

*In its Plan of Action for the years 2000-2003, the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999) stressed the urgent necessity to strengthen the protection of children in armed conflict. With the following text the ICRC intends to give some information on problems encountered and on action taken.*

## **Children and 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, like women and the elderly, 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.

### **Protecting child victims of armed conflict is one of the ICRC's priorities**

A large number of ICRC statements refer to protecting children affected by armed conflicts. Addressing the 55th session of the General Assembly of the United Nations, the ICRC said that it "hopes that the special session of the General Assembly in 2001 for the follow-up to the World Summit for Children will prompt States to make firm and tangible commitments in this regard. It wishes to reiterate here its resolve and its readiness to cooperate in this task with States, international organizations and other humanitarian agencies."

### **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.

### **What about child soldiers?**

The number of children recruited into armed groups either voluntarily or by force is today increasing steadily despite international humanitarian law, which stipulates 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” (Additional Protocol I, Article 77[2]).

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.

Protocol II additional to the Geneva Conventions (Article 4[3d]), which is more stringent than Protocol I and applies to non-international armed conflicts, states that child soldiers younger than 15 years of age who are captured by the enemy continue to enjoy the special protection granted to children by international humanitarian law. Implementing rules that grant children special protection is a collective moral responsibility for the States party to the Geneva Conventions who must not only themselves respect the rules of that law but also ensure compliance on the part of other States.

### ICRC contributions to developing the law

The Geneva Conventions and their Additional Protocols give great prominence to the protection of children, both through provisions for the civilian population as a whole and provisions devoted specifically to children. The ICRC has helped draft other treaties that furnish similar protection, in particular the *Convention on the Rights of the Child* (Article 38) and its *Optional Protocol* on the involvement of children in armed conflict, the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction* (“Ottawa Treaty”) and the *Statute of the International Criminal Court*, Article 8 of which makes the recruitment of children under the age of 15 years a war crime.

The Convention on the Rights of the Child defines a child in general terms as any person below the age of 18 years. When it was adopted in 1989 it made 15 the minimum age for recruitment during hostilities. The various provisions of its *Optional Protocol* of 2000 partially remedy this anomaly by fixing 18 as the minimum age for direct participation in hostilities (Article 1) and prohibiting compulsory recruitment into the armed forces of persons who have not reached the age of 18 (Article 2), while at the same time requiring the States bound by the Protocol to raise the minimum age for voluntary

recruitment to 15 (Article 3). Armed groups that are distinct from the armed forces of a State are prohibited from recruiting or using in hostilities persons under the age of 18 years (Article 4). 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 a considerable advance, this Protocol is merely a first step toward eradicating the recruitment and participation in hostilities of child soldiers. The Protocol’s first 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. The second weakness is to be found in the requirement placed on governments regarding the direct participation of children in hostilities. (But what about indirect participation?) Finally, Article 3 of the Protocol, which requires that the age for voluntary recruitment be raised, does not apply to military academies.

Is it nonetheless possible to conclude that these various provisions are sufficient to look after the best interests of the child?

Despite the Protocol’s shortcomings, our efforts must be concentrated on bringing about the ratification and implementation of such treaties. The ICRC’s Advisory Service stands ready to help governments draw up national laws for the implementation of international humanitarian law and to support them regarding the Convention on the Rights of the Child (Article 38) and its Optional Protocol on the involvement of children in armed conflict.

As the guardian of international humanitarian law, the ICRC also has a responsibility for the development 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's 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 governments adopt preventive measures and work to promote widespread knowledge of international humanitarian law, they are helping cultivate genuine respect for children. Promoting adherence to humanitarian treaties is also part of this shared task.

**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 around 60 countries affected by armed conflict, in Africa, the Middle East, Asia, Latin 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's field activities.

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

- *protection* of unaccompanied 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 conditions of detention* (including the separation of children from adults and girls from boys, where possible reuniting them with detained family members) and efforts to bring about the release of children;
- *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 2000 the ICRC

- visited a total of 230,590 detainees in 65 countries, including 2,650 boys and girls under the age of 18;
- reunited 2,600 people with their families;
- collected 510,000 Red Cross messages and delivered 480,000.

### 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:

- promoting the principle of non-recruitment and non-participation in armed conflict of persons under the age of 18 years;
- 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:

- Resolution 2(C.d) of the 26th International Conference, held in Geneva in December 1995, "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";
- Resolution 2(C.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”;

- Resolutions 8 and 9 of the 1999 Council of Delegates.

At the 27th International Conference (Geneva, 1999) a number of States party to the Geneva Conventions and the various components of the International Red Cross and Red Crescent Movement reiterated their support for this plan of action by announcing a series of specific measures in the form of pledges. The Conference adopted a plan of action confirming the commitments made by the States and the Movement with a view to improving the situation of children caught up in armed conflict.

### **The four Geneva Conventions and their 50th anniversary**

The aim of international humanitarian law is to limit, and if possible prevent, human suffering in connection with armed conflict. The essential rules of this law are contained in the four Geneva Conventions of 1949 and their Additional Protocols, by which almost all the countries of the world are today bound. As the guardian of international humanitarian law, the ICRC seeks to ensure that those who fail to comply with it — either knowingly or unknowingly — realize that they are obliged to do so. Indeed, as pointed out above, the States bound by the Geneva Conventions are required to respect and to *ensure respect for* that law, as set out in Article 1 common to the four Geneva Conventions.

In 1999, the ICRC sought to find the most appropriate way of marking the 50th anniversary of the Geneva Conventions. The idea was put forward to conduct a wide-ranging opinion poll among both combatants and those affected by the wars they wage. The aim was to ask ‘ordinary’ people directly affected by war what the slogan “Even war has limits” meant to them.

The duty to obey orders and problems caused by alcohol and drug abuse were frequently cited, together with the young age of the combatants, to explain the huge gap between the law governing conflict and the reality of war. Those questioned described the experience of being recruited and participating as children in hostilities: children’s

lack of maturity, which allows them to act without realizing what they are doing, and the indelible and generally irreparable trauma which persists long after the fighting has stopped. An Afghan teacher spoke of a “Kalashnikov culture”; a Somali civilian said that the only language children understood these days was the language of bloodshed; a Somali soldier said that child soldiers were victims but also more than victims since they often used excessive force, sometimes firing on people for no reason at all, and failed to realize the effects of what they did, of the suffering they caused.

### 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. In the meantime, all efforts must be focused on ensuring respect for existing international humanitarian law, that is to say stringent compliance with the age limit of 15 years, below which no child should take up arms.

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.

**INTERNATIONAL COMMITTEE OF THE RED CROSS**