The protection of children in armed conflict has always been high on the international political agenda. The Security Council has a special working group which pays specific attention each year to the most serious violations of children’s rights in armed conflict: the recruitment and use of children by armed forces or armed groups, the killing and maiming of children, rape and sexual violence, abduction, attacks on schools and hospitals, and the denial of humanitarian access by parties to armed conflict.¹

To present and discuss all the relevant documents is beyond the scope of this introduction to the international legal framework for the protection of children in armed conflict. Instead, I limit this to the international instruments which in my opinion are the most important:

- Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV), adopted in 1949
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), adopted in 1977
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), adopted in 1977
- Convention on the Rights of the Child (CRC), adopted in 1989
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention 182), adopted in 1999
- Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), adopted in 2007

In international public law regarding war and armed conflict, a traditional distinction is made between international humanitarian law and international human rights law. There are substantive reasons for this distinction: international humanitarian law is only applicable during war or armed conflict, while international human rights law is applicable prior to, during and after a war or armed conflict.
The distinction is also useful for practical reasons but should not lead to the idea that international humanitarian law does not include human rights. On the contrary, much of international humanitarian law contains fundamental human rights, and the specific international humanitarian law treaties underscore the fact that these human rights are applicable during war or armed conflict. We may consider a distinction between two groups of human rights: one applicable in general, that is, during war and peace, and one with provisions specifically applicable during war or armed conflict.

However, in presenting the international legal framework for the protection of children in armed conflict, I will follow the traditional distinction. I begin with international humanitarian law followed by international human rights law, where I discuss the role and importance of the CRC and the OPAC, together with some references to the ACRWC and ILO Convention 182.

Everyone—including every child—whose rights have been violated has the right to an effective remedy, including compensation, from those responsible for the violation. In a separate section I discuss the existing and future provisions relevant for the right to an effective remedy.

In dealing with these issues I do not only refer to the instruments mentioned above but also, when appropriate, to other relevant instruments, such as other conventions (for example, on landmines and on small arms and light weapons), Security Council resolutions and the Paris Principles.

Despite many international human rights and humanitarian provisions for the protection of children in armed conflict, the sobering and often shocking reality is that these children are still too often the victim of grave violations of their rights. A report of the Secretary-General in 2011 contains a very disturbing overview of ongoing and new violations of the rights of children. In 15 of the 22 areas of armed conflict covered in the report, schools were the target of armed forces and armed groups, including forced recruitment and forced closure. Afghan warlords use so-called “baccha baazi” (dancing boys), who are forced to dance at parties and are sexually abused. Al-Qaida in Iraq use “birds of paradise”—children who carry out suicide attacks. Other reports show that children often face disproportionately high levels of victimization by armed forces and armed groups. The shocking reality is that atrocities committed against children during armed conflict go far beyond our imagination.

**International humanitarian law**

**Geneva Convention IV**

After the Second World War, Geneva Convention IV was the first international instrument which explicitly provided for the protection of children during armed conflict. Under Article 24 states parties to a conflict should “take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of war, are not left to their
own resources” and should “facilitate the reception of such children in a neutral country for the duration of the conflict”. Furthermore, children younger than 12 should “be identified by the wearing of identity discs”. A similar provision can be found in Article 50 regarding children in occupied territories, with the explicit prohibition of changing the child’s personal status or enlisting them in organizations of the occupying power. During internment, families—in particular parents and children—shall stay in the same place (Article 82), and “expectant and nursing mothers and children under fifteen years of age, shall be given additional food” (Article 89). However, there are not any child-specific provisions in the articles on the implementation of penal laws in occupied territories or in Chapter IX, on penal and disciplinary sanctions (Articles 117–126).

It should be noted that the provisions for the protection of children in Geneva Convention IV are only applicable in international armed conflict. Article 2 states that “the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties”. Although Article 3 contains some basic provisions for armed conflict not of an international character, it does not have any child-specific protection provisions.

