

## Shielding Innocence: An Analytical Exploration of Safeguarding the Children in Conflict Zones under International Humanitarian Law



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### ABSTRACT

Children are exposed to violent, exploitative, and harmful forms of maltreatment. It happens everywhere, including in homes and schools, which are supposed to be the safest places for children. There are three different forms of child abuse: sexual, emotional, and physical. It happens often that Children endure suffering at the hands of those they can rely on. Under humanitarian grounds, children are especially susceptible. Children can be forced to leave their houses due to war situations, natural disasters, or other calamities; some may suffer abuse and exploitation during this time. There could be injury and perhaps death. All people, but notably women and girls, are seriously threatened by gender-based violence. On a global scale, unfavourable cultural practices are a major source of concern. Though child marriage and female genital mutilation are recognized as international crimes against human rights, hundreds of millions of girls have been victims of both. Every child has the right to be shielded from abuse, violence, and exploitation regardless of the situation. From the moment of birth, child protection systems provide children with access to fair legal systems and essential social services. In this research paper author tries to analyze the security and shielding of children under International Humanitarian law. By conducting a comprehensive legal framework analysis of child rights under international humanitarian law, valuable insights are provided into the protections afforded to children in situations of armed conflict.

**Keywords:** International Humanitarian Law, The International Committee of the Red Cross, Geneva Convention, Optional Protocols, Committee on Child Rights, United Nations.

### 1. Introduction

Children's legal protection was inserted to the International Humanitarian Law (hereinafter "IHL") after World War II. Experience gained from the struggle had demonstrated the pressing necessity for a piece of public international law to be developed to protect civilians during armed conflicts. On 12 August 1949, *IV Geneva Convention relative to the protection of Civilian persons in the time of war* (hereinafter "GCIV") was adopted because of the efforts of the International Committee of the Red Cross (hereinafter "ICRC"), which addresses the issue of civilian protection during times of war.<sup>1</sup>

Children then have the right to benefit from that Convention's provisions as members of the civil population. The 1949 Diplomatic Conference also

resulted in the GCIV 1949, which include the first international humanitarian law guidelines governing war conflicts excluding a global scope. In this instance, once again protection was given to children, as 'persons taking no active part in the hostilities.' (Article 3)

After the World War II, new types of conflicts have become apparent to the world community. Warfare tactics and equipment have advanced significantly. There are more conflicts between regular armed forces and irregular militants. Losses among civilians, particularly children, are significantly more severe in contemporary combat. In 1977, the two Protocols that are in addition to the GCIV were adopted at the conclusion of this Conference. It greatly improves security of civil population, which in turn improves the safety and security of children.

<sup>1</sup> IV Geneva Convention relative to the protection of Civilian persons in the time of war (adopted on 12 August 1949, available at:

[https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf) (Visited on June 14, 2024).

The GCIV's provisions are reinforced and extended in non-international war situations in the newly drafted paragraphs of both Protocols I and II.<sup>2</sup>

As a forum for war victims, the ICRC has always given specific emphasis to children's suffering. It has assisted in the drafting of laws protecting them and conducted activities in countries impacted by violence to minimize their suffering, especially after World War II.

## 2. Impact of Armed Conflict on Children

Extreme problems for children in conflict areas include psychological anguish and physical assault. Violations continue despite international legal frameworks such as the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and the United Nations Convention on the Rights of the Child (UNCRC). Stronger safeguards are desperately needed, as evidenced by the recent crises in Yemen, Sudan, Gaza, and Ukraine.

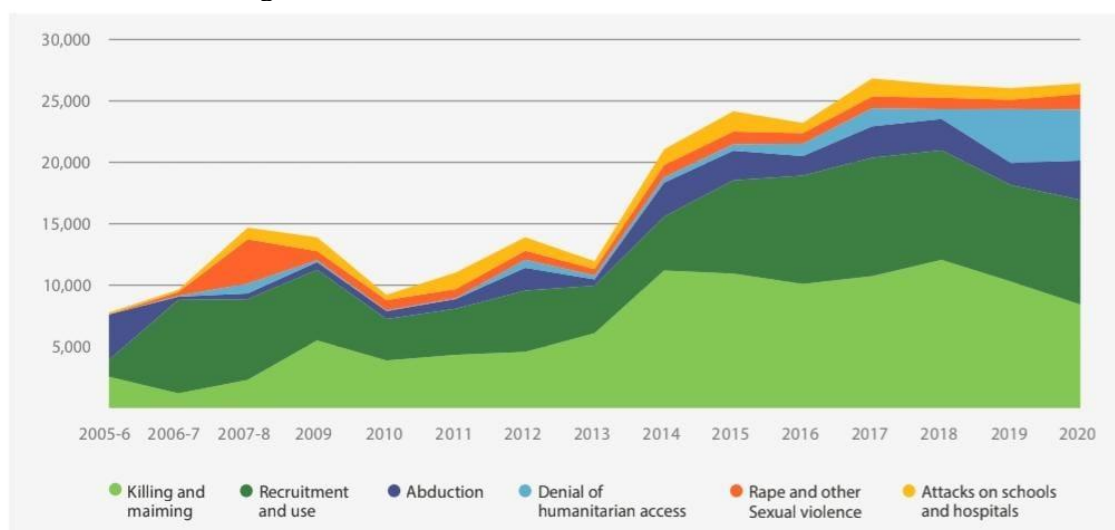
Children are still being coerced by armed organizations to serve as human shields, messengers, or soldiers. Thousands of children are

