children are granted the same human rights and freedoms as adult persons. In many parts of the world the situation of children is critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability. Children on their own are not capable of effectively fighting such conditions or changing them for the better. The international community therefore urged governments to adopt legislation which recognizes the special position and needs of children and which creates a framework of additional protection conducive to their well-being. At the international level, the United Nations General Assembly adopted on 20 November 1989 — unanimously — the Convention on the Rights of the Child (CRC), which recognizes the need for special safeguards and care, including appropriate legal protection for children both before and after birth.

##### **The Convention on the Rights of the Child**

For the purposes of the Convention, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier" (CRC, Article 1).

The prime focus of the CRC is "the best interests of the child". All measures prescribed under the Convention take this principle as their starting point. The CRC leaves no doubt as to the fact that children are entitled to the same human rights and freedoms as adults. Certain fundamental rights, such as the right to life, liberty and security of person, the right to freedom of thought and of expression, and the right to peaceful assembly and association are firmly reiterated in the Convention. In addition it seeks to provide additional protection against abuse, neglect and exploitation of children (CRC, Articles 32 to 36).

The CRC also sets forth the reasons for and the conditions under which children can be lawfully deprived of their liberty, as well as the entitlements of the child who is accused of having infringed penal law (CRC, Articles 37 and 40). Those provisions will be presented in more detail below, under the headings Arrest of Juveniles and Detention of Juveniles.

The CRC is a treaty. It therefore creates legally binding obligations for member States to ensure that its provisions are fully implemented at the national level. Measures taken to this end may include (but are not limited to) the adaptation of existing legislation concerning children, or the adoption of new legislation in conformity with the provisions as they are set out in the Convention.

### **The Administration of Juvenile Justice**

Through a number of legal instruments, the international community has acknowledged the special position of juveniles who come into contact with the law as offenders. Because of their age, juveniles are vulnerable to abuse, neglect and exploitation and need to be protected against such threats. In keeping with the objective of diverting juveniles away from the criminal justice system and redirecting them towards the community, special measures for the prevention of juvenile delinquency must be developed.

The administration of juvenile justice is not so much a different set of rights to which juveniles are entitled, as a set of provisions that aim to offer protection in addition to the rights of adult persons – which of course apply equally to juveniles.

#### **International Instruments**

The following international instruments govern the administration of juvenile justice:

- Convention on the Rights of the Child (CRC);
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules);
- United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines);
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (UNRPJ);
- United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules).

Of the instruments mentioned above, only the CRC is a treaty. The other instruments can be considered as offering authoritative guidance, but their provisions do not constitute legally binding obligations for States – except insofar as they reiterate obligations that are part of customary international law or are codified in multilateral treaties.

#### **Purpose and Scope of Measures**

The aim of the juvenile justice system is to enhance the well-being of the juvenile and to ensure that any reaction to juvenile offenders is proportionate to the circumstances of the juvenile and the offence. Juvenile offenders should be diverted from the criminal justice system and redirected to community support services wherever possible.

The international instruments set out above are specifically designed to:

- protect the human rights of juveniles;
- protect the well-being of juveniles who come into contact with the law;
- protect juveniles against abuse, neglect and exploitation; and
- introduce special measures to prevent juvenile delinquency.

The Convention on the Rights of the Child is central to the administration of juvenile justice. It offers a wide range of measures aimed at protecting the direct interests of the child. These include measures that seek to protect children coming into conflict with the law.

The CRC requires States Parties (Articles 33 to 36) to take measures that combat abuse, neglect and exploitation of children, specifically:

- the adoption of rules to fight drug abuse by children and prevent the use of children in the trafficking of drugs (Article 33);
- protection against all forms of sexual abuse and exploitation, including unlawful sexual activity, exploitation of children in prostitution or unlawful sexual practices, and exploitative use of children in pornographic performances and materials (Article 34);
- national, bilateral and multinational measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form (Article 35);
- protection against all other forms of exploitation prejudicial to any aspects of the child's welfare (Article 36).

The Beijing Rules develop and extend those articles of the CRC which cover topics such as arrest, detention, investigation and prosecution, adjudication and disposition, and the institutional and non-institutional treatment of juvenile offenders.