**Protocols I and II**

Protocols I and II further specify the protection of children, and Protocol II extends it to non-international armed conflicts. The most important provision is found in Article 77 of Protocol I, which prohibits the recruitment of children under the age of 15 into the armed forces and the obligation to take all “feasible measures” to prevent such children taking a direct part in hostilities. With regards to children older than 15: “In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the parties to the conflict shall endeavour to give priority to those who are oldest”. This text is repeated in Article 38 of the CRC.

**The Paris Principles**

The Paris Principles is an important document for the protection of children in armed conflict. Chapter 1, the introduction, can be considered as an elaboration on international humanitarian law. Chapter 6 is on the prevention of unlawful recruitment or use of children, and Chapter 7 is on the release and reintegration of child soldiers and children who have been otherwise involved in armed conflict.

The document was adopted at a conference in Paris in 2007, and as of September 2010 it had been endorsed by 95 states. I still wonder why the energy and time invested in this document has not been used to have the Paris Principles adopted by the UN General Assembly. The result would have greater status and be morally more binding than a document adopted at a conference and endorsed by just under half of UN member states.
According to Article 38(1) of the CRC, “States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child”. However, provisions of humanitarian treaties are binding only between states involved in the armed conflict which are states parties to these treaties. This raises the question what exactly is the meaning of Article 38(1) of the CRC. The wording of the provision seems to suggest that it goes further than respect and implementation only if both parties to the conflict are bound by, for example, Geneva Convention IV or the OPAC. This seems to be confirmed by the text of Article 38(4): “In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict”. I assume that the obligation to ensure this protection applies to all states bound by international humanitarian law—regardless whether other states involved in the armed conflict are bound by the same treaties of international humanitarian law.

Human rights as enshrined in various international covenants and conventions are applicable to all. Some of them contain rather general provisions on the right of the child to protection—for example, Article 24 of the International Covenant on Civil and Political Rights and Article 10 of the International Covenant on Economic, Social and Cultural Rights. But the meaning of these articles in different circumstances was given very little attention—if any—in the discussions about the implementation of these human rights provisions.

This practice of overlooking children as holders of human rights changed fundamentally with the adoption by the UN General Assembly of the CRC in 1989. As of July 2011, 193 states had ratified the convention, and its content can thus be considered as international customary law.

The CRC can be considered as the core foundation of the international framework for the protection of all children affected by armed conflicts. A direct link with this protection can be found in Article 38 of the CRC, on the recruitment and use of children in armed conflicts. The standards in this provision have been upgraded in the OPAC. Article 2 states that “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind”. A similar provision can be found in Article 3 of the ACRWC.

In countries and regions affected by war much attention is understandably given to children who are or were actively involved as child soldiers or participated in disarmament, demobilization and reintegration programmes. But the CRC is much more than a human rights
convention for the protection of children. The recognition of the child as a human rights holder is reflected in, for example, the provision that children are entitled to exercise their rights in accordance with their “evolving capacities” (Article 5). Furthermore, according to Article 12:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The Committee on the Rights of the Child has issued detailed guidance for the implementation of these rights. All children, including those affected by armed conflict, should be provided with “meaningful” opportunities—which need to be understood as a process and not a one-off event—to exercise their right to freedom of expression, which “relates to the right to hold and express opinions, and to seek and receive information through any media”, and their right to freedom of association and peaceful assembly—for example, forming student organizations. Children should be considered not only as objects of protection but also as individuals who can be agents of change by exercising their human rights. Examples of this can be found in their participation in truth and reconciliation commissions in Liberia, Sierra Leone and South Africa.

Other rights are also important for the protection of children affected by armed conflicts—such as the right to have a birth registered and have a name, and the right to acquire a nationality and to know and be cared for by the parents (Article 7). Birth registration may be perceived as a minor administrative matter but is critical for the protection of children. Children without birth certificates are particularly vulnerable to under-age recruitment by armed forces or armed groups, which apparently understand the importance of birth registration given the fact that they sometimes attack or paralyse the civil registration system and destroy birth records.

The first human rights imperative for the protection of children in armed conflict is the full and effective prohibition of their recruitment or use in armed forces or armed groups. An important part of the provisions for the protection of children affected by armed conflict is their recovery and reintegration. It should be noted, however, that international humanitarian law does not contain specific provisions for the recovery and reintegration of children. This reflects its applicability during the armed conflict, although even during such conflicts attention should and could also be given to recovery and reintegration.