recruited into militias and pushed into battle in places like Myanmar and the Democratic Republic of Congo. Despite being against international humanitarian law, the use of child soldiers is nonetheless common since enforcement measures are ineffective.

Healthcare and education are frequently the first things to suffer during a conflict. The UN confirmed 1,163 attacks on hospitals and schools in conflict areas in 2023. Children become much more vulnerable when infrastructure is destroyed since they are unable to receive basic medical care and education.

Due to their exposure to violence, children in conflict zones experience PTSD, anxiety, and sadness. As observed in areas afflicted by violence, such as Yemen and Afghanistan, many are also susceptible to human trafficking and sexual exploitation. To protect the rights of children in crisis areas, these issues highlight the urgent need for international action, stricter enforcement of current legislation, and increased humanitarian aid.

## Global Violation of Child Rights<sup>3</sup>



## 2. Evolution of Child Protection Provisions within IHL

The evolution of child protection provisions within IHL reflects a growing consciousness of the children's vulnerability in war conflicts and the need to afford them special safeguards. The roots of child safety in armed conflicts can be recalled from the Hague Conventions of 1899 and 1907, which established

the first legal framework for the conduct of warfare. While these conventions primarily revolved on controlling the means and methods of war times, and included provisions aimed at protecting civilians, including children, from the consequences of war situations. The modern framework for the security of civilians, including children, in wartimes emerged with the GCIV of 1949. These conventions

<sup>2</sup> UNICEF for every child "Child Protection" available at: <https://www.unicef.org/child-protection> (Visited on June 13, 2024).

<sup>3</sup> In accordance with resolution 1612(2005), the Secretary-General's first three reports addressed various reporting periods: November 2005 to

September 2006 in the first report, October 2006 to August 2007 in the second, and September 2007 to December 2008 in the third. Starting in 2009, the Secretary-General's annual reports covered the period from January 1 to December 31.

established fundamental principles of IHL, including the distinction between combatants and non-combatants, the prohibition of attacks on civilians, and the obligation to provide humane treatment to all persons including children.

The two Additional Protocols of the year 1977 of the GC strengthened the protection of children during wars. Protocol I expanded the scope of protection for civilians by introducing the principle of distinction between civilian objects and military objectives, while Protocol II specifically addressed the protection of civilians, including children, in non-international armed conflicts.<sup>4</sup>

Convention on the Rights of the Child (hereinafter 'CRC'): The adoption of the CRC by the United Nations General Assembly in 1989 marked a significant milestone in the evolution of child protection provisions within international law. The CRC recognized the inherent dignity and rights of all children and established a comprehensive framework for promoting and protecting these rights, including in situations of armed conflict.

The Optional Protocol on the Involvement of Children in Armed Conflict, adopted in 2000, strengthened the protection of children from recruitment and use as child soldiers. In 2000, The Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography was adopted, and it addressed additional forms of exploitation and abuse of children during wars.<sup>5</sup>

In addition to these instruments, customary international law has also evolved to recognize and secure the rights of children during wars. Customary norms, based on state practice, reinforce key principles of IHL related to the security of civilians, including children after war effects.

Overall, evolution of child protection provisions within international humanitarian law reflects a growing recognition of the unique vulnerabilities faced by children in armed conflicts and the need for robust legal frameworks to ensure their protection and well-being. Despite these advances, challenges remain in effectively implementing and enforcing these provisions in conflict-affected contexts, underscoring the ongoing importance of research, advocacy, and action in this area.

### 3. Legal Framework Analysis

The legal framework for child rights under IHL involves examining various international treaties, conventions, protocols, and customary principles that collectively establish the rights of children during war.