The Riyadh Guidelines focus on the prevention of juvenile delinquency through the involvement of all parts of society and through the adoption of a child-oriented approach. They are based on the belief that the prevention of juvenile delinquency is an essential part of crime prevention in society. This instrument defines the roles of family, education, community and the mass media to this end, in addition to setting out the roles and responsibilities of social policy, legislation and juvenile justice administration, and research, policy development and coordination.

An underlying premise of the Guidelines is that youthful conduct which does not conform to overall social norms should be considered as part of the maturation process and tends to disappear spontaneously with the transition to adulthood (Article 5(e)).

The Guidelines urge States to develop and implement comprehensive plans, at every level of government, for the prevention of juvenile delinquency. They also call for close cooperation between all relevant sectors of society (including the various levels of government, the private sector, representative citizens of the community, child care agencies, law enforcement and judicial agencies) in taking action to prevent juvenile crime; specialized personnel should exist at all levels.

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (UNRPJ) is an instrument designed to ensure that juveniles are deprived of their liberty and kept in institutions only when there is an absolute necessity to do so. Juveniles who are detained are to be treated humanely, with due regard for their status and with full respect for their human rights. Juveniles deprived of their liberty are highly vulnerable to abuse, victimization and the violation of their rights. This is a further reason why their detention should remain a measure of last resort.

Rules 17 and 18 of this instrument are of particular importance to law enforcement officials, as they concern juveniles under arrest or awaiting trial. These Rules stress, once again, that pre-trial detention of juveniles should be avoided as far as possible, and limited to situations of exceptional circumstances. Where pre-trial detention is unavoidable, its duration should be kept

to an absolute minimum by giving the highest priority to the most expeditious processing of such cases (Rule 17).

The rights stated in Article 7 of the Beijing Rules (the basic procedural safeguards to ensure that the right of juveniles to a fair trial is respected) are reiterated in Rule 18 of the UNRPJ. In addition, Rule 18 also sets out the detained juvenile's right to have opportunities to undertake work with remuneration, to be able to continue education and training, and to be provided with educational and recreational materials.

The United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) is an instrument concerned with juvenile offenders in general and at all stages of the proceedings — irrespective of whether they are suspected, accused or sentenced. The instrument formulates basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to measures other than imprisonment. It recommends that in order to provide greater flexibility (consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society) and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures — from pre-trial to post sentencing dispositions. Non-custodial measures fit in very well with the overall objective of the juvenile justice system to divert juveniles who come into contact with the law away from the criminal justice system and to redirect them towards the community.

The Tokyo Rules set out precisely which custodial measures are allowed, the conditions and legal safeguards for their application, and the rules for their effective monitoring and supervision. Non-custodial measures must of course be properly incorporated into national legislation as a precondition for their lawful application.

#### **Implications for Law Enforcement Practice**

It has been recognized — in all countries and all societies — that a juvenile offender is a special type of offender requiring special protection and treatment. This fact has been acknowledged at the international level through the development of international instruments specifically designed to protect the rights and interests of the juvenile offender.

As law enforcement officials are the first point of contact with the juvenile justice system, it is most important for them to act in an informed and appropriate manner so as to protect and further the well-being of the juvenile offender.

The Beijing Rules are very explicit as to the specialization required within law enforcement agencies in relation to juveniles. Rule 1.6 states that juvenile justice services must be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes. Rule 12 draws attention to the need for specialized training for all law enforcement officials who are involved in the administration of juvenile justice. Law enforcement units specialized in all aspects of juvenile delinquency would therefore be indispensable, not only for the implementation of specific principles contained in the Beijing Rules, but also more generally to improve the prevention and control of juvenile crime and the handling of juvenile offenders.

The diversion of juveniles away from the criminal justice system and their redirection towards the community requires a type of attitude and action from law enforcement officials that is distinct from those actions and attitudes which are appropriate for adult offenders. The establishment and maintenance of a working relationship with community groups, child care agencies and officials within the judiciary assigned to juvenile justice necessitate special knowledge and

skills on the part of law enforcement officials. To view juvenile delinquency as a transitional problem that may occur on the way from childhood to adulthood, and for which guidance, understanding and preventive support measures are therefore more suitable, calls for greater insight than is offered during the average basic law enforcement training.