The CRC does not contain specific provisions regarding the recovery and reintegration of children affected by armed conflicts, with Article 38 only requiring states parties to “respect and to ensure respect for the rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child”, and “take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities”.

The international legal framework
Nevertheless, recovery and reintegration is a human rights imperative as one of the consequences of the obligation of states parties to “ensure to the maximum extent possible the survival and development of the child” (Article 6). It is quite clear what states parties are required to do: ensure that all children in all circumstances—including armed conflict—are effectively protected against all forms of physical, sexual or other forms of violence, abuse or exploitation (Articles 19, 32–38)\(^\text{13}\) and implement the rights which are critical for the survival and development of children—such as the right to the highest attainable standard of health (Article 24), the right to benefit from social security (Article 26), the right to an adequate standard of living (Article 27), the right to education (Article 28), and the right to rest and leisure and to engage in play and in recreational and cultural activities (Article 31). The obligations may be clear, but meeting them is far from easy. This is even more so in states suffering or recovering from armed conflict.

The Committee on the Rights of the Child has systematically recommended states parties to develop and implement a comprehensive national policy or plan for the implementation of the CRC\(^\text{14}\). The implementation of this recommendation may be a mission impossible in states involved in armed conflict. But as part of the process of recovering from armed conflict, it is very important to design and implement a national plan with the best possible involvement of the children themselves and with a children rights based approach to address the many problems of children affected by armed conflict. Elements of this national recovery and reintegration plan should include:

- restoration of access to quality education
- restoration of health-care services and access to them
- measures to support family reunification
- programmes for recovery and reintegration of not only children associated with armed forces or armed groups but for all children affected by armed conflict, with special attention to girls, children with disabilities and displaced children
- an effective process of (transitional) justice to ensure that the perpetrators of crimes against humanity and war crimes are held accountable and are brought to justice

**The Optional Protocol to the CRC**

Although the CRC provides a solid foundation for the recovery and reintegration of children affected by armed conflicts, I would like to draw attention to some provisions in the OPAC on the involvement of children in armed conflict.

Article 6 requires states parties to provide, when necessary, children who have been recruited or used in hostilities in violation of the OPAC with “all appropriate assistance for their physical and psychological recovery and their social reintegration”. I note that this obligation does not extend to all children affected by armed conflict, but, as argued in the previous section, this is covered by the obligations contained in the CRC.
Article 7 of the OPAC contains important provisions for international cooperation and solidarity. First, it expects states parties to cooperate in the recovery and reintegration of children referred to in Article 6:

... including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Whatever these rules are, I am not aware of any attempt to establish such a voluntary fund. But such fund could provide additional resources—for example, supporting communities to create conditions for recovery and social reintegration of all children affected by armed conflict and for individual support particularly for children mentally or physically disabled as a result of armed conflict.

As evidence of the importance of the OPAC, the United Nations initiated a global campaign in 2010 for the universal ratification of the OPAC by 2012, supported by, among others, the Special Representative of the Secretary-General for Children and Armed Conflict, and the United Nations Children’s Fund.15

The recruitment and use of children

Preventing the recruitment and use of children in armed conflict is the most important challenge in international efforts to protect children. There is a large body of reports, books and articles with information on the practices of recruiting children, on the trauma suffered by children involved in armed conflict—as child soldiers or in other ways—and on efforts to demobilize and reintegrate these children.

The international legal framework contains different standards on the recruitment and use of children in armed conflicts:

1. The prohibition of recruiting children under the age of 15 and their direct participation in hostilities, applicable in all states parties to Protocols I and II and the CRC.

2. The prohibition and elimination of forced or compulsory recruitment of children (all persons under the age of 18) for use in armed conflict, applicable in all states parties to ILO Convention 182.

3. The prohibition of direct participation of children in hostilities and of their compulsory recruitment either in armed forces or armed groups, applicable in all states parties to the OPAC.
4. The prohibition of voluntary recruitment of children by armed groups and of children under the age of 16 for armed forces, applicable in all states parties to the OPAC.