#### 3.1 The Geneva Conventions and their Additional Protocols

Children are generally protected under IHL as noncombatants and are given additional protection as are those who are particularly vulnerable. There are many provisions related to child rights within the four GCIV of 1949 and their Additional Protocols of 1977. These treaties establish fundamental principles of IHL and outline the rights and protections afforded to civilians, including children, during armed conflicts. Key provisions include:

##### 3.1.1 General Protection of Children

During international armed conflicts children are covered by the GCIV, regarding the security of people during times of war. Therefore, the provisions pertaining to the security of public, that establish the fundamental principles of humane treatment and forbid, among other things, coercion, corporal punishment, tort, collective penalties, and retaliation, are especially beneficial to them. These provisions also respect life and personal liberty including physical and moral integrity.<sup>6</sup>

Since child is a member of the civil population, they are secured by the laws of IHL on the conduct of hostilities. These rules are specified in Protocol I of 1977, that prohibits attacks on civil population and specifies the standards to differentiate between civilians and combatants.

During non-international armed conflicts, minors are entitled to the fundamental protections provided in the four Geneva Conventions for anyone who is not actively participating in hostilities. This article argues that amid these often-violent confrontations, children at least have a right to humane treatment. It is unacceptable to use violence against someone's life, person, or dignity (Article 3).

The principles that state that the civil people as a whole and specific person should not be the target of attack are further codified in Protocol II of 1977.<sup>7</sup>

<sup>4</sup> ICRC, International Humanitarian Law Databases, Customary IHL available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/in> (last accessed on 1st May, 2024).

<sup>5</sup> United Nations, United Nations Human Rights Office of The High Commissioner, Conventions on the Rights of Child, available at <https://www.ohchr.org/en/instruments->

[mechanisms/instruments/convention-rights-child](#) (last assessed on 1st May, 2024).

<sup>6</sup> *supra* note 1.

<sup>7</sup> ICRC, "Protocols I and II additional to the Geneva Conventions 01-01-2009" available at: <https://www.icrc.org/en/doc/resources/document/s/misc/additional-protocols-1977.htm> (Visited on June 15, 2024).

### 3.1.2 Special Protection of Children

There are various child-friendly measures in the GCIV. They demonstrate that the idea that children should be protected from war was held even in 1949. However, nowhere in that Convention is the guiding idea for the laws pertaining to minors specified.

This is covered under Protocol I, Article 77, as 'Children shall be the object of special respect and shall be protected against any form of indecent assault.' Children must therefore get extra protection during international military operations, as stated expressly.

Protocol II contains a similar provision for armed conflicts that are not international. Article 4 "Fundamental guarantees" part is dedicated exclusively to children, which says 'Children shall be given the care and assistance they require.' It enumerates the specific safety measures for kids, highlighting the importance of the previously stated broad recommendation. We can claim that this thought of specific security for children during non-international armed conflicts is affirmed because of the way Article 4 is organized.

### 3.1.3 Protection against the effects of hostilities

For the purposes of Protocol I, infants are considered "wounded" (Article 8(a)). As per the GCIV, civilians who are eligible to be entertained in hospitals or safety zones include mothers of children under seven and children under the age of fifteen (Article 41). Children and pregnant women also fall within the Fourth Convention's definition of civilians who need to be rescued from besieged or ringed places (Article 17). If it becomes necessary for children's protection for compelling reasons, Protocol I permits their temporary evacuation, but only under the most stringent circumstances (Article 78).

### 3.1.4 Right to Care and aid

Protocol I mandates that parties to an international armed conflict must care for and assist children. The Geneva Convention IV includes provisions that particularly address the matter of child protection and their needs.

Considering it, each High Contracting Party is required under Article 23 to permit the free passage of relief for pregnancy situations and children under the age of fifteen. The appropriate operation of institutions responsible for caring for children in occupied territory must be facilitated by an occupying power (Article 50). According to Article 81 of the GCIV, parties to a conflict must take care of the dependents of internees if they lack enough resources or are unable to support themselves. According to their physiological demands, parties to a war must provide imprisoned nursing mothers and children with supplemental food (Article 89).

Children and pregnancy situations, among others, should receive priority in the delivery of aid consignments under Protocol I (Article 70, 1). Finally, Article 78 provides for the evacuation of children temporarily (if medical care necessitates it). As was already established, Protocol II establishes a child's right to care for and assistance in non-international armed situations (Article 4, paragraph 3).

### 3.1.5 The child and his family

The results of UNESCO research on children and warfare give weight to the rules of IHL that seek to preserve family unity during war situations. As a result, when we examine the psychological suffering of a war victim's child, we find that the emotional damage caused by bombings and military operations is not what has affected the child's sense of adventure, destruction, or movement in the face of extreme danger; rather, the child is unaware of his danger if he has a protector nearby who, to him, personifies security and if, at the same time, he can hold some kind of comfort.

Protocol I, Article 74, states that parties to a conflict and High Contracting Parties have a general duty to assist in the reunion of families that have been divided because of war situations.

