

THE USE OF CHILDREN IN WAR: THE INTERNATIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS

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Few people would dispute that children are amongst the most vulnerable during times of war or armed conflict. They are often recruited into some of the toughest of military operations by mandatory conscription or drawn into it by the seemingly glamorous appeal of being part of a macho operation. Often times parental figures are absent or incapable of providing appropriate guidance on such matters. Alone, children are not sufficiently capable of understanding the issues at stake; they may be easily led astray making decisions which invariably cost them dearly. Children need protection under international law. They need legal guarantees that protect them from mandatory or voluntary recruitment. In response to reported increases in the numbers of children participating in war and armed conflicts, the United Nations Commission on Human Rights has agreed an Optional Protocol On the Involvement of Children in Armed Conflicts, The Protocol seeks to protect children who are recruited in situations of armed conflict, by legally raising the age of compulsory recruitment of persons into armed forces and by seeking to limit their participation in direct hostilities. Although a necessary first step in protecting children, the Protocol itself falls short of an out right ban of child participation in hostilities, *per se*. This article critically assess the new Protocol, examining its strengths and deficiencies.

1. Introduction

The dawn of the Third Millennium marks an important point in history for children around the world. On 21st January 2000, 70 nations agreed a United Nations treaty to ban the direct use of children in war. Known as the Child Soldiers Protocol, it prohibits the deployment of children under the age of 18 in armed conflict, and their recruitment, compulsory or voluntary, to "armed groups". The Protocol, which will accompany the 1989 Convention on the Rights of the Child, marks six years of international negotiations.

Although heralded as a triumph by advocates of childrens' rights, the Protocol itself is limited in its legal protections of children. Concessions insisted upon by the United States in particular, and backed by the United Kingdom, leave open voluntary recruitment of 16 and 17 year olds into non-combatant services. Moreover, the Protocol seeks to address the issue of direct usage of children, providing little protection for children in relation to indirect involvement in war and armed conflicts.

The purpose of this article is to examine the main provisions of the new Protocol. Discussion focuses on the substance of the articles themselves, highlighting some of their strengths and weaknesses. The article concludes by highlighting issues left un-addressed regarding the indirect use of children in war.

2. The Optional Protocol: Background and Deliberations

In response to mounting pressure to address the concern of the use of children in war around the world, in 1994 the United Nations Commission on Human Rights¹ established a working group to draft a protocol to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts.² This mission was considered to be a matter of priority, and was hoped to be concluded to coincide with the 10th anniversary of the Convention on the Rights of the Child. Representatives and observers attended from a broad scope of nation states, international bodies and non-Governmental organizations. Participation was open to all members of the UN Commission, of which some 33 appointed representatives to the deliberations.³ In addition, observers of some 20 non-member States of the

¹ Authorized by the Economic and Social Council (Resolution 1994/10, UN Economic and Social Council), the first session of the working group opened its 1st meeting, 31 October 1994.

² (E/CN.4/1994/91) submitted by the Committee on the Rights of the Child.

³ Participating member States were: Angola, Austria, Australia, Brazil, Bulgaria, Canada, Chile, China, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Germany, India, Italy, Japan, Kenya, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Commission attended⁴ as well as two non-member States of the United Nations, namely the Holy See and Switzerland. Observers were present from the United Nations Children's Fund, the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and from the following non-governmental organizations: African Commission for Health and Human Rights Promoters (CAPSDH), Baha'i International Community, Defence for Children International, Friends World Committee for Consultation (Quaker), International Federation Terre des Hommes, International Fellowship of Reconciliation, International Save the Children Alliance.

At its sixth session held from 10 to 21 January 2000, the working group of the Commission on Human Rights agreed a draft optional protocol to the Convention on the Rights of the Child. The protocol was submitted to the Commission on Human Rights for consideration and approval at its fifty-sixth session (20 March-28 April 2000) and then, through the Economic and Social Council, to the General Assembly for final adoption. It will come into effect once ratified by ten countries.

3. The Aim of the Protocol

The principal aim of the Protocol is to protect children who are recruited in situations of armed conflict under international law. In particular, it seeks to raise the age of compulsory recruitment of persons into armed forces and to limit their participation in hostilities.

