



Published on *How does law protect in war? - Online casebook* (<https://casebook.icrc.org>)

Home > Children

International humanitarian law gives children general protection as **civilian persons** ^[1] taking no part in hostilities and special protection as particularly vulnerable beings. That special protection is conferred by numerous rules, *inter alia* on:

- (a) the treatment of new-born babies on the same footing as the **wounded** ^[2];
- (b) a child's right to **care** ^[3] and aid;
- (c) the reception of children under the age of fifteen years in **hospital and safety zones and localities** ^[4];
- (d) the **reunion of families dispersed** ^[5] by an **international** ^[6] or **internal armed conflict** ^[7];
- (e) the temporary **evacuation** ^[8] of children for imperative reasons of their safety, especially from a besieged or encircled area;
- (f) the prohibition, in case of **occupation** ^[9], of compelling **protected persons** ^[10] under the age of eighteen years to work;
- (g) the protection of the child's cultural environment and of their **education** ^[11];

- (h) the protection of the rights of children arrested, **detained** ^[12] or **interned** ^[13];
- (i) the prohibition of applying the **death penalty** ^[14] to children under the age of eighteen years at the time the offence was committed;
- (j) the protection of the family and the inviolability of the status of child;
- (k) the prohibition of **recruiting children** ^[15] under the age of fifteen years into the **armed forces** ^[16];
- (l) the protection of orphans or children separated from their parents.

CASES

South Sudan: Medical Care Under Fire ^[17]

Democratic Republic of Congo, Involvement of MONUSCO ^[18]

Mali, Conduct of Hostilities ^[19]

Engaging Non-state Armed Groups on the Protection of Children ^[20]

Philippines, Armed Group Undertakes to Respect Children ^[21]

Somalia, the fate of Children in the conflict ^[22]

Somalia, Traditional Law and IHL ^[23]

Libya, Report of the Office of the UN High Commissioner for Human Rights (2014/15)

[24]

Central African Republic: Sexual Violence by Peacekeeping Forces [25]

USA, *Jawad v. Gates* [26]

Central African Republic, Report of the UN Independent Expert, July 2016
[27]

ICC, Confirmation of Charges against LRA Leaders [28]

Colombia Peace Agreement [29]

UN/Colombia, Human Rights Committee Clarifications and Concluding
Observations (2016) [30]

Eastern Ukraine, Attacks Against and Military Use of Schools [31]

Central African Republic/Democratic Republic of Congo/Uganda, LRA
attacks [32]

Central African Republic, Coup d'Etat [33]

Central African Republic, No Class: When Armed Groups Use Schools [34]

Somalia, IHL violations in Somalia's long-running armed conflict [35]

South Sudan, AU Commission of Inquiry on South Sudan [36]

OUTLINE

Chapter 8, Special protection of children [38]

DOCUMENT

Optional Protocol to the Convention on the Rights of the Child, on the Involvement of Children in Armed Conflict [39]

BIBLIOGRAPHIC RESOURCES

Suggested readings:

ABBOTT Amy Beth, “Child Soldiers – The Use of Children as Instruments of War”, in *Suffolk Transnational Law Review*, Vol. 23/2, 2000, pp. 499-537.

BOUVIER Antoine & DUTLI Maria Teresa, “Children in Armed Conflict”, in *The International Journal of Children’s Rights*, The Hague, Kluwer Law International, Vol. 4/2, 1996, pp. 115-212.

BREEN Claire, “When is a Child not a Child?: Child Soldiers in International Law”, in *Human Rights Review*, Vol. 8, No. 2, January-March 2007, pp. 71-103.

BRETT Rachel & MACCALLIN Margaret, *Children: The Invisible Soldiers*, Rädda Barnen (Swedish Save the Children), Stockholm, 1996, 257 pp.

BUGNION François, “Les enfants soldats, le droit international humanitaire et la Charte africaine des droits et du bien-être de l’enfant”, in *African Journal of International and Comparative Law*, Vol. 12/2, 2000, pp. 262-275.

