



Q&A: The ICRC's engagement on children in armed conflict and other situations of violence

In conversation with Monique Nanchen, Global Adviser on Children, ICRC*

The protection of children in war and other situations of violence is enshrined in various bodies of law, and these provide a framework for several International Committee of the Red Cross (ICRC) activities benefiting children, in particular in areas where the institution has a clear mandate and where vulnerabilities are exacerbated by international humanitarian law (IHL) violations. The activities of the ICRC benefiting children stem from its mandate provided by the 1949 Geneva Conventions and the 1977 Additional Protocols, the Statutes of the International Red Cross and Red Crescent Movement, and the resolutions of the International Conferences of the Red Cross and Red Crescent. Although the ICRC is not a child protection agency per se and child protection is not a standalone activity for the organization, it makes up a significant part of ICRC's operations, in particular where children's vulnerabilities are exacerbated by the realities of armed conflict. In this conversation with the Review, Monique Nanchen, the ICRC's Global Adviser on Children, explores the multiple efforts being put in place to mainstream child protection into the ICRC's work, and reveals some of the various challenges

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that come with protection and assistance activities benefiting children affected by conflict and other situations of violence.

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It may seem obvious at first glance who is considered a “child”, but in fact the age associated with certain protections varies under international law and in the policies of States and humanitarian organizations. Who are children in the ICRC’s understanding?

The Convention on the Rights of the Child provides that “child” means every human being below the age of 18 years, and accordingly the ICRC considers everyone below the age of 18 to be a child.¹ Everyone under the age of 18 enjoys specific protections both under IHL and international human rights law. It’s true that in some contexts, childhood is understood to end much before 18. One might be considered an adult with the first signs of puberty, such as when the first hair is growing on the chin. However, for the purposes of the ICRC’s activities, a child is anyone below 18.

How did child protection come to be a specific track in the ICRC’s work?

The ICRC implements a number of activities benefiting children, in particular in conflict-affected areas where their vulnerabilities might be exacerbated by IHL violations.

The ICRC is not a child protection agency, but children are nevertheless the beneficiaries of 40% of the ICRC’s assistance and protection activities. When thinking of all the activities implemented by the ICRC across the globe, ranging from the provision of safe and clean water and of health care to conflict-affected populations, to awareness-raising efforts on weapons contamination, to nutritional programmes and activities aimed at protecting the civilian population, many children benefit from the ICRC’s support. It is therefore key that we are mindful of the specific needs and vulnerabilities of children – though not underestimating their incredible sense of hope and their resilience – and that we tailor our response accordingly. Among the IHL violations we come across in our work, some, such as child recruitment, affect children specifically. Therefore, it is imperative that we are well equipped to address such challenging issues.

Additionally, interacting with children, be it to better understand their needs, to trace their parents, or to support their return to their community of origin, requires specific skills and approaches. The ICRC takes proactive measures to ensure that its activities on behalf of children are implemented in a child-

1 Convention on the Rights of the Child, 20 November 1989, Art. 1.

friendly and adapted manner and are in line with the principle of “best interests of the child”.²

Mainstreaming child protection into the ICRC's work while focusing mainly on our existing areas of expertise is our priority.

Which legal instruments and standards does the ICRC draw on in its child protection activities?

The Geneva Conventions of 1949, their two Additional Protocols, and customary IHL contain many clear and specific obligations addressing the treatment of children in armed conflict, and these norms lie at the heart of the ICRC's child protection work.³ In addition, there are a number of important human rights treaties that the ICRC draws on to complement these IHL protections, including most notably the Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, and regional instruments such as the African Charter on the Rights and Welfare of the Child.⁴

Finally, where a State has committed to implementing additional standards such as the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups,⁵ the Vancouver Principles on Peacekeeping and Preventing the Recruitment and Use of Child Soldiers,⁶ or the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,⁷ the ICRC can incorporate these into its dialogue with relevant authorities.

What are the ICRC's activities related to the protection of children?