The GCIV states that incarcerated family members must, whenever possible, be housed on the same property as other internees and be given opportunity to lead respectable lives as a family (Article 82). When their children are left alone at home, internees have the option of asking to be imprisoned alongside them. Whenever possible, families that are arrested, detained, or imprisoned under Protocol I must be placed together (Article 75).

A need to keep mothers and children together also led to the Protocol I regulations on mothers (arrested, interned, or detained) bearing newborns. Their claims must be given top priority. The parties to the dispute must make every effort to prevent these women from receiving the death sentence; but, if they do, the sentence will not be carried out (Article 76).

Article 78 of Protocol I, when children were temporarily evacuated, the safeguarding of family relations was considered. There are incredibly severe requirements for such an evacuation. The agreement of the parents, guardians, or anyone who is legally or traditionally in charge of the children's care is necessary. In addition, all required measures must be done to monitor evacuated minors.

The GCIV declares the 'principle of the inviolability of the child's personal status', which means that an occupying authority cannot interfere with the personal status or family of a child (Article 50). Family protection is also addressed by the GCIV, as it



prohibits an Occupying Power from using protected individuals younger than eighteen for labour (Article 51).

As per the provisions of GCIV, all parties involved in a conflict have an obligation to make every effort to enable the identification of all minors under the age of twelve (Article 24). Article 50 requires an occupying authority to set up a special section within its information bureau for protected persons, whose job it is to identify children whose identity is under suspicion and to make it easier for children to be identified and their parentage registered.

Furthermore, it is acknowledged by Article 25 of the Geneva Convention IV, the right to notify family members by all and of their whereabouts when they are in an area that is under conflict. The framework of the GC and the duties bestowed upon the "Central Tracing Agency" by those conventions enable family to have information on their children who are under the custody of a party to a conflict and vice versa (Article 136).

Protocol II stipulates that all actions must be taken to promote the reunion of families that have been temporarily split apart in non-international armed conflicts (Article 4, 3b). According to Article 4,3(e), children may only be evacuated with "the consent of their parents or persons who, by law or custom, are primarily responsible for their care." Article 6, Section 4 prohibits the execution of mothers of young children.

### 3.1.6 Child and Cultural Environment

A youngster benefits from the cultural context to which he is accustomed while still living with his family. A child's family is protected by international humanitarian law, and his upbringing's values, beliefs, and customs are likewise upheld. If a child loses their parents or is removed from them, the conflict could affect their cultural surroundings. As per the provisions of IHL pertaining to the children, GCIV and Protocol I seem to have agreed with the notion that children should be safe and secure from an environment as close to their normal one during international armed conflicts.

As a result, the GCIV mandates that, to the greatest extent feasible, education for orphaned or separated from their family children under the age of fifteen 'be entrusted to persons of a similar cultural tradition' and that the conflicting parties need to make sure that these children can continue 'the exercise of their religion and their education.' Receiving such children in a country that is impartial should adhere to the regulations (Article 24). The occupying authority shall provide for the education and maintenance of any child whether orphaned or separated, 'if possible by persons of their own nationality, language, and religion', if the child 'cannot be adequately cared for by a near relative or

friend' (Article 50). The evacuation of children is governed by Protocol I, Article 78, which specifies that there should be as much continuity is feasible in the education of each child, including the religious and moral education that the child's parents wish.

### 3.1.7 Education

The GCIV mandates that the conflicting parties must make sure that children who are separated from their families and are under the age of fifteen can continue 'the exercise of their education and religion.' If such children are received in a country that is impartial, the same guidelines should be observed (Article 24). The occupying authority is required to make arrangements for a child's maintenance and education, 'if possible by persons of their own nationality, language, and religion,' if the child is orphaned or separated from their parents and "cannot be adequately cared for by a near relative or friend' (Article 50).

According to Protocol II, in non-international armed conflicts, children must receive an education, including a religious and moral education, in accordance with their parents' desires or, if the parents are not present, the wishes of the people in their charge (Article 4, 3(a)).

### 3.1.8 Personal Rights

Article 50 of the GCIV states that occupying authority may not effect a child's personal status. If his country is taken during a global war conflict, neither his civil status nor his nationality should be changed. The basic principles of human rights and respect for family laid down in Article 27 of the same Convention are supplemented by this provision with reference to children. In addition, according to Article 50, children cannot be recruited into organizations under the control of an occupying authority. It was done with THE intention to stop a repeat of the Second World War's mandatory mass enlistments, which resulted in minors being immediately accepted as members of movements and organisations that were primarily focused on political goals.