5. The prohibition of direct participation in hostilities of children and their recruitment, applicable in states parties to the ACRWC.

**Standard 1**

Standard 1 was introduced in 1977 with Article 77 of Protocol I and Article 4 of Protocol II and incorporated in Article 38 of the CRC in 1989. Efforts undertaken during the drafting of the CRC to strengthen Standard 1 failed. However, as soon as the CRC entered into force and the Committee on the Rights of the Child became operational, it devoted its first day of general discussion to children in armed conflict. The impact of this discussion was far reaching. Following the recommendation of the Committee on the Rights of the Child, the United Nations undertook a global study which resulted in the Graça Machel report, in 1996, and the appointment of the Special Representative of the Secretary-General for Children and Armed Conflict. Furthermore, in 1994 the United Nations Commission on Human Rights established an open-ended working group to draft an optional protocol to the CRC on the involvement of children in armed conflict (resolution 1994/91). The Committee on the Rights of the Child submitted a draft text for this protocol to this group. The final text of the OPAC was adopted by the General Assembly on 25 May 2000 and entered into force on 12 February 2002.

**Standard 2**

Standard 2 can be considered as the first international step to strengthen Standard 1. Almost all states parties to ILO Convention 182 are also states parties to the CRC. They have committed themselves to the prohibition and elimination of the forced and compulsory recruitment of all persons under the age of 18, without a distinction between armed forces and armed groups.

**Standards 3 and 4**

Standards 3 and 4 are key elements of the international legal framework applicable in 132 states parties to the OPAC. The Committee on the Rights of the Child monitors the implementation of the OPAC on the basis of states parties’ reports and information from other sources. It has issued guidelines indicating the information states parties should submit to the Committee on the Rights of the Child.

The interpretation of the phrase “direct part in hostilities”, which is to be found in Article 1 of the OPAC, should not be limited to active participation in combat but should also encompass other military activities and functions, such as spying, sabotage, acting as decoys, couriers and porters, and assisting military checkpoints.
For recruitment there are two different standards: one for armed groups and one for armed forces. All forms of child recruitment by armed groups are prohibited (Article 4 OPAC). Compulsory recruitment into the armed forces is prohibited as well, but voluntary recruitment is allowed under certain conditions—the minimum age for this recruitment has to be set at 16, with the expectation that states parties will further increase this minimum age (Article 3 OPAC).

In reviewing the implementation of the OPAC, the Committee on the Rights of the Child noted with concern that recruitment or use of children contrary to the provisions of the OPAC was often limited to a provision in military laws, without explicit criminalization of these violations. Therefore, and using the provisions in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC), the Committee recommended states parties to:

- include in the law that violations of the rules of recruitment and use of children in armed conflicts are crimes, together with appropriate severe penalties
- establish extraterritorial jurisdiction for these crimes—at least in cases when they are committed by or against citizens of that state
- arrange for effective rules of extradition similar to the ones set in Article 5 of the OPSC

**Standard 5**

Standard 5 is only applicable to African states, but it is the most radical standard because it prohibits—without exception—the recruitment (voluntary or compulsory) or use of children in armed conflict. It should be noted that Article 2 of the ACRWC defines a child as “every human being below the age of 18 years” and without the exception which can be found in Article 1 of the CRC—“unless under the law applicable to the child, majority is attained earlier”. In short, it is the highest standard and is also known as the “straight-18 standard”. It is remarkable and encouraging that this standard is applicable on a continent that has suffered and continues to suffer from armed conflicts.

**Implementation**

**The Committee on the Rights of the Child**

It is fair to say that the international legal framework and its key international standards so far described provide adequate tools for the protection of children in armed conflict—at least on paper. But paper does not change the world for children affected by armed conflict. Full implementation of these international standards is what children need.

