

International Convention on the Rights of the Child

Following ten years of negotiation, the International Convention on the Rights of the Child was adopted at the UN on 20 November 1989. If ratified, it promises to be the first binding international instrument setting out states' obligations towards children.¹⁰ Article 12(2) of this Convention, entrenches further the child's right to the highest attainable standard of health and to medical and rehabilitation facilities. It also confers on states parties the obligation to diminish infant and child mortality and to ensure the provision of necessary medical assistance and health care to all children, with emphasis on the development of primary health care. Article 20 in this Convention is especially important. Paragraph 1 of this Article obliges States Parties to the Convention to respect the rules of international humanitarian law that are relevant to children during armed conflicts. Paragraph 2 states:

In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties to this Convention shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Geneva Conventions

The Geneva Conventions of 1949 and the Additional Protocols of 1977 specifically address the problem of protecting civilians in wartime.¹¹ The rules governing the conduct of parties in battle relative to the civilian population are found in the Fourth Geneva Convention. This Convention is especially relevant for what it says about relief in time of war. Article 59 binds occupying powers in international conflict to agree to relief schemes on behalf of the population of the occupied territory if that population is inadequately supplied. It states that such relief schemes may be undertaken by states or impartial

¹⁰ *Convention on the Rights of the Child*, UNICEF Briefing Kit no. 2: *The Origins of the Draft Convention*. It should be noted that while conventions are binding on states who ratify them, declarations carry no specific obligation for the states who accept them.

¹¹ International Committee of the Red Cross, *The Geneva Conventions of August 12, 1949* (Reprint), Geneva: 1970; and, International Committee of the Red Cross, *Protocols Additional to the Geneva Conventions of August 12, 1949*, Geneva: 1977.