CHAMBERLAIN Cynthia, MOODRICK-EVEN KHEN Hilly & SCHABAS William A., “Children and Armed Conflict”, in QUENIVET Noëlle & SHAH-DAVIS Shilan (eds), *International Law and Armed Conflict: Challenges in the 21st Century*, The Hague, T.M.C. Asser Press, 2010, pp. 243-286.

COHN Ilene & GOODWIN-GILL Guy S., *Child Soldiers. The Role of Children in Armed Conflicts*, Geneva/Oxford, Henry-Dunant Institute/Clarendon Press, 1994, 228 pp.

COLLMER Sabine, “Child Soldiers: An Integral Element in New, Irregular Wars?”, in *The Quarterly Journal*, Vol. 3/3, September 2004, pp. 1-11.

DELISSEN Astrid J.-M., “Legal Protection of Child-Combatant after the Protocols: Reaffirmation, Development or a Step Backwards”, in *Humanitarian Law of Armed Conflict – Challenges Ahead, Essays in Honour of Frits Kalshoven*, Dordrecht, M. Nijhoff, 1991, pp. 153-164.

DRENIK Simona, "Protection of Children in Armed Conflict under Customary International Humanitarian Law: a Comment to the 2005 ICRC Study on Customary IHL", in *Slovenian Law Review*, Vol. 6, No. 1-2, December 2009, pp. 165-186.

DUTLI Maria Teresa, "Captured Child Combatants", in *IRRC*, No. 278, September-October 1990, pp. 421-434.

FALLAH Katherine, "Perpetrators and Victims: Prosecuting Children for the Commission of International Crimes", in *African Journal of International and Comparative Law*, T. 14, No. 1, 2006, pp. 83-103.

GACHOUD Régine, "La guerre, un jeu d'enfants ? Enfants soldats : la problématique des filles", in *African Yearbook of International Law*, Vol. 14 (2006), 2008, pp. 75-123.

HAPPOLD Matthew, "Child Soldiers in International Law: The Legal Regulation of Children's Participation in Hostilities", in *Netherlands International Law Review*, Vol. 47/1, 2000, pp. 27-52.

JESSEMAN Christine, "The Protection and Participation Rights of the Child Soldiers: An African Global Perspective", in *African Human Rights Law Journal*, Vol. 1/1, 2001, pp. 140-154.

MAYSTRE Magali, *Les enfants soldats en droit international : problématiques contemporaines au regard du droit international humanitaire et du droit international pénal*, Paris, Pedone, 2010, 202 pp.

MERMET Joël, “Protocole facultatif à la Convention relative aux droits de l’enfant concernant l’implication d’enfants dans les conflits armés : quel progrès pour la protection des droits de l’enfant ?”, in *Actualité et Droit international*, June 2002, <http://www.ridi.org/adi> ^[40].

PLATTNER Denise, “Protection of Children in International Humanitarian Law”, in *IRRC*, No. 240, June 1984, pp. 140-152.

QUENIVET Noëlle, “Girl Soldiers and Participation in Hostilities”, in *African Journal of International and Comparative Law = Revue africaine de droit international et comparé*, Vol. 16, pt. 2, 2008, pp. 219-235.

SINGER Sandra, “The Protection of Children During Armed Conflict Situations”, in *IRRC*, No. 252, May 1986, pp. 133-167.

SHEPPARD Ann, “Child Soldiers: Is the Optional Protocol Evidence of an Emerging ‘Straight-18’ Consensus?”, in *The International Journal of Children’s Rights*, Vol. 8/1, 2000, pp. 37-70.

VANDEWIELE Tiny & ALEN André (eds), *A Commentary on the United Nations Convention on the Rights of the Child: Optional Protocol: the Involvement of Children in Armed Conflicts*, Leiden, Boston, M. Nijhoff, 2006, 66 pp.

VEERMAN Philip & HEPHZIBAH Levine, “Protecting Palestinian Intifada Children: Peaceful Demonstrators, Child Soldiers or Child Martyrs?”, in *The International Journal of Children’s Rights*, Vol. 9/2,

2001, pp. 71-88.

