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Promotion and protection of the rights of children:

ICRC statement to the United Nations, 2013

New York, 18 October 2013
Children suffer immensely in armed conflict. They are made victims of, witnesses to and participants in atrocities, including rape and other forms of sexual violence, which they are sometimes forced to perpetrate against their own families and communities. Boys and girls who are unlawfully recruited, used in hostilities or otherwise associated with armed forces or armed groups are especially vulnerable: they are often imprisoned, wounded or killed. They are also often separated from their families and denied access to education and other essential services, including health care and psychosocial support.

Mr / Madam Chair,

Unlawfully recruiting, using or otherwise associating children with armed forces or armed groups has a serious, long-lasting and complex impact on the children, their families and their communities; it must be prevented.

Most suffering endured by children during armed conflict could be prevented or alleviated if there was greater respect for existing international law. In the event of armed conflict – whether international or non-international – children who are not members of States' armed forces or organized non-State armed groups are entitled to the general protections afforded to civilians against the effects of hostilities, unless and for such time as they directly participate in hostilities. Children affected by armed conflict are, moreover, entitled to special respect and protection. Some instruments of international humanitarian law and human rights law address the question of the minimum age of involvement in hostilities. The International Red Cross and Red Crescent Movement promotes the principle that persons under 18 years of age should not participate in hostilities or be recruited into armed forces or armed groups.

Unlawful recruitment or use of children in hostilities must be prosecuted. Perpetrators, regardless of their position in the chain of command, must be held accountable for acts committed by children during their association with armed forces or armed groups.

On the basis of its legal work and its activities in conflict situations, the International Committee of the Red Cross (ICRC) has concluded that, in the absence of practical implementation measures at the domestic level, accepted rights and obligations are often no more than a dead letter. With this in mind, the ICRC recently developed two very practical tools: (1) a series of Guiding Principles for the Domestic Implementation of a Comprehensive System of Protection for Children Associated with Armed Forces or Armed Groups, and (2) a set of Model legislative provisions to be used by States as guidance in drafting legislation that prohibits the recruitment or use of children in armed conflict.

Many States pledged to adopt concrete measures to ensure respect for international humanitarian law provisions regarding the protection of children in armed conflict, as per the four-year action plan for the implementation of international humanitarian law adopted at the 31st International Conference of the Red Cross and Red Crescent. We call on States to follow through on those pledges.
In the ICRC’s experience, preventing the recruitment and use of children is the best way to protect them from being drawn into hostilities. To do so, it is necessary to understand the factors that lead children to become associated with armed forces or armed groups in the first place. The ICRC supports and promotes community-based approaches aimed at reducing the risk of recruitment – including re-recruitment – and use of children.

Working with National Red Cross and Red Crescent Societies, the ICRC also focuses on preparing children associated with armed forces or armed groups to return to their families and communities. There are often major challenges in terms of their return and reintegration into family and community life. Their families and communities may struggle to accept them. Furthermore, such children often have complex medical and psychological needs, among other things, as a result of rape and other forms of sexual violence. Boys and girls may have different experiences as fighters, porters, cooks or sexual slaves, face specific risks, and have particular needs as a result. Children born of rape, often to mothers who are still children themselves, are among those most vulnerable to stigmatization and abuse. These children require unimpeded access to services including psychosocial support, education and livelihood opportunities.

Children associated with armed forces or armed groups risk being arrested, detained and interrogated. Those who are unlawfully recruited or used and accused of having committed domestic or international crimes during armed conflict should be regarded primarily as victims, not only as alleged perpetrators, and treated as such. States must fix a minimum age for criminal responsibility, which should not be less than 12 years, and children under that age must not be prosecuted.

Mr / Madam Chair,

Measures to prevent the recruitment or use of children go hand in hand with efforts to reintegrate children who have suffered that fate. This two-pronged approach works best when the focus is on community-based initiatives to prevent the unlawful recruitment or use of children and on the individual needs of children associated with armed forces or armed groups, such as through formal disarmament, demobilization and reintegration programmes.

The ICRC calls upon States to take all necessary measures to ensure that international law pertaining to the protection of children in armed conflicts is respected and scrupulously implemented.

Thank you.