



CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS



ICRC



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RECRUITMENT OF CHILDREN

Children who are exposed to war and trapped in war zones, whose families are torn apart, can be drawn into the fighting and may have to witness or be forced to perpetrate atrocities, sometimes against their own families. The result can be a shattered childhood and scarring for life.

The International Committee of the Red Cross (ICRC) acts impartially to assist all victims of armed conflict and other situations of violence solely on the basis of need. Children benefit from particular attention. With regard to children associated with armed forces or armed groups, we work in each of the following stages of their involvement in conflict:

- before and during a conflict, to prevent the recruitment of children into armed forces or armed groups (in part by promoting the ratification of applicable treaties and the adoption of relevant legislation), to seek the release of children recruited (by armed forces or armed groups) and to protect children detained in relation to the conflict;
- during and after a conflict, to provide support for the reintegration of children formerly associated with armed forces or armed groups;
- at any time, to reunite children with their families.



“A ‘child associated with an armed force or armed group’ refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.”

(Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007. This definition is also used by the ICRC)

Every child has the right to a normal childhood, and the right to develop his or her human potential.

Yet, in wartime, children are victims of, witness to and participants in atrocities. They may themselves be imprisoned, wounded or killed, or separated from their families in some other way. They are often forced to flee.

In spite of the global effort to end recruitment of children and to prevent their participation in hostilities, armed forces or armed groups continue to enlist or conscript children, putting them at great risk and depriving them of some of their most basic rights.

There are various factors that contribute to child recruitment. While some children actively seek involvement in armed groups or armed forces, others are brutally abducted and forced to serve as soldiers or to carry out support tasks.



ADVERSE SOCIAL CONDITIONS: THE RISKS FOR CHILDREN

In many countries at war, prevailing social conditions – street violence, extreme poverty, the absence of support structures – increase the likelihood of children being recruited into armed forces or armed groups. Children who are without their parents, as a result of death or displacement, are more vulnerable than those living with their families, and at greater risk of recruitment into armed forces or armed groups. Cut off from a

familiar environment, they are often full of uncertainty, about their future and the whereabouts of their loved ones. In these circumstances, joining armed forces or armed groups may be one way of acquiring some sort of protection and social status; it may also be seen as a means of survival.

Some children may join an armed group to fight for a cause or to be among their peers. Others are forcibly abducted from their families.

“... a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

(Convention on the Rights of the Child, Article 1)



FORCED RECRUITMENT

Forced recruitment of children into armed forces or armed groups, or the threat of it, is often a means of terrorizing and blackmailing civilians.

Children are often used for purposes other than direct participation in hostilities; they can be used as domestic servants, sexual slaves, etc. This is why the widely used term “child soldiers” is often regarded as being too restrictive.

Whatever the circumstances, this is abuse and puts the children in question at terrible risk, even though for many of them, joining the armed forces or an armed group might be something they choose to do themselves and, as they see it, the best option available. Children associated with armed forces or armed groups are, more often than not, deprived of a family, an education and other things that would permit them to develop, have a childhood, and prepare for adulthood.

Children are recruited into armed forces or armed groups because they are seen as being easily manipulated, not fully aware of the dangers involved, and having comparatively undeveloped notions of right and wrong. In some instances, they have been armed with lethal weapons or plied with alcohol and drugs to incite them to violence and fearlessness or forced to become dependent on the group that has recruited them. Unable or too fearful to find a way out, these children have sometimes become “loose cannons”, a danger to themselves and others. However, children associated with armed forces or armed groups suffer physically, psychologically and socially: the effects of their involvement in conflict often persist long after the fighting has stopped.

It is difficult to estimate accurately the number of children associated with armed forces or armed groups throughout the world. However, we can say with certainty that many tens of thousands are currently involved. Hundreds of thousands have suffered the same fate during the last decade or so.



ENSURING COMPLIANCE WITH THE LAW

The ICRC is the guardian of international humanitarian law, and we work to spread knowledge and understanding of this body of law. Another aspect of our role in this regard is to develop humanitarian law as needed. We encourage States to comply with their treaty obligations to do likewise and we support the promotional work of National Red Cross and Red Crescent Societies (National Societies).

The law is effective only if complied with. States party to the Geneva Conventions are required to respect and ensure respect for humanitarian law. We remind States and armed groups of their obligations and seek to ensure that those who fail to comply with humanitarian law realize that they are obliged to do otherwise. While training armed forces in humanitarian law, we emphasize obligations related to the protection and welfare of children.

Our Advisory Service stands ready to help States draw up domestic laws to implement humanitarian law and to provide support in enforcing the Convention on the Rights of the Child (Article 38) and its Optional Protocol on the involvement of children in armed conflict.

In 2011, we produced a document entitled *Guiding Principles for the Domestic Implementation of a Comprehensive System of Protection for Children Associated with Armed Forces or Armed Groups*. This suggests concrete measures for effective domestic implementation of the international rules protecting children affected by armed conflict.