The ICRC's strategy on children promotes a multidisciplinary approach towards assessing, analyzing and responding to children's needs, in a contextualized

- 2 See *ibid.*, Art. 3. The principle of consideration of the best interests of the child is complemented by the customary norm of IHL maintaining that children are entitled to special respect and protection. See Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: *Rules*, Cambridge University Press, Cambridge, 2005 (ICRC Customary Law Study), Rule 135, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule135 (all internet references were accessed in October 2019).
- 3 For an overview of the special respect and protection that IHL affords to children, see Sylvain Vit , “Protecting Children during Armed Conflict: International Humanitarian Law”, *Human Rights and International Legal Discourse*, Vol. 5, No. 1, 2011. See also ICRC Customary Law Study, above note 2, Rule 135.
- 4 See Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000; African Charter on the Rights and Welfare of the Child, 1 January 1990.
- 5 UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, 2007, available at: www.refworld.org/docid/46519842.html.
- 6 Government of Canada and Rom o Dallaire Child Soldiers Initiative, *The Vancouver Principles on Peacekeeping and Preventing the Recruitment and use of Child Soldiers*, 2017, available at: www.vancouverprinciples.com/the-vancouver-principles/.
- 7 Global Coalition to Protect Education from Attack, *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, 2014, available at: www.protectingeducation.org/sites/default/files/documents/guidelines_en.pdf.

manner. The strategy focuses on four main priority issues, which inform our work in favour of children, their families and communities: children in detention, child recruitment, the impact of conflict and violence on children's access to education, and family separation.

Children and detention is one of our priorities. For example, there can be children detained under a criminal law framework for actions they have allegedly committed. This includes first-time offenders charged with minor offences, such as theft, or children being detained due to their association with an armed group. Children might accompany their parents in detention (some being born to a detained mother), and there are also many children in immigration detention. The ICRC's aim is to ensure that the conditions in which children are detained respect their specific needs and meet internationally recognized juvenile justice standards. When needed, the ICRC will offer to re-establish contact between a detained child and his or her family.

Another priority area is child recruitment. In several of the contexts where the ICRC is present, we witness how children continue to be recruited and used by armed forces or armed groups. This is an issue that the ICRC raises in its confidential dialogue with parties to the conflict reminding them of their obligation not to recruit children. In some contexts, such as the Democratic Republic of the Congo [DRC], the ICRC helps children formerly associated with armed groups to return to their communities of origin and rebuild their lives.

The impact of conflict or other situations of violence on children's access to education is another priority. Students or teachers may be attacked in school or on their way to school, while schools themselves may be used as places for unlawful recruitment or may be targeted or incidentally damaged during an attack, and are quite often used for military purposes. The resulting interruption of education has severe consequences for children's future. The ICRC engages with authorities and weapon bearers on the protection of education, supports particularly exposed schools, and advocates for vulnerable children, such as detained children and internally displaced children, to have access to education.⁸

Finally, family separation is also one of our priorities in terms of child protection. Armed conflicts and other situations of violence, often resulting in people having to flee in a sudden manner, too often lead to children becoming separated from their loved ones. The ICRC has a mandate under IHL to restore links among separated family members. Together with our partners from the National Red Cross and Red Crescent Societies, we register unaccompanied children and do our best to locate their parents – for example, going to the last known address of the child, working with displaced communities' leaders, or using means such as posters, online tracing or radio messages. Across the world, we facilitate tens of thousands of phone calls among family members separated

8 See also Geoff Loane and Ricardo Fal-Dutra Santos, "Strengthening Resilience: The ICRC's Community-Based Approach to Ensuring the Protection of Education", *International Review of the Red Cross*, Vol. 99, No. 905, 2018.

by war or by migration, as in South Sudan⁹ or in Angola.¹⁰ After children have been reunified with their family, the ICRC checks up on them and assesses their needs and well-being as they reintegrate into their family and community. In 2018, the ICRC's efforts led to 840 children being reunited with their families.¹¹ The ICRC also runs a dedicated website where those looking for a missing family member can find information on possible search alternatives and do online tracing by browsing through the names and pictures of persons missing in relation to specific emergencies.¹²

Those are the specific priorities – not necessarily listed by order of importance – in our work on children. At the same time, there are numerous other conflict-related issues that affect children and that the ICRC raises with parties to armed conflict. Due to their age, size and relative immaturity, children are also often highly vulnerable to physical and psychological violence. Sexual violence does not spare children: they can be directly affected or might be born out of rape, leaving them vulnerable and stigmatized.