The successful application of non-custodial measures also calls for a thorough understanding of the person of the juvenile, as well as a capacity to apply such measures in close cooperation and coordination with other key agencies in order to ensure the successful reformation and rehabilitation of the juvenile offender. The main objective here is to prevent recidivism rather than to inflict punishment for an offence committed. Such approaches require law enforcement officials to have a broad and thorough understanding not only of the rights and the special position of juveniles, but also of the special position and rights of victims of juvenile crime as well as the needs for protection and satisfaction of society. There will be a multitude of interests that need equal protection and to which the particular interests of the juvenile offender cannot be made subordinate — or given priority over them — without thorough justification.

## **Arrest of Juveniles**

### **General Principles**

The Convention on the Rights of the Child (CRC) defines a "child" as every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier (Article 1).

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) define a "juvenile" as a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult (Rule 2.2 (a)). Under those Rules, a "juvenile offender" is a child or young person who is alleged to have committed or who has been found to have committed an offence (Rule 2.2(c)).

The instruments mentioned above do not rule decisively on the minimum age of criminal responsibility — leaving a decision on this matter to be made at the national level. However, the Beijing Rules do state that such age should not be fixed at too low a level — taking into account emotional, mental and intellectual maturity (Rule 4).

In the commentary to this Rule, it is acknowledged that: "The minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially anti-social behaviour."

As stated previously, the main objective of the administration of juvenile justice is to divert the juvenile offender away from the criminal justice system and to redirect him or her towards society. The rules relating to arrest (and detention) of juveniles reflect this general objective.

The CRC contains a number of very explicit provisions relevant to the arrest of juveniles:

- no child shall be deprived of his or her liberty unlawfully or arbitrarily;
- the arrest, detention or imprisonment of a child or young person shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

- every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty (Article 37).

### **Rights on Arrest and Following Arrest**

Whenever a person is arrested it must be for the alleged commission of an offence or by the action of an authority (Body of Principles, Principle 36.2).

At the time of the arrest anyone who is arrested shall be informed of the reasons for his arrest and shall be promptly informed of any charges brought against him (ICCPR, Article 9.2; Body of Principles, Principle 10).

The arrested person is to be brought promptly before a judge or other officer authorized by law to exercise judicial power who will decide on the lawfulness and the necessity of the arrest (ICCPR, Article 9.3; Body of Principles, Principles 11 and 37).

Similar provisions on arrest and detention are repeated in the ACHR (Article 7) and in the ECHR (Article 5). The ACHPR does not contain any such provisions. There is no clear definition as to what is meant with "promptly". In many States the maximum period allowed before an arrested person has to be presented to a judge or similar authority is limited to 48 hours. In some other States this period is limited to 24 hours. This period of 48 or 24 hours is more commonly referred to and known as police custody. It is the period that precedes what is known as pre-trial detention.

With respect to the arrest of juvenile offenders law enforcement officials are required to observe a number of additional provisions, inter alia:

- the parents or guardians of juveniles arrested shall be notified of that fact immediately (Beijing Rules, Rule 10.1);
- a judge or other competent authority shall consider, without delay, the issue of release (Beijing Rules, Rule 10.2);
- juveniles under detention — following arrest — shall be kept separate from adults in detention (Beijing Rules, Rule 13.4).

The following provisions apply equally to arrested adult offenders and juvenile offenders:

"A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial." (Body of Principles, Principle 38)

"Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights." (Body of Principles, Principle 13)

The presumption of innocence as well as the provisions relating to the right to a fair trial are equally applicable to juvenile offenders. There is no need to repeat those provisions in greater detail here.

### **Detention of Juveniles**

#### **General Principles**

"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time." (CRC, Article 37(b))

"Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication." (ICCPR, Article 10.2 (b))

Juvenile detainees are entitled to all the rights of adult detainees, which are set out in full in the chapter Detention. In recognition of their particular vulnerabilities, there are a number of additional provisions to give juveniles in detention the protection they need.

Whereas adult detainees charged with a criminal offence are entitled to be tried without undue delay (ICCPR, Article 14.3 (c)), Article 10.2(b) of that same instrument actually establishes a more definite time frame for juveniles by means of the formulation "brought as speedily as possible for adjudication". The objective of this provision is to ensure that periods spent by juveniles remanded in custody and pre-trial detention are as short as possible. It should be noted that the term "adjudication" is not to be understood in the formal sense of a judgment by a criminal court; rather, it also covers decisions by special, non-judicial organs empowered to deal with crimes committed by juveniles.

