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Protection of children in the event of war

Report¹

Social, Health and Family Affairs Committee

Rapporteur: Mr Henri C. J. HEYMAN, Belgium

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A. Explanatory Memorandum

1.

1. The Committee on Social Questions gave the most careful examination to the Motion referred to it on the protection of children in the event of war. Contact was made with the International Committee of the Red Cross and the International Union for Child Welfare, the two organisations which are specially interested in this question. The Committee has thus had the benefit of the considered opinion of these two organisations, and has been enabled to bring to a fruitful conclusion the task entrusted to it.

2. The Committee approved the main purpose of this Motion, namely to ensure the protection of children in time of war and the immediate implementation of the necessary measures to achieve this purpose. The Committee, nevertheless, considered that the protection proposed for children in time of war should be accompanied by measures of a more general scope, which should include the protection of mothers of very young children, of pregnant women, invalids, cripples and old people.

3. The Committee considered that this protection should be guaranteed within the framework of the Geneva Convention of 12th August, 1949, relative to the protection of civilians in war-time. The latter prescribes a series of measures to ensure the protection of children and of the civil population generally. The Committee did not consider that any further measures of protection than those envisaged in the convention were either appropriate or practicable. The Convention in question has been signed by the following countries² : Afganistan, Albania, Argentina, Australia, Austria, Belgium, Burma, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Columbia, Costa Rica, Cuba, Denmark, Egypt, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Greece, Guatemala, Hungary, India, Iran, Irish Republic, Israel, Italy, Lebanon, Lichtenstein, Luxembourg, Mexico, Principality of Monaco, Nicaragua, Norway, New Zealand, Pakistan, Netherlands, Peru, Poland, Portugal, Rumania, United Kingdom of Great Britain and Northern Ireland, Holy See, Siam, Sweden, Syria, Czechoslovakia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Switzerland. In accordance with the provisions contained therein, the Geneva Convention came into force six months after two instruments of ratification had been deposited.

4. By the 22nd September, 1952, or three years after the signing of this Convention the undermentioned countries had ratified it or adhered to it³ : Switzerland, Yugoslavia, Monaco, Lichtenstein, Chile, India, Czechoslovakia, Holy See, Lebanon, Jordan, Pakistan, Denmark, France, Israel, Norway, Italy, Belgium.

5. Since this Convention has not yet been ratified by all Member States of the Council of Europe the Committee considered that its first duty "was to recommend its ratification by the Governments of Member States as soon as possible.

6. It was, nevertheless, of the opinion that ratification was not enough, but that it was necessary to consider already in peacetime the practical steps which would be taken. The first days of a war would certainly not be the best time for solving the many problems involved. The Committee therefore proposes that the Assembly should recommend to all the Member States that they should forthwith take all the necessary practical measures to ensure the protection recommended by this Convention, in close collaboration with the national Red Cross Societies, the public and private humanitarian organisations, and the International Red Cross Committee.

7. The application of such practical measures is primarily a national question; they are the responsibility of the individual States, assisted by the private and public organisations, and in particular by the national Red Cross Societies. It is obvious that the International Red Cross Committee must also play a leading rôle. It supports the action of the national Societies and places its experience in these matters at the disposal of the States. Furthermore, the International Red Cross Committee was the initiator of the Geneva Convention, and it has never ceased to work to the end that International Law should give the individual a greater measure of protection against the risks of war. It therefore seems peculiarly fitted for this task, and its world-wide and humanitarian character strengthens its authority in the matter.

8. Being of the opinion that it would be useful and appropriate that information should be exchanged on the best methods of evacuating and protecting civilians, the Committee, in its draft Recommendation, advocates the exchange of information on this question between the Member States.

2. The Member States of the Council of Europe are given in italics.

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9. In the light of the foregoing considerations, the Committee on Social Questions proposes that the Assembly adopt the following draft Recommendation, which was unanimously approved by the Committee.

B. Draft Recommendation

The Assembly,

Fully aware of the threat to the civilian population, and particularly to children, in time of war;

Believing that all possible steps should be taken for their protection;

Recalling the terms of the Geneva Convention of 12th August, 1949, on the Protection of Civilians in Time of War;

Considering that this Convention was not ratified by all the Member States of the Council of Europe and that the practical measures which it advocated have not yet been taken,

Recommends that the Committee of Ministers invite all Member States of the Council of Europe :

1. To ratify or support the Geneva Convention of 12th August, 1949, on the Protection of Civilians in Time of War;
2. To take appropriate measures to provide the protection advocated in that Convention, in close collaboration with the national Red Cross Societies, private and public humanitarian bodies, and the International Red Cross Committee;
3. To inform the other Member States of the practical measures taken or to be taken, and to exchange information as to the best methods of evacuating and protecting civilians ;
4. To keep the Assembly informed of the results achieved in this connection.