As part of our work to protect vulnerable migrants, we come across children who might face some of the issues mentioned above, such as losing contact with their relatives or ending up in detention. They might find themselves in situations that could expose them to exploitation, abuse and/or trafficking, and might face challenges in accessing essential services such as health care and education.

The notion of accountability to affected people is central to the ICRC Institutional Strategy 2019–2022. One part of it is listening to and consulting with people affected by armed conflict and other situations of violence in planning operations. What are the challenges involved in including needs directly voiced by children when building a relevant response?

I believe that the main challenge is the prevailing tendency to assume that adults know better than children about what children need. We think that if we speak with parents, with community leaders or teachers, we will understand what children's needs are. That is why consulting children is not typically done in a systematic enough manner. Such an approach contradicts a core principle of the Convention on the Rights of the Child: the principle of child participation.¹³ We

9 See ICRC, "South Sudan: The Phone Call that Reconnected 2,500 People Separated by War", 7 February 2018, available at: www.icrc.org/en/document/south-sudan-phone-call-reconnect-2500-people-separated-war-conflict.

10 See ICRC, "Angola/DRC: The Unaccompanied Children of Lóvuá Refugee Camp Share Their Stories", available at: www.icrc.org/en/document/angoladrc-unaccompanied-children-lovuua-refugee-camp-share-their-stories.

11 See, for example, "Libya-Egypt: Two Years On, Twelve Children Reunited with Their Families", 20 December 2018, available at: www.icrc.org/en/document/libya-egypt-two-years-twelve-children-reunited-their-families.

12 See the ICRC's *Restoring Family Links* website, available at: <https://familylinks.icrc.org>.

13 See Convention on the Rights of the Child, Art. 12; UN Committee on the Rights of the Child, General Comment No. 12, "The Right of the Child to Be Heard", 20 July 2009.

have developed tools and are increasing our training efforts to ensure that field staff are aware of the importance of systematically consulting with children – as much as their age and maturity allow – and including their voices in the assessments they are conducting. It is about asking children about their worries, their fears, how they think the ICRC could help them. While this is improving, I keep noticing that in some contexts it is not done – sometimes due to self-restraint out of concern not to hurt the children's feelings, or because it can be challenging to interact with children.

At the moment we are working on building the capacities of our colleagues to interview children in a child-friendly manner, adapting their approach to children's ages and stages of development. In Northeast Nigeria, we have recently conducted several group discussions with internally displaced adolescents separated from their families. We had underestimated some of their challenges and will now start a pilot project to respond to some of them. We also systematically encourage ICRC field staff to include children in focus group discussions during assessments – for instance, in relation to our restoring family links or community-based protection activities – so that we take their views into account in our analysis and while building the response.

It is important to point out that all our actions are guided by the “do no harm” principle requiring humanitarian organizations to minimize the risk of harm caused by their activities.¹⁴ Therefore, as much as we try to directly interact with children in order to build a tailored response, it might not be appropriate to hear from them on particular topics. In particular when it comes to discussing protection issues, which the ICRC often does, it might not be suitable to hear from children regarding sensitive and sometimes traumatic issues, or topics that are taboo and that children are not supposed to know about.

Does the ICRC face situations where needs voiced by children are different, or perhaps even opposite, to those voiced by their parents? How does the organization respond in such cases?

It does indeed happen. In internal displacement situations, for instance, children's preferences for durable solutions may be different from their parents'. Parents and other adult family members might want to return to their place of origin, while children born in displacement or having spent long years displaced in an urban environment might wish to stay and integrate where they are, as they have no knowledge of, or attachment to, their place of origin, and they can only imagine their future lives in the place of displacement.

