



SUMMARY TABLE OF IHL PROVISIONS SPECIFICALLY APPLICABLE TO CHILDREN

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

Preliminary remarks

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

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

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

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

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



ICRC

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GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR, 1949 (THIRD GENEVA CONVENTION)

16	<p>Equality of treatment</p> <p>Prisoners of war must be treated alike by the detaining power, subject to any privileged treatment which may be accorded to them by reason of their age, among other criteria.</p>
49	<p>Labour of prisoners of war</p> <p>The detaining power may utilize the labour of prisoners of war who are physically fit, taking into account their age, among other criteria.</p>

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, 1949 (FOURTH GENEVA CONVENTION)

PART II	GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR
14	<p>Hospital and safety zones and localities</p> <p>In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the belligerents, may establish hospital and safety zones and localities with a view to protecting from the effects of war, wounded, sick and aged persons, children under 15, expectant mothers and mothers of children under seven.</p> <p>The ICRC is invited to facilitate the establishment of these zones.</p>
16	<p>General protection</p> <p>Expectant mothers must be the object of particular protection and respect.</p>
17	<p>Evacuation</p> <p>The parties to the conflict must endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of medical personnel and medical equipment on their way to such areas.</p>
18	<p>Protection of hospitals</p> <p>Civilian hospitals organized to give care to maternity cases, in particular, may in no circumstances be the object of attack.</p>
21	<p>Land and sea transport</p> <p>Convoys on land or sea conveying maternity cases, in particular, must be respected and protected in the same manner as the hospitals provided for in Article 18.</p>
22	<p>Air transport</p> <p>Aircraft exclusively employed for the removal of maternity cases, in particular, may not be attacked, but must be respected while flying at heights, times and on routes specifically agreed upon between all the parties to the conflict concerned.</p>

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

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

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FOURTH GENEVA CONVENTION 1949 (CONTINUED)	
<i>Section IV</i>	<i>Regulations for the treatment of internees</i>
81	<p>Maintenance</p> <p>The detaining power must provide for the support of those dependent on the internees, if such dependants are without adequate means of support or are unable to earn a living.</p>
82	<p>Grouping of internees</p> <p>Members of the same family, and in particular parents and children, must be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the application of disciplinary sanctions. Wherever possible, they must be given separate accommodation from other internees, together with facilities for leading a proper family life.</p> <p>Internees may request that their children who are left at liberty without parental care be interned with them.</p>
85	<p>Accommodation, hygiene</p> <p>Internees must have suitable bedding and sufficient blankets, account being taken of their age, among other criteria.</p>
89	<p>Food</p> <p>Expectant and nursing mothers and children under 15 years of age must be given additional food, in proportion to their physiological needs.</p>
91	<p>Medical attention</p> <p>Maternity cases must be admitted to any institution where adequate treatment can be given and must receive care not inferior to that provided for the general population.</p>
94	<p>Recreation, study, sports and games</p> <p>The education of children and young people must be ensured; they must be allowed to attend schools either within the place of internment or outside.</p> <p>Special playgrounds must be reserved for children and young people so that they can engage in physical exercise, sports and outdoor games.</p>
119	<p>Disciplinary punishments</p> <p>The disciplinary punishments applicable to internees must take account of their age, among other criteria.</p>
127	<p>Transfers of internees</p> <p>Maternity cases must not be transferred if the journey would be seriously detrimental to their health, unless their safety imperatively so demands.</p>
132	<p>Release, repatriation and accommodation in neutral countries during hostilities or occupation</p> <p>The parties to the conflict must endeavour, during the course of hostilities, to conclude agreements for the release, repatriation, return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children.</p>

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

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

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ADDITIONAL PROTOCOL RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS, 1977 (ADDITIONAL PROTOCOL II)	
4	<p>Fundamental guarantees</p> <p>Children must be provided with the care and aid they require, and in particular:</p> <ul style="list-style-type: none"> (a) they must receive an education, including religious and moral education; (b) all appropriate steps must be taken to facilitate the reunification of families temporarily separated; (c) children who have not attained the age of 15 years must neither be recruited into the armed forces or groups nor allowed to take part in hostilities; (d) the special protection provided by this Article to children who have not attained the age of 15 years remains applicable to them even if they take a direct part in hostilities; (e) measures must be taken, if necessary, and whenever possible with the consent of their parents or persons who are responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country.
5	<p>Persons whose liberty has been restricted</p> <p>Women must be held in quarters separated from those of men, except when men and women of a family are accommodated together.</p>
6	<p>Penal prosecutions</p> <p>Persons prosecuted for a criminal offence related to the armed conflict enjoy minimum protection. In particular, the death penalty must not be pronounced on persons who were under the age of 18 years at the time of the offence, and must not be carried out on pregnant women or mothers of young children.</p>

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

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

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

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