### 3.1.9 Respect of preferential treatment for children

While the GCIV, does not explicitly specify that children shall have special security, and its clauses do state that the preferential treatment that children have historically received under national laws shall be maintained during international war conflict. In fact, at the times of war, countries often enact laws that provide extra food, money for hospital treatment, social assistance, and protection from the effects of the conflict-all aimed at helping people who are particularly without defence and in need of special attention. Article 38 states that mothers of

children below seven years of age and nationals of the enemy under fifteen years old are entitled to any preferential treatment given to the same categories of nationals of the State in issue. Similarly, the Occupying authority must not impede the ongoing implementation of any pre-occupation preferential measures in these individuals' favour (Article 50).

### 3.1.10 Arrested, detained or interned Children

A party to an international armed conflict is permitted by international law to take actions regarding protected people that are intended to further its own security. In-patient care is one of these measures. Additionally, the Occupying authority has the power to bring charges against secured individuals for disobeying their own security-related orders as well as any State laws that are in the occupied territory. He may also face charges, as in times of peace, for breaking the law in the occupied region or for doing something that endangers the security of the occupying power. He may have enlisted in the military and been captured as a combatant, which would be against IHL. IHL makes specific provisions for children who are denied their freedom considering these circumstances.

Unless families are lodged as family units, children who are imprisoned under Protocol I must be held in separate places other than that of adults (Article 77). In contrast to Protocol I, which extends this accommodation to everyone who is under the authority of a conflicting Party (Article 75), the GCIV (Article 82) states the provisions for the housing of children with their detained parents.

According to the Geneva Convention IV, children and teenagers who have been interned are entitled to an education and have access to designated outdoor play areas (Article 94). It makes provisions for supplementary meals (Article 89). The Convention also promotes mothers with newborns and small children's release and return to housing or other locations within a neutral country (Article 132).

The GCIV states in Article 76 that sufficient consideration must be given to the special treatment owed to juveniles charged with violating the law that was in effect before to the occupation.

### 3.1.11 Death penalty and Children

The drafters of the GCIV and the Additional Protocols established the minimum age at which a person may be executed by hanging as eighteen. According to the Geneva Convention IV Commentary, Article 68(4) establishes minimum age as eighteen below which the death sentence cannot be applied, even in cases when rest of the essentials for the application of that penalty are fulfilled. It is comparable to similar provisions found in the penal codes of many other countries. Anyone under the age of 18 at the time of

the offense is not eligible to receive the death penalty for offenses related to international armed conflicts under Protocol I (Article 77, 5) and during non-international armed conflict Protocol II (Article 6, 4) forbids the same.

### 3.1.12 Orphaned or separated children

The articles pertaining to the child and his family as well as the child's cultural surroundings have already covered the preparations that the conflicting parties should make for children who are separated from their families because of armed conflict and are orphaned.

The GCIV gives cases involving orphaned or family-separated children top priority. The conflicting parties are obligated by Article 24 of the Geneva Conventions to guarantee the upbringing of minors below fifteen years who have been separated from their families due to hostilities, and to make sure that they are not left on their own. Article 24 provides for the acceptance of these children in such a State that is neutral. In the same way, the Occupying authority should take care of the education and maintenance of children who have been separated from their parents and are orphaned (Article 24).

### 3.1.13 Children taking part in hostilities

There are provisions in both Protocols that address a recent problem: youngsters taking part in hostilities. One result of the evolution of hostilities is the frequent mixing of civilians and combatants throughout conflicts. Children's involvement in hostilities in this setting is crucial to consider. It would not have been realistic or even feasible to outright ban youngsters from participating in conflicts. However, the Protocols make every effort to stop this from occurring, especially by outlawing the recruiting of children younger than fifteen (Article 77, 2 of Protocol I and Article 4, 3(c) of Protocol II). Furthermore, if the parties to a conflict recruit anyone between the ages of fifteen and eighteen, Protocol I instruct them to enlist the oldest person first (article 77, 2). The protection granted by the Protocols (Article 77, paragraph 3 of Protocol I and Article 4, paragraph d of Protocol II) is still applicable to minors below fifteen who actively participate in hostilities and are seized despite the provisions of the Protocols.

### 3.2 International Committee of the Red Cross

The ICRC is a constant force in promoting the security of children. The International Committee of the Red Cross and the International Union for Child Welfare drafted a Convention in 1939 to safeguard children. It never happened because of the outbreak of the World War II. At the 1949 and 1974–1977 Diplomatic Conferences, the International

Committee of the Red Cross (hereinafter "ICRC") invented and developed child legal protection.

In keeping with its mission and its past as a humanitarian organization, the ICRC started working to safeguard children in armed conflicts before waiting for the necessary legislation. The ICRC tried to supplement or complete the legal protection of children during conflicts when there was no means of implementing international law.