“Les enfants et la guerre”, in *IRRC*, No. 842, June 2001, pp. 494-504.

WEBSTER Timothy, “Babes with Arms: International Law and Child Soldiers”, in *George Washington International Law Review*, Vol. 39, No. 2, 2007, pp. 228-254.

Source URL: <https://casebook.icrc.org/glossary/children>

Links

- [1] <https://casebook.icrc.org/glossary/civilian-population>
- [2] <https://casebook.icrc.org/glossary/wounded-and-sick>
- [3] <https://casebook.icrc.org/glossary/care>
- [4] <https://casebook.icrc.org/glossary/hospital-zones-and-localities-hospital-and-safety-zones-and-localities>
- [5] <https://casebook.icrc.org/glossary/family-reunification>
- [6] <https://casebook.icrc.org/glossary/international-armed-conflict>
- [7] <https://casebook.icrc.org/glossary/armed-conflict>
- [8] <https://casebook.icrc.org/glossary/evacuation>
- [9] <https://casebook.icrc.org/glossary/occupation>
- [10] <https://casebook.icrc.org/glossary/protected-persons>
- [11] <https://casebook.icrc.org/glossary/education>
- [12] <https://casebook.icrc.org/glossary/detention>
- [13] <https://casebook.icrc.org/glossary/internment>
- [14] <https://casebook.icrc.org/glossary/death-penalty>
- [15] <https://casebook.icrc.org/glossary/recruitment>
- [16] <https://casebook.icrc.org/glossary/armed-forces>
- [17] <https://casebook.icrc.org/case-study/south-sudan-medical-care-under-fire>
- [18] <https://casebook.icrc.org/case-study/democratic-republic-congo-involvement-monusco>
- [19] <https://casebook.icrc.org/case-study/mali-conduct-hostilities>
- [20] <https://casebook.icrc.org/case-study/engaging-non-state-armed-groups-protection-children>
- [21] <https://casebook.icrc.org/case-study/philippines-armed-group-undertakes-respect-children>
- [22] <https://casebook.icrc.org/case-study/somalia-fate-children-conflict>
- [23] <https://casebook.icrc.org/case-study/somalia-traditional-law-and-ihl>
- [24] <https://casebook.icrc.org/case-study/libya-report-office-un-high-commissioner-human-rights-201415>

[25] <https://casebook.icrc.org/case-study/central-african-republic-sexual-violence-peacekeeping-forces>

[26] <https://casebook.icrc.org/case-study/usa-jawad-v-gates>

[27] <https://casebook.icrc.org/case-study/central-african-republic-report-un-independent-expert-july-2016>

[28] <https://casebook.icrc.org/case-study/icc-confirmation-charges-against-lra-leader>

[29] <https://casebook.icrc.org/case-study/colombia-peace-agreement>

[30] <https://casebook.icrc.org/case-study/uncolombia-human-rights-committee-clarifications-and-concluding-observations-2016>

[31] <https://casebook.icrc.org/case-study/eastern-ukraine-attacks-against-and-military-use-schools>

[32] <https://casebook.icrc.org/case-study/central-african-republicdemocratic-republic-congouganda-lra-attacks>

[33] <https://casebook.icrc.org/case-study/central-african-republic-coup-detat-0>

[34] <https://casebook.icrc.org/case-study/central-african-republic-no-class-when-armed-groups-use-schools>

[35] <https://casebook.icrc.org/case-study/somalia-ihl-violations-somalias-long-running-armed-conflict>

[36] <https://casebook.icrc.org/case-study/south-sudan-au-commission-inquiry-south-sudan>

[37] <https://casebook.icrc.org/case-study/lake-chad-basin-multinational-joint-task-force-and-boko-haram>

[38] https://casebook.icrc.org/law/civilian-population#i_2_c

[39]

<https://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=24CAD49E85523D5941256937002F7220&action=openDoc>

[40] <http://www.ridi.org/adi>