In such circumstances, the ICRC would seek to ensure that everybody's voice within the community is considered, including children's, in the process of

14 ICRC, *Professional Standards for Protection Work*, 3rd ed., Geneva, 2018, available at: www.icrc.org/en/publication/0999-professional-standards-protection-work-carried-out-humanitarian-and-human-rights. See in particular p. 27, “Avoiding Harmful Effects”.

devising durable solutions. However, we would not try to change the local culture and social values that might typically give the elderly the power to decide for the family or the entire community. It is not up to the ICRC to change existing societal norms or power structures, but we always favour options which do not contradict the principle of the “best interests of the child”.

According to studies conducted by several organizations, children in crisis situations see education as one of their top priorities.¹⁵ How does the ICRC respond to those who face challenges in accessing education?

Being able to go to school is essential in providing war-affected children with a sense of normalcy. It offers them a stable environment, which is key for their development and their mental and psychosocial well-being.

Our own observations, based on discussions with children in several conflict-affected countries, confirm the importance of education. Children who participated in focus group discussions identified the lack of access to education as their main challenge. This is interesting because if you look at the results for adults, education is not necessarily that high up in terms of priority.

The ICRC has paid increased attention to the issue of access to education in recent years. In addition to being one of the four priorities in the ICRC strategy on children, since 2017 the ICRC has adopted a Framework for Access to Education.¹⁶ Our approach is twofold: to strengthen our existing work in education, and to step up our support for efforts to ensure that education is part of the humanitarian response at large.

From a child protection perspective, we work on improving children's access to education on mainly three fronts. First, we tackle the protection of education as part of our confidential bilateral dialogue with parties to the conflict on the protection of the civilian population. After a careful gathering of information on a given incident, ICRC delegates talk with weapons bearers about issues such as military use of schools, attacks on or damage to schools, threats against teachers or students, and the risk posed by the presence of a military objective, such as a checkpoint or a military camp, near a school.

The second aspect is the work carried out in several delegations to make schools safer. The focus is on schools located close to a front line, or in streets and neighbourhoods which are particularly exposed to violence. This is something that we do, for example, in Ukraine, Lebanon,¹⁷ Azerbaijan, Armenia

15 See, for example, Save the Children, *Education Against the Odds: Meeting Marginalised Children's Demands for a Quality Education*, London, 2019, available at: <https://resourcecentre.savethechildren.net/library/education-against-odds-meeting-marginalised-childrens-demands-quality-education>. In this recent study, “nearly a third (29%) of children surveyed said education was their top priority” (p. 4).

16 See ICRC, *Framework for Access to Education*, Geneva, July 2017, available at: www.icrc.org/en/document/framework-access-education.

17 See ICRC, “Back to School in Kherbet Daoud: ICRC Rehabilitates School and Playground in Northern Town”, 10 July 2019, available at: www.icrc.org/en/document/back-school-kherbet-daoud-icrc-rehabilitates-school-and-playground-northern-town.

and various contexts in Latin America. Our work is multidisciplinary and aims not only to make schools physically safer, but also to reduce teachers' and students' exposure to conflict- and violence-related risks, to prepare them on how to react in case of shooting or clashes in the vicinity, and to support them in handling the stress linked to the situation. These efforts should be sustained by bilateral, confidential conversations with weapons bearers – “protection dialogue” – to ensure that they uphold their obligations with respect to educational facilities, students and staff, because reducing the immediate risks has a limited impact unless supported by a call aimed at fostering respect for schools during the conduct of hostilities.

The ICRC also supports and promotes access to education for particularly vulnerable groups of children, such as children formerly associated with an armed group or an armed force, children returning home after a long separation from their family, children of missing persons, or children in places of detention – as we did in Myanmar,¹⁸ where we built classrooms to offer detained children a suitable learning environment. We witness in several contexts how internally displaced children face specific obstacles preventing them from accessing education. These can be related to discrimination, to local infrastructure being insufficient to absorb the newcomers, to parents being unable to afford school fees or being compelled to send their children to beg or to work as a survival strategy, or to administrative barriers linked to the fact that displaced children often lack the official documentation required to enrol in school. The ICRC may also provide direct support to children for whom accessing education is particularly challenging through the transfer of school certificates, as between South Sudan and Uganda, or the provision of uniforms, school kits or books, as is the case in the DRC.