The ICRC organised specific actions like the placement of children below eighteen years of age in special camps, the organization of radio broadcasts to aid for reuniting children and their parents, and the establishment of children's homes in war-torn nations despite the horrors of World War II and the problems it faced in its work for the security of civilians, particularly the absence of legal enforceability.<sup>8</sup>

In one area, the ICRC is contributing on behalf of children: family communications, missing person searches, and reuniting families that have been torn apart by conflict. For almost a century, the ICRC Central Tracing Agency has been collecting and sharing information on persons who are missing, hostages, refugees, those who have been released from prison or returned, and notifying their family. Cutting off normal channels of communication sends signals to the family.

Delegates from the ICRC prioritise finding missing children, getting in touch with them, and reconnecting them with their families while carrying out these activities. The ICRC's "Central Tracing Agency" has recently finished the task of identifying unaccompanied Khmer children who were placed in refugee camps in Thailand because of the Kampuchea War on behalf of children who had been torn from their parents by conflict. About 3,500 cases of unaccompanied minors were registered by the ICRC in 1980 to reconcile them with their family. This was carried out in cooperation with several charity organizations and the Office of the United Nations High Commissioner for Refugees.<sup>9</sup>

Children benefit from the aid provided by the ICRC's relief activities on behalf of civilian populations affected by hostilities. The main beneficiaries of ICRC relief initiatives are sometimes kids and teenagers. For example, out of the 29,000 refugees from Rhodesia/Zimbabwe during the fighting, 18,000 were under sixteen, and 300 were young women with little children. These people received substantial medical and material assistance from the ICRC until the conclusion of the war in 1980. Additionally, the ICRC occasionally conducts a particular operation for kids. One example is the

1981 intervention for orphanages in Kampuchea by the International Committee of the Red Cross.

The ICRC aims to protect all victims of armed conflict, including children. This implies that the ICRC will visit children detained by a party to a conflict and include them in any operations or initiatives it does on behalf of victims of war. To further safeguard children, the ICRC might take additional measures. For example, the day following the International Committee of the Red Cross's first visit to the Al Ansar Camp in south Lebanon, where captives, mostly Palestinians, were being detained, 212 minors under the age of sixteen were released under the organization's supervision. September through October, 1982 ICRC representatives looked after children making sure they went back to their homes in the different parts of Lebanon.<sup>10</sup>

### ***3.3 Convention on the Rights of the Child (CRC)***

The Convention on the Rights of the Child (hereinafter 'CRC') which is the most comprehensive international treaty on child rights. The CRC sets forth a wide range of civil, political, economic, social, and cultural rights for children below the age of 18 years, including those affected by war conflict. Key provisions related to child rights in conflict situations include:

- a) The right to life, survival, and development.
- b) The right to be protected from violence, abuse, neglect, and exploitation.
- c) The right to education, healthcare, and access to essential services, even in situations of emergency or armed conflict.
- d) The right to family unity and protection from separation from parents or caregivers, except when necessary for the child's best interests.

3.3.1 Optional Protocols to the CRC: Three optional protocols have been added to the convention. The Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. These protocols provide additional protections for children in armed conflict, including measures to prevent their recruitment as child soldiers and to address other forms of exploitation and abuse.

Three Optional Protocol are as:

1. 'Protocol asking governments not to enlist children below the age of 18 into the armed forces' (2000).
2. 'Protocol asking governments to prohibit child pornography, child prostitution, and the sale of children into slavery' (2000).
3. 'Protocol that enables children who faced violation of their rights to complain directly to the

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

UN Committee on the Rights of the Child' (2011).

### 3.3.2 Four Core Principles of CRC:

1. Non-discrimination
2. Right to life, survival and development
3. Best interests of the child
4. Respect for the child's views

## 4. The impact of armed conflicts on children

The impact of armed conflicts on children is multifaceted and profound, affecting their physical, psychological, social, and emotional well-being in significant ways. Here's a comprehensive overview of the impact of armed conflicts on children:

**4.1 Physical Harm and Injury:** Children are often exposed to direct and indirect violence during armed conflicts, resulting in injuries, disabilities, and even death. They may be caught in the crossfire of combat, injured by explosive remnants of war such as landmines and unexploded ordnance, or deliberately targeted by warring parties.

**4.2 Psychological Trauma:** Exposure to violence, loss of loved ones, displacement, and the destruction of homes and communities can lead to severe psychological trauma in children. Many experience symptoms of post-traumatic stress disorder (PTSD), depression, anxiety, and other mental health disorders, which can have long-lasting effects on their development and well-being.

**4.3 Displacement and Forced Migration:** Armed conflicts often result in mass displacement, with children constituting a significant portion of the displaced population. Forced to flee their homes to escape violence, children face numerous challenges, including lack of access to basic necessities such as food, water, shelter, and healthcare. They may also be separated from their families, increasing their vulnerability to exploitation, abuse, and trafficking.