4. The Child Soldiers Protocol⁵

The Protocol itself seeks to address a number of concerns regarding the use of children in war. It aims to protect them from

⁴ The following non-member States of the Commission, were represented by observers: Algeria, Argentina, Croatia, Czech Republic, Denmark, Egypt, El Salvador, Greece, Iraq, New Zealand, Morocco, Nicaragua, Norway, Philippines, Senegal, South Africa, Slovakia, Sudan, Sweden, Thailand.

⁵ Draft optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. See Appendix 1 for the complete wording of the Protocol.

a number of concerns that have surfaced in recent years and to promote their general welfare relating to their involvement in war and armed conflict. To begin with the Optional Protocol endeavours to ban the use of children under the age of 18 from direct involvement in armed forces hostilities.⁶ It calls for a ban on the compulsory recruitment of children under 18 into the armed forces in the first place.⁷ It raises the minimum age for voluntary recruitment⁸ and calls for the adoption of safeguards to ensure voluntary recruitment is not forced or coerced⁹ The Protocol prohibits armed groups, which are distinct from the armed forces of a State, from recruiting or using children under the age of 18 in hostilities.¹⁰ It reiterates the continuance of State obligations regarding existing international humanitarian law.¹¹ And, States that are party to the Protocol must implement effective means of enforcing the provisions thereof.¹² Moreover, States agree to provide rehabilitation and social reintegration of persons who are victims of acts which are deemed contrary to the Protocol.¹³

5. Use of Children in Direct Hostilities

Delegates of the working group readily agreed that setting an age limit for child participation in hostilities was “the key” issue of the new protocol. Reaching consensus on this point, however, proved to be more contentious. The Convention on the Rights of the Child (1989) initially set a minimal age of 15 years for children participating in war and armed conflicts.¹⁴ Human rights groups, assisted by some UN Member States, argued 15 was too young an age for children to participate in war. They argued 18 was a more suitable minimum age.

⁶ Article 1.

⁷ Article 2.

⁸ Article 3, which means an amendment of Article 38(3) of the 1989 Convention on the Rights of the Child.

⁹ Article 3.

¹⁰ Article 4.

¹¹ Article 5.

¹² Article 6.

¹³ Article 7.

¹⁴ Article 38(2).

Mr. Olara Otunnu, Special Representative of the Secretary-General for children in armed conflict strongly supported the proposal to raise the minimum age to 18 for recruitment into armed forces or armed groups, and participation in combat. He urged all participants to adopt this measure stating that it would send a "very important and much needed message concerning the protection of the rights and welfare of children in situations of armed conflict".¹⁵ Similarly, the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, addressed the working group expressing the hope that those Governments which were reluctant to accept a minimum age of 18 would "reconsider" their position.¹⁶

Although the vast majority of the delegates supported a limit of 18 years, there was strong opposition to this measure by those countries favouring a lower minimal age, remaining adamant throughout the six years of deliberations, only acquiescing at the last round of discussions in January 2000. The final draft of the optional Protocol bans children under the age of 18 from taking "direct part in hostilities".¹⁷ Indeed, countries are to "take all feasible measures" to ensure this end.¹⁸ Advocates of children's rights are particularly pleased with this outcome of a minimal age of 18 relating to direct participation, citing it as a triumph for children. But, amid their success, they recognize the shortcomings of this same provision.

6. Voluntary versus Compulsory Recruitment to the Armed Forces

The ban does not prohibit children under 18 from joining the armed forces in the first instance, it simply distinguishes between voluntary and compulsory recruitment. Many of the delegates favoured an "outright" ban on children joining the armed forces.

¹⁵ Statement by Mr. Olara Otunnu, Special Representative of the Secretary-General, read by the Chairman of the working group at the 4th meeting, on 5 February 1998.

¹⁶ Speech by the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, at the 5th meeting, on 9 February 1998.

¹⁷ Article 1.

¹⁸ Article 1.

They wanted the participation of “no” child under the age of 18 years in any form of military training, exercise, or indeed hostility. Since consensus could not be reached in that regard, discussion turned to the nature of recruiting children under the age of 18. Distinction was made between voluntary recruitment, where children freely offer to join the armed forces and compulsory recruitment, where they are compelled to do so by state authorities.

Voicing the stand of many states, the representative from Ethiopia issued strong support for a “straight 18” ban, stating that, “compulsory recruitment should be totally abolished,[and] the age limit for voluntary recruitment into the armed forces should be set at 18”. Although many states were willing to accept banning child recruitment as a “compulsory measure, they were less enthusiastic about the abolishing voluntary recruitment drives.