### **Specific Protection**

The additional protection for juveniles deprived of their liberty is codified in the Convention on the Rights of the Child; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Article 37 of the Convention on the Rights of the Child (CRC) is of particular relevance to the treatment of juvenile detainees. Under this provision of the Convention (which legally binds all States parties to it) it is stated that:

- torture and ill-treatment of juveniles is prohibited (along with capital punishment and life sentences);
- unlawful or arbitrary deprivation of a juvenile's liberty is prohibited;
- juveniles deprived of their liberty are to be treated with humanity, with respect for their human dignity and in a manner that takes into account the special needs of persons of their age;
- juvenile detainees are to be kept separated from adult detainees;
- juveniles have the right to maintain contact with their family, to gain prompt access to legal assistance, and to challenge the legality of their detention through a court or other competent authority.

The provisions set out in the CRC are largely reiterated and expanded in the other two instruments mentioned above. The Beijing Rules focus particularly on the procedural rights to which juveniles are entitled throughout arrest and pre-trial detention and at all stages of the proceedings. These include (Rule 7):

- the presumption of innocence;
- the right to be notified of charges;
- the right not to be compelled to testify or confess guilt;
- the right to counsel;
- the right to the presence of a parent or guardian;
- the right to confront and cross-examine witnesses;
- the right to appeal to a higher authority.

The same provisions can be found in Article 40.2(b) of the CRC, which, being a treaty, creates legally binding obligations for States Parties to adopt conforming legislation.

The Beijing Rules stipulate that the privacy of the juvenile is to be respected at all times in order to avoid harm caused by undue publicity or the process of labelling, and that in principle no information that could lead to the identification of the juvenile may be published (Rule 8). They also focus on diversion — emphasizing thereby that consideration should be given to dealing with juveniles without resorting to formal trial. Law enforcement agencies must be empowered to dispose of juvenile cases and are required to do so, where possible, without recourse to formal procedures (Rule 11).

Specialization within law enforcement agencies, with regard to juveniles, is recommended through the establishment of special units or departments and through the additional training of those law enforcement officials who are required to deal with juvenile offenders (Rule 12).

### **Use of Force and Firearms Against Juveniles**

Neither the Basic Principles on the Use of Force and Firearms nor the Code of Conduct for Law Enforcement Officials (or any of the other international instruments for that matter) provide guidance on the use of such measures against children. It is safe to conclude that the same rules and provisions applicable to adults apply equally to children or young persons. The chapter on the Use of Force and Firearms provides a clear and detailed overview of those rules.

However, in view of the vulnerable position of the child — and the requirements for special protection and treatment — it is reasonable to conclude that utmost restraint must be exercised in the use of force and firearms against children. Because of their young age and their immaturity children are very unlikely to pose the kind of threat which would justify the use of such extreme measures. At the same time the impact of their use against children is likely to be more severe than in the case of adult, mature persons. Law enforcement officials therefore must be urged to seriously weigh such consequences against the importance of the legitimate objective to be achieved. They must also be encouraged to search for adequate alternatives to the use of force and firearms against persons, especially children.

### **The Position of Children in Situations of Armed Conflict**

Undoubtedly situations of armed conflict will have an especially devastating effect on children. The separation of families, the orphaning of children, the recruitment of child soldiers and the death or injury of child civilians are but a few gruesome examples of likely consequences of war for children. It is difficult to gauge what the effects of war on the future psychological and physical development of children who have been exposed to armed conflict situations will be. Recent history provides enough vivid examples for us to begin to understand the terrible effects of war on children. They will always require special protection and treatment in situations of armed conflict.

#### **Protective Measures**

Article 38 of the Convention on the Rights of the Child urges States Parties to respect the rules of humanitarian law which are applicable to them in situations of armed conflict and relevant to the child. It furthermore enjoins States Parties to take all feasible means to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities. Nor may States Parties recruit persons younger than 15 years of age into their armed forces. If they recruit persons between the age of fifteen and eighteen, they are to give preference to those who

are oldest. Finally, States Parties must take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Situations of recognized non-international armed conflict are governed by Article 3 common to the four Geneva Conventions of 1949, and in cases of high-intensity non-international armed conflict also by Additional Protocol II of 1977. The latter, in Article 4, provides fundamental guarantees for the humane treatment of persons not or no longer taking part in hostilities. Article 4.3 (a) to (e) states the special measures which are applicable or relevant to children, concerning:

- education (a);
- reunion of temporarily separated families (b);
- minimum age for participation in hostilities or recruitment into the armed forces (c);
- protection of captured child combatants under the age of fifteen (d);
- temporary displacement of children for reasons related to the armed conflict (e).