The phenomenon of child soldiers remains a grim reality in a number of armed conflicts. Children who are forcibly recruited, as well as those who voluntarily decide to join armed groups or armed forces, suffer terrible consequences and are often forced to commit atrocities. What is the ICRC's experience in terms of assisting reintegration of such children into their communities?

First, let me explain that in addition to being “child soldiers”, children might be used in a variety of roles, such as cooks, porters, messengers, spies, sexual slaves, forced labourers or even human bombs. Rather than speaking of “child soldiers”, we prefer referring to them as children associated with an armed group or an armed force, or CAAFAG, as the term covers these different realities.

Reintegrating children who have gone through the challenging experience of spending time with weapons bearers is a real challenge. Reintegration programmes should have a long-term perspective and should provide children with real alternatives to rejoining an armed group.

18 See ICRC, “Myanmar: No Limit to Education”, 22 August 2018, available at: www.icrc.org/en/document/myanmar-no-limit-education.

Currently, in the context of a pilot project, we work with children in the eastern DRC who have left or have been released from armed groups: we trace their relatives, prepare the children, their parents and the community for family reunification, and provide children with skills to ease their reintegration and make a living once they have returned, such as tailoring, growing crops, herding small cattle or selling food in the market. Accepting children back might lead to many interrogations for the parents: have the children changed? Have they become violent? How will they behave once back in the village? The family of the returning child might also be concerned about the way they will be perceived by the rest of the community. In some areas, return cannot be envisaged because formerly associated children would simply not be welcome. This means that the family will either have to relocate or send their children to relatives living far away.

Being re-recruited is a risk for many children returning home after being associated with an armed force or armed group. This is particularly true for children in areas with few economic alternatives, where access to educational or vocational opportunities is limited, or where armed groups are present, sometimes embedded within the community. Some children rejoin armed groups to feed their family or to be able to send their siblings to school.

Stigmatization of returning children might pose an additional challenge, in particular for girls, who are also frequently present – though much less visible than boys – within armed groups or armed forces. When coming back, girls might be rejected, especially if they are pregnant or accompanied by a baby.

Access to education is particularly important for children formerly associated with armed groups or armed forces. For younger children, going to school might go a long way in increasing their acceptance by the community and reducing the stigma they might face upon return. However, older children who have been associated with an armed group or an armed force have often missed out on several years of their education. Thus, it might be challenging for them to integrate into a class with much younger children. This obviously does not contribute to their acceptance and reintegration. Ideally, catch-up classes should be put in place so that returning children can keep up with children of their age group.

In armed conflicts that can involve foreign fighters, their children may either come to a foreign territory with their parent(s) or be born there. Could you elaborate on the main vulnerabilities and protection concerns for these minors?

This is a situation that has attracted a lot of public interest in recent months due to events in Syria and Iraq, though it is not a completely new situation, nor is it related only to that region. Children allegedly associated with “foreign fighters” face several challenges. One of them, especially for those who were born in a territory controlled by a non-State armed group, is the lack of official documentation, such as birth certificates, which means that confirming their identity is challenging, and leads to many additional vulnerabilities. Identity documentation is fundamental to enable

any person to claim basic rights such as a citizenship, freedom of movement and a range of other basic services like access to education and health care.

Family separation is another big issue in this context. We have seen how children are being separated from their mothers or from their siblings, sometimes based on generic assumptions according to their age. Countries of origin are often less willing to extend assistance to older children, who are perceived as possible security threats.

In countries involved in armed conflict, children above a certain age might get separated from their relatives upon screening. Some will be arrested and detained, possibly for their alleged association with an armed group. In any case, these children should be seen as victims and not only as perpetrators, and juvenile justice standards should apply to them.

