

No place for Children

Some 300,000 children and young people are estimated to be involved in wars at present, killing and dying for causes they may barely understand. The actual numbers and age range of these children are unknown since data is either not kept or not disclosed by the governments or armed groups in conflict situations. What is clear is that, despite the large and growing body of opinion that combat is no place for children of any age, children continue to be sacrificed in this way.

UNICEF, 1999, *The Progress of Nations*, p.7.

unaccompanied. The CRC stipulates that children have the same rights as adults to a nationality and an identity. These Hearings will focus on the rights of refugee or internally displaced children. The Tribunal will work with existing law and recommendations from IOs and NGOs to determine how international law can be implemented more effectively as a tool and to assist in developing priorities for sustainable prevention of migratory populations and the protection offered these children.

1.4. War-Affected Children: The Main Issues

Armed conflicts set the stage for endless violations to children's rights, including their right to be safe from physical harm, to develop fully, to enjoy physical and mental health, to an education and to play. The very institutions and social structures that aim to protect children and promote their rights are often those hardest hit by war.

The characteristics of modern warfare make it particularly dangerous for children. In the first place, over the past half century, open international warfare, which is at

least partially governed by the Geneva Conventions, has given way to a myriad of internal conflicts in which the distinction between combatants and non-combatants seems to be increasingly blurred. Many of these conflicts are claimed on the basis of distorted and obscure ideas of 'ethnicity'. As the enemy is defined through identification of 'the other', children often come to be perceived as enemies-in-the-making, to be exterminated, or they themselves develop attitudes of enmity towards groups and individuals perceived as alien. These internal conflicts also tend to take place in countries where infrastructures are already weak and rapidly become unusable because of strategies that may deliberately target schools and health centres. Thus children who are not actually caught up in fighting may still be unable to enjoy their rights to provision of the basic needs for survival and development.

Perhaps the most significant aspect of modern conflict is the rise in civilian casualties. In the 1914-18 World War, only five percent of casualties were civilian. This increased tenfold to 50 percent in the 1939-45 World War, while the Vietnam War two decades later was marked by 80 percent civilian casualties. Moreover, it is claimed that 'Out of the 20 million killed in the 150 armed conflicts between 1945 and 1982, the majority of deaths [were] women and children.' Between 1985 and 1995, according to one source, 'internal armed conflicts...led to 1.5 million child deaths, 4 million children disabled as a result of war wounds and 5 million children living in refugee camps to escape conflicts.'⁷ According to another source, 2 million had been killed in the same period, with 6 million seriously injured or permanently disabled, many by landmines.⁸ Over the subsequent half-decade, conflicts have multiplied and intensified with the result that the topic of war-affected children has risen to the top of the international child rights agenda.

Children Affected by Armed Conflict: Quantitative and Qualitative Changes

Over the last decade, 2 million children have been killed in conflict situations, over 1 million have been made orphans, over 6 million have been seriously injured or permanently disabled and over 10 million have been left with grave psychological trauma.

At the present moment, there are over 20 million children who have been displaced by war within and outside their countries. Some 300,000 young persons under the age of 18 are currently being exploited as child soldiers around the world. And approximately 800 children are killed or maimed by landmines every month.

There has been a qualitative shift in the nature and conduct of warfare.

General Assembly, Fifty-fourth session Agenda item 12, 1 October 1999, A/54/430, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, p. 6, paras 10,11,12

7. Geraldine Van Bueren, 1995, *The International Law on the Rights of the Child* at 328

8. Machel Report, *The impact of armed conflict on children*, Report of the Expert of the Secretary General, Ms Graça Machel, submitted pursuant to the resolution adopted by the General assembly A/RES/48/157 to the Fifty-first session of the United Nations General assembly, (A/51/306 and Add.1), at 1 para 2.