With regard to international armed conflict (to which the four Geneva Conventions of 1949 and their Additional Protocol I of 1977 apply) similar provisions can be found in Articles 77 and 78 of Additional Protocol I. According to Article 24 of the Fourth Geneva Convention of 1949, States party to the conflict must take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances.

If arrested, detained or interned for reasons related to the armed conflict, children must be held in quarters separate from the quarters of adults, except where families are accommodated as family units (Additional Protocol I, Article 77.4).

Unless there are imperative reasons for doing so, no Party to the conflict may arrange for the evacuation of children, other than its own nationals, to a foreign country. When an evacuation does occur, all necessary steps must be taken to facilitate the return of the children to their families and their country (Additional Protocol I, Article 78).

#### **4. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. New York, 25 May 2000**

Since the Optional Protocol's entry into force on 12 February 2002, its rules have supplemented existing provisions of international humanitarian law and generally strengthened protection for children in armed conflict. For example:

- the States Parties must take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities (Article 1);
- the States Parties must ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces (Article 2);

- the States Parties must raise the minimum age for the voluntary recruitment of persons into their national armed forces from 15 years. This rule does not apply to military academies (Article 3);
- armed groups distinct from the armed forces of a State should not, under any circumstances, recruit (whether on a compulsory or voluntary basis) or use in hostilities persons under the age of 18 years. States Parties must adopt legal measures to prohibit and criminalize such practices (Article 4).

## **5. Conclusion**

Although our teaching materials for armed forces and law enforcement officials need to be updated in accordance with the ongoing development of international legal instruments and new conference resolutions, in particular those of the International Conferences of the Red Cross and Red Crescent, they offer a sound background for instructors.

Of course, presentations and discussions will need to be adapted to the particular audience by taking into account the situation, legislation and manuals in use in the country where they are to take place. Instructors are therefore advised to consult local specialists and perhaps share the presentation with them.

Whenever feasible, however, the instructor should stress the subject's ongoing development and, as an ICRC representative, emphasize and promote the Movement's policy.



# CHILDREN AFFECTED BY ARMED CONFLICT

## MOVEMENT PLAN OF ACTION

### INTRODUCTION

The situation of children affected by armed conflict remains a matter of concern for the Red Cross and Red Crescent Movement and the Movement is committed to implementing its plan of action on children affected by armed conflict adopted and reiterated by its Council of Delegates in 1995 and 1999 (see 1.).

The general commitments are:

- 1. To promote the principle of non-recruitment and non-participation in armed conflicts of children under 18 years of age.**
- 2. To take specific steps to protect and assist child victims of armed conflict.**

In 1995, States party to the 1949 Geneva Conventions were also encouraged to adhere to those objectives when the 26th International Conference<sup>1</sup> adopted Resolution 2, on the protection of the civilian population in periods of armed conflict, section C on Children<sup>2</sup>. In 1999, the 27th International Conference adopted a "Plan of Action for the year 2000-2003" that included objectives on children affected by armed conflict (see 2.).

In 2003, the 28th International Conference, under Resolution 1.A, encouraged "(...) *all members of the Conference to continue their work on the implementation of (1999) Plan of Action.*" A follow-up report to the Plan of Action 2000-2003 was presented (see 2.1) and a workshop was organized by the Human Security Network in parallel with the Conference, on "Children and armed conflict: protecting and rebuilding young lives" (see 3.).

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<sup>1</sup> The International Conference of the Red Cross and Red Crescent is one of the most important humanitarian fora in the world, bringing together the States party to the Geneva Conventions and the various components of the International Red Cross and Red Crescent Movement. Together they examine and decide upon humanitarian matters of common interest and any other related matter. The International Conference is the supreme deliberative body for the Movement. It normally meets every four years.

<sup>2</sup> Resolution 2.C of the 26th International Conference, held in Geneva in December 1995:

- d. "recommends that parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities";
- g. "encourages States, the Movement and other competent entities and organizations to develop preventive measures, assess existing programmes and set up new programmes to ensure that child victims of conflict receive medical, psychological and social assistance, provided if possible by qualified personnel who are aware of the specific issues involved."

## 1. Plan of Action 1995 (Council of Delegates)

### Objectives:

Six objectives have been set as a means of implementing these commitments.