**4.4 Loss of Education and Developmental Opportunities:** Armed conflicts disrupt children's access to education, depriving them of the opportunity to learn and develop. Schools are frequently targeted or used for military purposes, teachers may be killed or displaced, and families may be unable to afford school fees or supplies. As a result, children's educational attainment suffers, perpetuating cycles of poverty and disadvantage.

**4.5 Recruitment and Use in Armed Conflict:** Children are often recruited and used by armed groups as child soldiers, forced to participate in combat, carry out dangerous tasks, and endure physical and psychological abuse. The recruitment of child soldiers violates international humanitarian law and constitutes a grave violation of children's rights, with lasting consequences for their physical and psychological well-being.

**4.6 Sexual Violence and Exploitation:** Armed conflicts increase the risk of sexual violence and exploitation against children, including rape, forced

marriage, sexual slavery, and trafficking. Girls are particularly vulnerable to these forms of violence, but boys can also be targeted. Sexual violence not only inflicts physical harm but also causes deep psychological trauma and stigma, making it difficult for survivors to seek help or support.

**4.7 Impact on Health and Well-being:** Armed conflicts disrupt healthcare systems and access to essential services, leading to increased rates of malnutrition, disease, and mortality among children. Lack of access to clean water, sanitation, and medical care exacerbates the risk of preventable illnesses and health complications, with long-term consequences for children's health and well-being.

**4.8 Social Disruption and Family Separation:** Armed conflicts disrupt social networks and family structures, leading to family separation, orphanhood, and loss of caregivers. Children may be separated from their parents or primary caregivers due to death, displacement, or detention, leaving them vulnerable to exploitation, abuse, and neglect. Family reunification efforts may be hampered by insecurity, bureaucracy, and lack of resources.

**4.9 Stigmatization and Discrimination:** Children affected by armed conflicts often face stigmatization and discrimination from their communities and society at large. They may be perceived as perpetrators of violence or as burdens on already strained resources, leading to social exclusion, marginalization, and denial of their rights.

**4.10 Long-term Consequences:** The impact of armed conflicts on children can have long-lasting and intergenerational consequences, affecting their physical health, mental well-being, education, and future opportunities. Children who experience violence, displacement, and deprivation during armed conflicts are more likely to suffer from poverty, unemployment, and social exclusion later in life, perpetuating cycles of conflict and instability.

Overall, the impact of armed conflicts on children is devastating and far-reaching, undermining their rights, well-being, and future prospects. Efforts to mitigate these impacts and protect children from the effects of armed conflicts require comprehensive and coordinated responses, including measures to prevent conflict, promote peace and reconciliation, and uphold international humanitarian law and child rights standards.

## 5. Challenges

Implementing child protection measures under international humanitarian law (IHL) faces several challenges and gaps, hindering effective protection of children in conflict-affected areas. These challenges include:

**5.1 Access and Security:** Limited access to conflict zones poses significant challenges in implementing child protection measures. Humanitarian



organizations often struggle to reach children in remote or conflict-affected areas due to security concerns, restrictions imposed by armed groups, or lack of infrastructure.

**5.2 Identification and Registration:** Proper identification and registration of children affected by armed conflict are crucial for providing them with necessary protection and assistance. However, in many conflict zones, children may not be properly identified or registered, making it difficult to ensure their rights are upheld.

**5.3 Lack of Resources:** Insufficient financial and human resources allocated to child protection programs in conflict zones hamper their effectiveness. Many humanitarian organizations operate with limited funding, making it challenging to provide comprehensive protection services to children affected by armed conflict.

**5.4 Weak Legal Frameworks:** In some conflict-affected areas, there may be weak or inadequate legal frameworks for child protection. This includes gaps in national legislation or a lack of enforcement mechanisms to hold perpetrators of child rights violations accountable.

**5.5 Psychosocial Support:** Children affected by armed conflict often experience trauma and psychological distress. However, there may be a lack of adequate psychosocial support services available to help them cope with their experiences and rebuild their lives.

## 6. Recommendations

To address these challenges and strengthen child protection in conflict-affected areas, the following recommendations could be proposed:

**6.1 Investment in Education and Awareness:** Increasing investment in education and awareness programs can help raise awareness about the rights of children in conflict situations and promote a culture of respect for those rights.

**6.2 Capacity Building and Training:** Providing training and capacity-building support to local organizations and communities can enhance their ability to identify, respond to, and prevent child rights violations in conflict-affected areas.

**6.3 Integration of Child Protection in Humanitarian Response:** Child protection should be integrated into all aspects of humanitarian response, including shelter, health, and food assistance, to ensure a holistic approach to protecting children's rights.