An additional protection concern is the stigma attached to many of these foreign children: they seem to be labelled according to who their parents are, their ethnic origin, or their religion. Reintegration of this particular group will not be easy. Many of these children have witnessed considerable violence, some have had to take part in it, some have been badly injured during the conflict, almost all of them have missed out on years of education, and many have lost family members during the conflict or are without news of them.

Many questions are still open, starting with whether these children might be able to return to their country of origin: is return an option, with or without their parents and siblings? Some will not return as their identity cannot be proven, nor their relatives traced; some may have to return to a country that they have never been to before, or have no memories of; others might face a risk of having their fundamental rights violated if they return. Assessing what is in the best interests of these children is a challenge, but it is a necessary step to ensuring that the right course of action is chosen for each of them.

The ICRC focuses its efforts on identifying the most vulnerable children, notifying the embassies of their countries of origin about their situation if they so wish, re-establishing contact between family members, and ensuring that juvenile justice standards apply to those who are detained.

Children often represent a high proportion of victims and perpetrators in situations of violence that do not rise to the level of armed conflict, including urban violence. How does the ICRC adapt its response in urban settings where violence persists?

The ICRC's response to urban violence is based on its "right to humanitarian initiative", which is recognized in the Statutes of the International Red Cross and Red Crescent Movement for situations of violence that do not reach the threshold of an armed conflict and where IHL is not applicable. The right to humanitarian initiative implies that prior to setting up a humanitarian intervention, the ICRC offers its services and expertise to national authorities, in order to gain their support and to work in full transparency.

The ICRC has been increasingly trying to protect and assist people and communities affected by situations of violence that do not meet the threshold of armed conflict, such as urban violence in some contexts – for example, in Latin America and the Caribbean, due to the exceptionally high levels of urban violence prevailing there.

The effects of urban violence are undeniably chronic and pervasive, and encompass both direct and indirect humanitarian consequences that cannot be addressed by standard humanitarian programmes involving substitution of State structures or traditional development approaches. That is why partnerships have proven to be essential to ensure enhanced sustainability and relevance of the ICRC's responses in such contexts. Indeed, partnerships with National Societies, but also with local and national authorities such as those responsible for health and education provision, have ensured the replication of initially localized, light-footprint interventions in larger urban areas or even in additional cities in various contexts, as has been the case in Brazil following a 2009–2014 pilot project in a number of Rio de Janeiro slums.¹⁹

The ICRC's activities to respond to the humanitarian consequences of urban violence for children include promoting life skills and safe behaviour, particularly in schools, in order to reduce students' exposure to risks; facilitating vocational training; and working with the authorities to help them improve living conditions and treatment of detained children. Moreover, particularly vulnerable groups, such as adolescent mothers and their children, are provided with health and psychosocial support tailored to their specific needs.

What priorities and challenges are foreseen for the ICRC's engagement with children in the coming years?

The issues affecting children living in conflict-affected areas will not change any time soon, I am afraid. With recent developments, such as conflicts increasingly taking place in urban areas or the use of new methods of warfare, and the challenges they pose in terms of respecting the key IHL principles that should prevail during the conduct of hostilities, children will continue to suffer during conflicts.

I therefore believe that it is important for the ICRC to keep strengthening its ability to respond to children's needs, to systematically mainstream child protection into its activities and ensure that whatever is done on behalf of children is based on a sound understanding of the specific issues children might face, and to make sure their voices have been heard in the designing of the relevant response.

In this year which marks the 70th anniversary of the Geneva Conventions and the 30th anniversary of the Convention on the Rights of the Child, it is more important than ever that States and parties to conflict uphold their obligations to protect children, who often pay too heavy a price during these armed conflicts.

19 See, for reference, ICRC, "Rio Project: Programmes Helped Reduce Humanitarian Impact of Violence in Rio de Janeiro", 2 November 2016, available at: www.icrc.org/en/document/rio-project-programs-helped-reduce-humanitarian-impact-violence-rio-de-janeiro.