**Three of these objectives are aimed at prohibiting recruitment and participation of children below the age of 18 years in armed conflicts:**

- to promote national and international legal standards (such as the Optional Protocol to the Convention on the Rights of the Child) which prohibit the recruitment in the armed forces and armed groups and the participation in hostilities of individuals under 18 years of age; to promote the recognition and application of these standards by all armed groups (governmental and non-governmental);
- to discourage children from joining the armed forces or armed groups by offering them choices other than enlistment;
- to persuade the general public of the need to ensure that children are not allowed to join the armed forces or armed groups.

**The remaining three goals relate to the Movement's commitment to implementing specific measures to protect and assist child victims of armed conflict:**

- to meet the psychosocial as well as physical needs of children living with their families;
- to meet the psychosocial as well as physical needs of separated children;
- to facilitate the reintegration into their communities and normal environment of children who have participated in armed conflicts.

## 2. Plan of Action 2000-2003 (27th International Conference)

The objectives and their respective actions are<sup>3</sup>:

**A. Final goal 1.1** – Full compliance by all the parties to an armed conflict with their obligations under international humanitarian law to protect and assist the civilian population and other victims of the conflict and to respect protected objects.

**Action 1.** All the parties to an armed conflict take effective measures to respect and ensure respect for international humanitarian law and to ensure, in particular, in accordance with their relevant obligations under international humanitarian law, that: (...)

(f) children receive the special protection, care and assistance, including access to educational and recreational facilities, to which they are entitled under national and international law; all measures, including penal measures, are taken to stop the participation of children under the age of 15 years in armed hostilities and their recruitment into the armed forces or into armed groups, which constitute a violation of international humanitarian law; and, in this context, recall Resolution 2 C (d) of the 26th International Conference of the Red Cross and Red Crescent of 1995, which recommends that: “parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities.”  
(...)

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<sup>3</sup> Extract from the Plan of Action 2000-2003 adopted by the 27th International Conference of the Red Cross and the Red Crescent.

**B. Final goal 3.2 – New initiatives to meet the needs of vulnerable people and to reduce discrimination and violence in the community**

(...)

**Action 10.** National Societies, in reviewing their programmes, will pay special attention to the needs of children living in difficult circumstances, in particular street children. With the support of the International Federation, they will develop their activities and advocacy, where appropriate, to contribute to meeting these needs. States, where appropriate, will draw on the capacities of National Societies, and support their actions in meeting the needs of street children.

**Action 11.** States will seek to improve the plight of children living in difficult circumstances by meeting their special needs, with emphasis on prevention of sexual exploitation and physical and other forms of abuse and the sale of children with the ultimate objective of the reintegration of these children into their families and society. States will strive to achieve the rapid conclusion of the work of the United Nations Working Group on an Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.



Opening of the first plenary session of the 28th International Conference of the Red Cross and Red Crescent (3 December 2003)

## 2.1 Follow-up to the Plan of Action 2000-2003<sup>4</sup>

### A. Children affected by armed conflict

Particular concern was expressed by 79 States, 54 National Societies and the ICRC regarding respect for the provisions of IHL concerning children. Further, 39 States and 44 National Societies pledged at the 27th International Conference *inter alia* to protect and assist children affected by armed conflict, and to work to ensure the development and successful completion of specific humanitarian instruments, such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force on 12 February 2002. Fifty-seven States had ratified the Optional Protocol at the time of writing (see Annex II), and a number of those States had reviewed or amended their national legislation in order to bring it into line with the Optional Protocol.

<sup>4</sup> Extract from the follow up report on the Plan of Action 2000-2003 adopted by the 27th International Conference of the Red Cross and Red Crescent (Final Goal 1.1 – action 1.f). This report was presented at the 28th International Conference (Geneva, 2-6 December 2003).

*African National Societies were particularly active on the issue of children and war. For instance, the Sierra Leone Red Cross Society developed a pilot trauma-healing project for war-affected children that included activities to promote literacy and other basic skills and that involved theatre and artwork. In January 2003 the Red Cross of the Democratic Republic of the Congo, together with the French-speaking community of the Belgian Red Cross, launched the pilot phase of a programme to assist and reintegrate demobilized child soldiers in Kinshasa.*

In addition, six States and 28 National Societies promoted the principle of non-recruitment into the armed forces (regular armed forces and armed groups that are distinct from the armed forces of a State) and the prohibition of participation in hostilities of persons under the age of 18.