**NON ! NE ME TUEZ PAS, J'AI
DROIT A LA VIE**



P. Moore/ICRC

LEGAL FRAMEWORK

Protocol I of 8 June 1977 additional to the Geneva Conventions (Additional Protocol I), which governs international armed conflict, provides that:

“The Parties to the conflict shall 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 shall endeavour to give priority to those who are oldest” (Article 77(2)).

Protocol II of 8 June 1977 additional to the Geneva Conventions (Additional Protocol II), which governs non-international armed conflict, provides that:

“Children who have not attained the age of fifteen years shall neither be recruited in the

The title of the drawing reads:
NO! DO NOT KILL ME. I HAVE A RIGHT TO LIVE

armed forces or groups nor allowed to take part in hostilities” (Article 4(3)(c)).

Customary humanitarian law also provides that children must not be recruited into armed forces or armed groups and must not be allowed to take part in hostilities (Rules 136 and 137 of the ICRC’s study on customary humanitarian law).

The Convention on the Rights of the Child requires States Parties to:

- “take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities” (Article 38(2)); and
- “refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest” (Article 38(3)).

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict requires States Parties to:

- “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);
- “ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces” (Article 2); and
- “raise the minimum age for the voluntary recruitment of persons into their national armed forces [from 15], recognizing that under the Convention persons under the age of 18 years are entitled to special protection” (Article 3(1)).

The Optional Protocol also provides that:

- “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”; and
- “States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices” (Article 4(1) and (2)).

Under the Statute of the International Criminal Court, conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities is a war crime, in both international and non-international armed conflicts (Article 8).

ILO Convention No. 182, on the worst forms of child labour, also requires States Parties to take immediate and effective measures to secure the prohibition and elimination of such practices as a matter of urgency. For the purposes of the Convention, the worst forms of child labour are “all forms of slavery or practices similar to slavery”, such as “forced or compulsory recruitment of children for use in armed conflict” (Article 3(a)).

The Paris Commitments and the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, both key instruments of “soft law”, set out detailed guidelines for preventing the unlawful recruitment and use of children by armed forces or armed groups, for facilitating the release and reintegration of children associated with such forces or groups, and for ensuring the most protective environment for all children. They complement the legal and political mechanisms already in place.



CHILDREN IN DETENTION

Hundreds, if not thousands of children are deprived of their liberty every year for their alleged participation in hostilities. This can expose them to even greater risk and can have consequences, lasting and damaging, for their future development.

In international armed conflicts, children with prisoner-of-war status benefit from the protection of the Third Geneva Convention and Additional Protocol I and cannot be prosecuted for taking part in hostilities. Prisoners of war are usually members of the armed forces of one of the parties to an international armed conflict who fall into the hands of the adverse party. The Third Geneva Convention also defines other categories of person who have the right to prisoner-of-war status or who may be treated as prisoners of war. In international armed conflicts, children may also be deprived of their liberty as civilian internees. In that case, they are entitled to the protection granted by the Fourth Geneva Convention and Additional Protocol I.

In non-international armed conflicts, protection is granted to children by Article 3 common to the four Geneva Conventions of 1949, by Additional Protocol II and by human rights law.

Children should be detained only as a last resort and for the shortest period necessary. When they are detained, special measures must be taken to protect them, regardless of the reason for their internment or detention. In their visits to children deprived of their liberty, ICRC delegates make every effort to ensure that the detaining authorities meet these requests:

- that detained children are housed separately from adult detainees, except where they are lodged with their families;
- that if not freed, and particularly in the event of prolonged detention, the child is transferred as soon as possible to some form of accommodation appropriate for minors;
- that the child has direct, regular and frequent contacts with his or her family;
- that the child is provided with food, hygiene and health care appropriate for its age;
- that the child can spend a large part of the day outdoors whenever possible;
- that the child can take part in educational and recreational activities.



CRIMINAL RESPONSIBILITY OF MINORS

Children who have been unlawfully recruited and who are accused of having committed domestic or international crimes during armed conflicts should be regarded primarily as victims, not only as perpetrators, and treated as such. Their treatment must accord with international law and with standards for juvenile justice. States must fix a minimum age for criminal responsibility, which should not be below 12 years at the absolute minimum. No child under the age of criminal responsibility must be prosecuted.

Criminal laws, procedures and institutions should be adapted to the specific needs of children.

When children are prosecuted for crimes under international or domestic law, allegedly committed while associated with armed forces or armed groups, they must be tried before independent and impartial judicial bodies and afforded all the judicial guarantees that are generally recognized as indispensable.

The purpose of any sentence that is handed down against these children should be to rehabilitate them and ease their reintegration into their communities. In cases where punishment is considered, life imprisonment without possibility of release should not be imposed. The imposition of the death penalty on children under 18 years of age is prohibited.