Ultimately, a “straight 18” ban of both types of recruitment could not be reached, a compromise was struck whereby delegates agreed to ban compulsory recruitment practices of children under 18. Voluntary recruitment, however, remains open to children freely electing to join the services. States are to raise the minimum age in years for the voluntary recruitment of individuals into their national armed forces from that set out in Article 38(3) the Convention on the Rights of the Child, from 15 years to 18.¹⁹

7. Criticisms of Voluntary Recruitment to the Armed Forces

Many activists criticise the compromise to allow voluntary recruitment. Delegates point to a certain illogic to the approach of

¹⁹ Article 38 states: 1. 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. 2. States Parties shall 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. 3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest. 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.

some Governments in that they recruit and deploy children under 18 years of age as soldiers, but ban the sale of alcohol and tobacco to these same children. Other Governments prohibit children from employment in some industrial spheres, which are deemed likely to jeopardise the child's health or safety, but these same children can participate in armed conflict and war.

Beyond these illogical stands, many delegates argued that most children of that age are not sufficiently aware of the consequences of their actions in joining military offences. They contend the "straight 18" ban serves to protect children from taking such serious decisions. There is often a fine line between a child's exercising his or her free and untethered desire to become part of a military organization and being indoctrinated into believing it is in his or her best interest to do so. In that regard, many NGO participants, highlighted the vulnerability of children who had been displaced from their families during actual internal conflicts. They point out that refugee camps, in particular, are ripe grounds for the recruitment of child soldiers. While some children voluntarily sign-up, others are forced to do so. Many children are told they have to participate in the hostilities and are treated in a master-servant relationship.

Although others do volunteer, there remains some ambivalence as to how voluntary their choices actually are, in that respect. Feeling unsafe and left to their own devices, some refugee children volunteer to join armed groups hoping to find physical protection and economic security. They are lulled into a false sense of security and worth. Many children are allured into a "romantic notion" of becoming a soldier. One who is tough and in control, when they as children feel weak and out of control during their displaced period, all during the midst of adolescent angst.

It seems, the issue of child soldiers is not a merely military or patriotic one, but more a matter relating to exploitation and poverty. NGOs made reference to reports which demonstrate that, irrespective of the method of recruitment, child soldiers very often come from poor and disadvantaged groups of society with lower educational prospects or from groups with disrupted or non-existent family backgrounds. Moreover, child soldiers are not all boys; many girls are recruited as well, many of who are at risk of sexual exploitation, sexual violence, contracting the AIDS virus and unplanned pregnancy.

Whilst recognizing these concerns, some countries point to the military as a source of livelihood for many young people citing what they perceived as the benefits of early recruitment. Reiterating this point, Pakistan, for example, argued voluntary recruitment to be kept at 16 because many children at that age entered the armed forces in Pakistan for job stability, training and educational opportunities, providing in some cases a livelihood for both themselves and their families. The representative from Pakistan thus argued that lowering the age could cause “severe social dislocation” for individuals and families.

8. Protecting Children who Join Voluntarily

In view of the above issues and concerns, certain measures were introduced to try to curtail abusive voluntary recruitment. Under Article 38 of the Convention on the Rights of the Child, states are to “recognize” that children under 18 are “entitled to special protection”. To that end, upon ratification of the Protocol, each member state is to deposit a binding declaration which sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces as well as a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

Those states which permit voluntary recruitment into their national armed forces under the age of 18 will agree to endeavour to maintain safeguards to ensure, as a minimum, that: (1) such recruitment is genuinely voluntary; (2) such recruitment is done with the informed consent of the person’s parents or legal guardians; (3) such persons are fully informed of the duties involved in such military service, and such persons provide reliable proof of age prior to acceptance into national military service.²⁰

²⁰ Under Article 3, each State is permitted to strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations who shall inform all States Parties. Such notification shall take effect on the date which it is received by the Secretary-General.

9. Military Education and Training Exempt

Many of the states opposing the minimum age for voluntary recruitment argued that a “straight 18” ban might undermine branches of their educational system. It was noted that in many countries the function of military service is not limited to defence alone. The military sector provides an important educational service for many young people as it relates to instructional and vocational training schools. It often provides young people an opportunity to acquire transferable knowledge and skills that they can use as the basis of career advancement generally. These states felt that too high an age limit for recruitment would limit access to education for some young people, particularly those who lack financial means to otherwise continue their schooling.