Concrete measures were taken to protect and assist the child victims of conflict. Such measures included educational programmes, such as camp schools in conflict and post-conflict areas, health care, psychological support and rehabilitation programmes. The ICRC takes concrete measures to ensure protection and assistance for all children who are victims of conflicts. The protection of unaccompanied minors starts with their identification and the search for their parents or relatives; steps are then taken to reunite the children with their families or to find other long-term solutions. As for children who have been arrested or interned in relation to a situation of conflict, the ICRC works to negotiate their release and to ensure that they are held separately from adults and reunited with members of their family.

Since the 27th International Conference, a large-scale effort has been made to ensure stricter compliance with the humanitarian instruments designed to protect children in armed conflicts. In order to prevent violations,

*The Spanish Red Cross set up an International Children's Centre as part of the Movement's Plan of Action for Children affected by Armed Conflict, raised awareness of the issue through campaigns on children in armed conflict, and organized an international conference on children in armed conflict in October 2003. The ICRC developed communication tools that include an updated information kit on children in war and a brochure and video on child soldiers. Four posters were produced as part of an awareness-raising campaign, in particular with the Union of European Football Associations (UEFA).*

the ICRC spread knowledge of IHL and the Fundamental Principles among armed forces, police forces and other arms bearers as widely as possible. In addition, the National Societies, together with the ICRC and the International Federation, organized campaigns to raise awareness of the concept of child-specific protection among the general public, in particular among children and adolescents at universities and schools. They participated actively in a number of regional conferences, such as the Conference on War-affected Children held in Accra, Ghana, from 27 to 28 April 2000, the OSCE Human Dimension Seminar on Children and Armed Conflict held in Warsaw, Poland, from 23 to 26 May 2000, the International Conference on War-affected Children held in Winnipeg, Canada, from 10 to 17 September 2000, the Arab-African Finance Ministers Conference held in Marrakech, Morocco, from 21 to 23 May 2001, the Pan-African Forum for the Future of Africa's Children held in Cairo, Egypt, from 28 to 31 May 2002, and the Human Security Network meetings held in 2002 and 2003.

*During 2001, the Netherlands Red Cross actively participated in the Dutch NGO Platform "United Nations Special Session on Children", which aimed to raise awareness for the United Nations Special Session on Children held in New York from 8 to 10 May 2002. The National Society underlined the importance of the protection of children in armed conflict. In this connection, a public national debate was organized on children and war.*

### **B. Children living in difficult circumstances**

Children are usually seen as particularly vulnerable people and thus deserving of special treatment: 12 States and 33 National Societies carried out specific programmes for children living in difficult circumstances, including street children, orphans, young immigrants, disabled children, children living in families in difficulty, child soldiers and the victims of abuse.

Most of the actions taken to help those children concerned their education (two States, 13 National Societies) and comprised the provision of material, classes or skills development. Much was also done to satisfy basic primary needs: food and clothes were distributed, health care provided (one State, 12 National Societies) and psychological and material support given by many shelters and counselling services (one State, 10 National Societies).

Seven National Societies also organized summer camps and cultural events and two were involved in tracing activities. Four States helped children in difficult circumstances by making donations to international organizations such as UNICEF or to NGOs. Four States and three National Societies mentioned structures and programmes to prevent and punish sexual abuse and exploitation, notably by humanitarian personnel.

### *Street children*

Forty-two National Societies and nine States reported on the issue of street children.

*The Bulgarian Red Cross runs six social institutions for street children. Three of them are homes where the children can stay for up to six months and receive food, clothes, medical care, school material and consultations; the three others are day centres. The Russian Red Cross opened orphanages for street children in Moscow and St Petersburg and runs its own boarding school. The Ghana Red Cross runs a night shelter project for girl street children to protect them from rape and loss of their personal valuables. The Pakistan Red Crescent provided free Hepatitis-B inoculations to street children and admitted them to free consultations in its health outlets in urban slums.*

Almost half of these National Societies organized assistance and support programmes for street children. The programmes included social and psycho-social care, day and/or night

care and shelter, health care, monitoring in the streets, summer camps, lectures on safe sex and drug risks, and the distribution of food, clothes and items of personal hygiene. Nine National Societies and four States were involved in assistance projects for street children, in cooperation with sister National Societies and/or other States.