In that regard, it must be emphasized that implementation is first and foremost the responsibility of the states parties to international humanitarian and international human rights
conventions. In implementing children’s rights, the role of the Committee on the Rights of the Child is to provide states parties with guidance and direction through recommendations in the country-specific Concluding Observations and through General Comments. State party implementation of these recommendations varies and often depends not only on political will and priorities but also on the actions of non-governmental organizations (NGOs) and other civil society organizations. Improvement of this follow-up to the Concluding Observations is an ongoing topic of discussion in the human rights system, with a leading role for the Office of the United Nations High Commissioner for Human Rights.

The Special Representative

The Special Representative of the Secretary-General for Children and Armed Conflict is another important actor for the promotion and implementation of international standards for the protection of children in armed conflict. The annual reports of the Special Representative show an impressive range of ongoing activities, which includes country visits, presentations at conferences, the campaign on universal ratification of the OPAC, an amicus brief to the International Criminal Court (ICC) in the Lubanga case, and many others—all of which with the goal to prevent the recruitment and use of children in armed conflict and to promote and support demobilization, recovery and reintegration of children associated with armed forces or armed groups.

The Security Council

Since 2000 the Security Council has played an active role in addressing various aspects of the protection of children affected by armed conflict. It has repeatedly condemned the deliberate targeting of children in armed conflict, emphasizing the responsibility of all states to put an end to impunity and prosecute those responsible for crimes against humanity and war crimes. It has urged states to respect fully the international law applicable to the rights and protection of children in armed conflicts, such as the Geneva Conventions of 1949, Protocols I and II, the CRC and the OPAC. The Security Council has established a working group to monitor the implementation of international law focusing on the most serious violations of children’s rights, the killing and maiming of children, rape and sexual violence, abduction and forced displacement, denial of humanitarian access to children, attacks on schools and hospitals, trafficking, forced labour and all forms of slavery in countries with current or recent armed conflict, listed in an annex to the report of the Special Representative. The Security Council may, when necessary, impose sanctions on states which continually fail to take effective actions to address these serious violations of children’s rights.
The international legal framework

**Remedies**

Specific provisions regarding remedies in the case of violations of children’s rights can be found in neither the CRC nor the OPAC. However, Article 44 of the ACRWC provides the African Committee of Experts on the Rights and Welfare of the Child with the power to “receive communication from any person, group or non-governmental organization recognized by the Organization of African Unity, by a Member State, or the United Nations relating to any matter covered by this Charter”. This makes it possible to file complaints about the violation of Article 22 of the ACRWC, on the prohibition of recruitment or use of children in armed conflicts.

As early as 1948 the right of everyone “to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted” was recognized in Article 8 of the Universal Declaration of Human Rights. This right has been elaborated in Article 2 of the International Covenant on Civil and Political Rights, which specifies “that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities” and “that the competent authorities shall enforce such remedies when granted”. It can be said that within the world of human rights conventions, the right to an effective remedy is a matter of international customary law.

Similar to implementation, the provision of effective remedies is firstly a responsibility of states. They should have in place, or should develop, adequate and effective procedures for claiming remedies, and implement and enforce them. These procedures should be accessible for children or their legal representatives and conducted in a child sensitive manner. In a number of countries special truth and reconciliation commissions have been established as part of the transitional justice addressing atrocities committed against children.

**Crimes**

It should be noted that war crimes committed by children are excluded from the jurisdiction of the ICC (Article 26 Rome Statute). This makes the question how to deal with (former) child soldiers who have committed serious (war) crimes a matter for national authorities. They can and should be first considered as victims (see the Paris Principles). However, this does not mean that they should not be held accountable for the crimes they have committed. This must be addressed as part of the process of transitional justice, which can be done via proceedings under the national criminal codes but must be in full compliance with the CRC and the relevant international standards. Such proceedings do not necessarily result in sentencing the child soldier to, for example, long imprisonment. Article 40 of the CRC requests states parties:

> to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

> ...
Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.27

Truth and reconciliation commissions are also used to address the accountability of child soldiers for the crimes they have committed.

In addition to and complementing the national procedures, special procedures have been established at the international level for dealing with crimes against humanity and war crimes committed against children—such as the ICC, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone.