**6.4 Strengthening Legal Frameworks:** States should be encouraged to strengthen their legal frameworks for child protection and ensure effective enforcement mechanisms are in place to hold perpetrators of child rights violations accountable.

**6.5 Coordination and Collaboration:** Enhanced coordination and collaboration among various

stakeholders, including states, international organizations, civil society, and local communities, are essential for ensuring effective child protection in conflict-affected areas.

## 7. Role of Various Stakeholders

The role of various stakeholders in promoting and protecting the rights of children in armed conflicts is crucial:

**States:** States have a primary responsibility to protect children within their territories and must comply with their obligations under international humanitarian law and other relevant human rights instruments. States should also provide support to humanitarian organizations and facilitate their access to conflict-affected areas.

**International Organizations:** International organizations, such as the United Nations and its agencies, play a key role in coordinating humanitarian response efforts and providing technical support to states and local organizations in implementing child protection measures.

**Civil Society:** Civil society organizations often play a frontline role in aiding assistance and protection to children affected by armed conflict. They advocate for the rights of children, provide direct services, and monitor and report on violations of child rights.

**Local Communities:** Local communities are crucial stakeholders in protecting children in conflict-affected areas. They can provide support to affected children and families, raise awareness about child rights, and contribute to efforts to prevent and address child rights violations.

By working together and addressing the identified challenges, stakeholders can strengthen child protection in conflict-affected areas and ensure that the rights of children are upheld even in the most challenging circumstances.

## 8. Conclusion and Suggestions

In summary, IHL is robustly structured to safeguard children during armed conflicts, highlighting the imperative of protecting these vulnerable individuals. The comprehensive framework of IHL, reinforced by various conventions and protocols, underscores the necessity of ensuring the safety and security of children who find themselves caught in the crossfire of war. This commitment is reflected in the diligent efforts of organizations like the International Committee of the Red Cross (ICRC), which actively works to uphold these principles. The ICRC's efforts encompass not only the direct protection of children but also broader advocacy and monitoring to ensure compliance with IHL, thereby contributing significantly to the welfare of war-affected children.

Given the gravity of protecting children during armed conflicts, several recommendations emerge to enhance and reinforce these protections:

### 1. Strengthen Monitoring and Reporting Mechanisms:

- Suggestion: Enhance the capacity of international bodies and NGOs to monitor and report violations of IHL concerning children. This includes expanding the scope of monitoring to ensure comprehensive coverage of all conflict zones and developing more effective reporting channels to address and rectify violations promptly.

- Benefit: Improved monitoring will lead to more effective accountability and enforcement of IHL, ensuring that breaches are addressed swiftly and that perpetrators are held accountable.

### 2. Increase Funding and Support for Child Protection Programs:

- Suggestion: Allocate more resources and funding towards child protection programs and initiatives that directly support children affected by conflict. This includes providing psychological support, educational opportunities, and safe spaces for children.

- Benefit: Enhanced funding will improve the quality and reach of child protection services, ensuring that children receive the necessary care and support to recover and rebuild their lives.

### 3. Promote Greater Collaboration Among Stakeholders:

- Suggestion: Foster stronger partnerships between international organizations, governments, and local NGOs to create a more coordinated approach to child protection in conflict zones. Regular joint meetings and collaborative strategies can enhance the effectiveness of protection efforts.

- Benefit: Collaborative efforts will lead to a more unified and strategic approach to addressing the needs of children in conflict, reducing duplication of efforts and maximizing impact.

### 4. Advocate for the Integration of Child Protection in Peace Processes:

- Suggestion: Ensure that child protection is a central component of peace negotiations and post-conflict reconstruction efforts. This involves advocating for specific provisions in peace agreements that address the needs of children and establish frameworks for their protection and rehabilitation.

- Benefit: Integrating child protection into peace processes will ensure that the needs of children are considered in long-term conflict resolution and recovery strategies, leading to more sustainable and inclusive peacebuilding outcomes.

### 5. Enhance Training and Capacity Building for Field Workers:

- Suggestion: Provide specialized training for field workers, including military personnel, humanitarian aid workers, and peacekeepers, on child protection and IHL. This training should focus on recognizing and responding to the specific needs of children in conflict situations.

- Benefit: Well-trained personnel will be better equipped to protect children and uphold IHL standards, improving the overall effectiveness of child protection measures in conflict zones.

In conclusion, while the existing framework of IHL and the efforts of organizations like the ICRC provide a solid foundation for protecting children during armed conflicts, there is always room for improvement. By implementing these recommendations, the international community can further enhance the safety and security of children affected by war, ensuring that their rights are upheld and their well-being prioritized in all aspects of conflict and post-conflict response.

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