Some States stressed the importance of preventing, treating and punishing child abuse. This issue covers a larger area than just street children, but child abuse may push the victims into the streets. Spain spoke of its programme to alleviate the problem *inter alia* by increasing public awareness of it, developing detection mechanisms and providing assistance and protection to the children.

Several National Societies and two States reported that they had set up re-socialization and rehabilitation programmes for street children.

*The Government of Mauritius recruited and trained fifteen street educators to provide guidance and advice to street children with a view to bringing them back into the mainstream. In cooperation with the Belgian Red Cross in Kinshasa, the Red Cross of the Democratic Republic of the Congo trains street children, especially girls, to become tailors. The Egyptian Red Crescent holds literacy classes. The Mongolian Red Cross organizes educational programmes for street children. Lastly, the Nigerian Red Cross, working in cooperation with the ICRC, proposes an alternative to violence in a programme called "Area Boys" that is intended to rehabilitate street boys.*

The Polish Red Cross drew attention to the fact that the problem of street children can be identified and dealt with at an earlier stage. Indeed, in Poland the problem concerns essentially the children of abandoned, destitute, poverty-stricken or unemployed families. Work to prevent children from being abandoned and assistance and support for vulnerable families play a vital role. Ten National Societies, six of which are Central or Eastern European, provided support for families and children in the form of shelters, family counselling and/or summer camps and day-care centres.

*The Colombian Red Cross runs a project aimed at preventing children from being forced to leave*

*their homes. The Hungarian Red Cross runs five "Mother and Child" shelters providing temporary accommodation for mothers with young children in situations of crisis. It also opened a family shelter, in an effort to keep families together. The Polish Red Cross carries out welfare programmes, including providing meals and summer camps, for children from abandoned, destitute, poverty-stricken or unemployed families.*

### **3. Workshop at the 28th International Conference on "Children and armed conflict: protecting and rebuilding young lives"**

The workshop was organized by the Human Security Network<sup>5</sup> in cooperation with the Canadian Red Cross and chaired by Georg Mautner-Markhof, Director – Human Rights and IHL, Austrian ministry of foreign affairs. The following experts gave presentations: Sylvia Ladame, Policy Adviser on Children in War, ICRC; Eric Laroche, Deputy Director, Office of Emergency Programmes, UNICEF; Judie Fairholm, Canadian Red Cross; and Anica Mikus-Kos, Director, Slovenian Child Rehabilitation Centre TOGETHER. More than 100 people participated.

The aim of the workshop was to identify new challenges and opportunities for the Movement and States party to the Geneva Conventions in enhancing the protection and rehabilitation of children in armed conflicts, including more streamlined and better coordinated action by the humanitarian community.

Children belong to the most vulnerable groups in our societies, particularly in wartime. While the last decade has seen remarkable progress in the development of legal instruments pertaining to the protection of children, more specifically the Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict, much remains to be done when it comes to the systematic implementation of these standards.

The ensuing discussion centred on the achievements and limitations in effectively addressing child protection issues. Participants pointed to the need for solid knowledge-transfer and accountability. This entails training on child rights at headquarters level and in the field. It was underlined, however, that the international community is lacking a global strategy for training. International humanitarian organizations self-critically stressed the need for a more comprehensive strategy for staff selection and training. Codes of conduct have to be developed, if not already existent, and observed.

Humanitarian work and a rights-based approach are complementary. It was pointed out that for humanitarian organizations to report on and monitor child rights violations as witnesses is an extremely complex task and that their ability to do so is clearly limited in situations of armed conflict.

The panellists and participants agreed that for any rehabilitation programme to be successful the local communities have to be closely involved and the (often necessary) expertise of expatriates should be limited to the initial phase. The overall aim is to achieve sustainability by involving local communities and building their capacity through participation.

A sensitive issue discussed was how the international community should create disincentives for using/recruiting children in situations of armed conflicts. Reasons were given as to why adolescents volunteer for armed groups: war, poverty, lack of education and jobs, and violence in the family. The problems stemming from statelessness were also mentioned.

Finally, the importance of technical assistance for the development of national legislation pertaining to the protection of children was discussed (ICRC, ILO, OHCJR, SRSG-CAAC, UNICEF, etc.).

**For more information, visit the ICRC website: [www.icrc.org/eng/conf28](http://www.icrc.org/eng/conf28)**

June 2004

<sup>5</sup> Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Slovenia, Switzerland, Thailand and South Africa as an observer.