The statutes for the country-specific courts do not mention recruitment or use of children as a crime. This can be found in the Rome Statute, in which "conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities" is defined as a war crime in Article 8.28 This is an unfortunately low standard for the protection of children and their right to effective remedies. Leaders of armed groups can avoid prosecution at the ICC if they limit the recruitment and use of children to those 16 years or older. This makes it even more important that at the national level prosecution is made possible for all recruitment and use of those under the age of 18.

**Child witnesses**

Children who are victims of war crimes may be heard and may have to appear in court as witnesses. The Rome Statute contains special rules for the protection of victims and witnesses who participate to the proceedings. For instance, hearings can be conducted in camera if a child is a victim or witness. A special Victims and Witnesses Unit has been established by the ICC to advise the prosecutor and the court on appropriate protective measures and assistance.

Article 8 of the OPSC contains specific rules for the protection of child victims and witnesses in proceedings on sexual exploitation. The ICC should take these rules into account in its approach to child victims or witnesses of war crimes.29 It is likely that charges against perpetrators of war crimes may involve many children as victims and witnesses—by the time charges are brought many of them have already turned 18. It is impossible to interview them all and bring them to the court at The Hague. This does raise the question of how children who testify at the ICC are selected by the prosecutor and what factors play a role in this selection.

**The Third Optional Protocol**

An important new development relative to the right to an effective remedy is the drafting of the new Third Optional Protocol to the CRC to provide a communications procedure or, in language more comprehensible for the average child, a protocol for submitting complaints of
violations to the Committee on the Rights of the Child. The final text of this draft was adopted by the Human Rights Council, in June 2011, hopefully followed by the UN General Assembly by the end of the 2011—ready to be ratified.30

The Third Optional Protocol will allow war affected children to file complaints about their right to recovery and reintegration. Furthermore, complaints can be filed about the recruitment and use of children age 15 or older, contrary to the provisions of the OPAC—thus filling, although in a very limited way, the gap in the Rome Statute. The Third Optional Protocol is an important additional tool for remedies because it allows the Committee on the Rights of the Child to consider a complaint even if all available domestic remedies have not been exhausted and the application of remedies (at the national level) is unreasonably prolonged or unlikely to provide effective reparation.

**Conclusion**

The core elements of the international legal framework are strong tools for the protection of children affected by armed conflict. However, there are other tools which have not been discussed in this introduction, such as the Ottawa Convention and the European Union Guidelines on Children and Armed Conflict, which can contribute to protection.

Implementation of this framework needs continued investment in terms of national legislation and allocation of sufficient resources with the involvement of the many agencies such as NGOs, the Special Representative, the Security Council and other UN agencies. This investment should not be limited to children associated with armed forces or armed groups, but instead should include the protection, recovery and reintegration of all children affected by armed conflict, as required under the ACRWC and the CRC.

Special attention is given to remedies for children’s rights violations—for example, through truth and reconciliation commissions at the national and international level, and the prosecution of perpetrators of crimes against children via special courts and tribunals, and the ICC. The Third Optional Protocol to the CRC providing communications procedure can become an extra tool for remedies.

The following four actions should be considered to further strengthen the international framework for the protection of children affected by armed conflict:

- universal ratification of the OPAC
- upgrading of the Paris Principles
- amendment of the Rome Statute in order to extend the jurisdiction of the ICC to the recruitment and use of all children in armed conflict
- establishment of a UN fund for the recovery and reintegration of all children affected by armed conflict as recommended in the OPAC
Notes

2. The Ottawa Convention, known fully as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, opened for signature on 3 December 1997 and entered into force on 1 March 1999.
3. The Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition, and Other Related Materials was adopted on 14 June 2006.
6. The Paris Principles can be considered as an update of the Cape Town Principles on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa, which was adopted in 1997.
12. For further information see UNICEF Innocenti Research Centre, Birth Registration and Armed Conflict, 2007.

22. See <www2.ohchr.org/english/bodies/crc/crcs42.htm> for full reports and Concluding Observation.

23. This is also known as the Second Optional Protocol to the CRC.


28. Rome Statute, Article 8, paragraph 2b(xxvi).