A. Gutman/ICRC

REUNITE, RETURN AND REINTEGRATE

Children who have experienced violence related to armed conflict may suffer deep physical, psychological and social wounds that can seem incurable. But proper care can help them recover.

They must be equipped with the means to rebuild their lives. Reuniting them with their families and reintegrating them in their communities must be given priority, taking into consideration their wishes and in accordance with their best interests.

Reunite

Humanitarian law provides that parties to a conflict must facilitate the reunion of families dispersed as a result of armed conflict.

The ICRC endeavours to keep families together and, when they are separated by conflict, to reunite them. We work to ensure the protection of children separated from their parents or caregivers by identifying them and placing them in the temporary custody of an adult who can care for them. We search for the children's families; and whenever possible, we restore and maintain

contact between children and their relatives until they can be reunited. Family reunifications are undertaken after assessing the child's best interests; the wishes of the child and of his or her family are always taken into account.

Return and reintegrate

Children must be demobilized and reintegrated into their societies both during and after war.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict specifically requires governments to take measures to demobilize and rehabilitate children formerly associated with armed forces or armed groups and to reintegrate them into society. The Paris Principles and Commitments also promote reintegration programmes regardless of whether a formal process for disarmament, demobilization and reintegration exists.

This is crucial for rebuilding societies torn apart by violence. The needs of children must be given particular attention in peace agreements.



P. Moore/ICRC



P. Moore/ICRC

It is essential to provide measures for proper reintegration while taking into account the social, psychological and medical difficulties that the process might involve.

It must be recognized that many communities are already living from hand to mouth. Reintegration programmes for children should be incorporated in the support provided to communities and should facilitate local and national reconciliation and reconstruction. Particular attention must be paid to the return and reintegration of girls.

Their past cannot be changed, but their future can.

Ideally, children formerly associated with armed forces or armed groups should be reintroduced into an educational system or helped to develop skills through vocational training.

However, these children may project an image of violence and fear that can make it difficult for their families and communities to accept them when they return. The priority will always be to work with the communities to break down this fear and to facilitate acceptance and reintegration. However, sometimes the scars may be

deep, and suitable alternatives will have to be found. Reintegrating children into their families and communities is a delicate task and must be carried out with sensitivity, taking into account the prevailing cultural and social attitudes.

Demobilizing and reintegrating children are among the central concerns of the International Red Cross and Red Crescent Movement. The ICRC works with the International Federation of Red Cross and Red Crescent Societies (International Federation), National Societies and other humanitarian organizations to develop effective reintegration measures adapted to local conditions. National Societies are particularly well placed to work on reintegration programmes because of their knowledge of the local context, their proximity to the children, as well as to their families and communities and, most importantly, because of the long-term perspectives of reintegration programmes: the National Society was there before the conflict and will be there after it.

Such programmes have been undertaken, for instance, in Sierra Leone, Liberia, the Democratic Republic of the Congo and Uganda.



INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

In 1995, the Council of Delegates – a body where representatives of the ICRC, the International Federation and National Societies meet to discuss matters that concern the Movement as a whole – endorsed the Plan of Action Concerning Children in Armed Conflict. This document seeks to promote the principle of non-recruitment and non-participation in armed conflict of persons under the age of 18 and to foster action to protect and assist child victims of conflict. All the components of the Movement also committed themselves, through resolutions of the Council of Delegates, to working for the welfare and the well-being of children affected by armed conflict.

The International Conference of the Red Cross and Red Crescent, made up of representatives of the Movement and of States party to the Geneva Conventions, has also undertaken to improve the situation of children caught up in armed conflict. Its four-year action plan for implementing humanitarian law adopted in 2011, proposes concrete measures related to preventing the recruitment of children into armed forces or armed groups, protecting the provision of education during armed conflict, rehabilitating children affected by armed conflict, and juvenile justice.

The progress report of the four-year action plan presented in 2015, outlines the measures taken and the progress achieved by States and National Societies, as well as the initiatives and activities of the ICRC to implement humanitarian law and thereby enhance the protection of children in armed conflict. It is vital to work towards better solutions so that children do not pay the price of having to fight adults' wars.

Those who recruit children for their armed forces or armed groups must be made aware that they are the ones who bear responsibility, for breaking the law by recruiting children and, in large part, for what children may do as soldiers.

Children's vulnerability to recruitment into armed forces or armed groups must be reduced by improving their living conditions. This means running programmes for vulnerable children, ensuring a stable family environment for them and, if they have been separated from their families, reuniting them with their relatives.

All children who have been recruited, in violation of the law, must be demobilized and helped to find their families. Children formerly associated with armed forces or armed groups must be helped to pick up the pieces of their shattered childhood and to move on towards a brighter future, free from fear, threats and violence.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



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