Given this position, it was accepted in the final version of the Protocol that the requirement to raise the age to 18²¹ would not apply to schools operated by, or under the control of, the armed forces. The requirement to raise the age to 18, as set out in paragraph 1 of Article 3 “does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with Articles 28 and 29 of the Convention on the Rights of the Child”.²²

10. Indirect versus Direct Hostilities

As mentioned above, one of the main criticism of the provision is that it serves to qualify the ban. It does not prohibit children from taking part in hostilities, *per se*, it merely precludes them from “direct” involvement, thus weakening the child’s protection. Children may participate in other capacities of war and serve to facilitate troops on the front lines. Many delegates favoured an “outright” ban to be applied to “all forms of participation”, whether it be “direct or indirect”. The ban as it stands is therefore limited to “direct” participation in hostilities, it does not eliminate it altogether. While limiting their involvement is admittedly a step forward, many strong proponents of children’s rights involved in the delegation

²¹ Pursuant to Article 3 of the Protocol.

²² Article 3.

would have liked to see an outright ban of the use of children in any form, whether it be in the direct hostilities or as ancillary support to facilitate front line battle.

In relation to this, it was pointed out during the discussions that the optional nature of the protocol means that *too* strict a margin would deter some states from ratifying the treaty. And, it was imperative to have as many nations adopt the Protocol as possible. Some stressed the importance of banning child involvement with armed groups.

11. Armed Groups

Most delegations agreed that the reality in the world today is that most under-aged combatants participating in armed conflicts serve in non-governmental armed groups. They therefore felt the Protocol should reflect this reality by specifically addressing the issue of child soldiers recruited by non-governmental entities. Notably, the Protocol distinguishes between the use of children by "state-run armed forces" and "armed groups" which act as splinter guerrilla forces not under state control. Article 4(1) states that, "Armed groups ... should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years", be it compulsorily or voluntary. To this end, state parties to the Protocol are to take "all feasible measures to prevent such recruitment and use" of children. Specifically, they are to adopt "legal measures" to prohibit and indeed to criminalize such practices.

12. Implementation, Enforcement and Monitoring

The Protocol will enter into force three months following ratification by ten countries. It will come into effect in subsequent countries one month after their respective ratification or accession.²³ States party to the Protocol are to co-operate with its implementation, including the prevention of any activity contrary to it.²⁴ It is incumbent on each member state to take "all necessary

²³ In accordance with Article 10 of the Protocol.

²⁴ Article 7(1).

legal, administrative and other measures to ensure the effective implementation and enforcement” of the provisions therein.²⁵

Within two years following the entry into force of the Protocol, each respective state must “submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment”.²⁶

In addition, states are to ensure children who are recruited or used in hostilities are demobilized or otherwise released from service within their respective jurisdiction.²⁷ Moreover, states are to offer children adversely affected in this manner “appropriate assistance for their physical and psychological recovery, and their social reintegration” into society.²⁸

13. Denunciation and Amendments

Any State party to the Protocol may denounce it at any time by written notification to the Secretary-General of the United Nations.²⁹ “Denunciation will take effect one year after the date of receipt of the notification by the Secretary-General of the United Nations”.³⁰ “If, however on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.”³¹ A denunciation will not have the effect of releasing the said member State from its obligations in regard to any act which occurred prior to the denunciation coming into effective.³² In addition, such a denunciation will not prejudice in any way the continued consideration of any matter which is already under consideration

²⁵ Article 6.

²⁶ Article 8(1).

²⁷ Article 6.

²⁸ Article 6.

²⁹ Article 11(1).

³⁰ Article 11(1).

³¹ Article 11(1).

³² Article 11(2).

by the Committee prior to the date at which the denunciation becomes effective.³³

Any State Party may propose an amendment and file it with the Secretary-General of the United Nations.³⁴ The Secretary-General will communicate the proposed amendment to States Parties requesting whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal.³⁵ If within four months from the date of the communication at least one third of the States Parties favour such a conference, the Secretary-General will convene the conference under the auspices of the United Nations.³⁶ Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.³⁷

14. Protocol Negotiations: A Balancing Act

The measure of success of this Protocol is arguable. While some feel it is a progressive step forward for humanity in general and children in particular, others highlight its deficiencies and shortcomings. At the risk of stating the obvious, negotiating a protocol of this nature is a delicate process. Parties are faced with the dilemma that too narrow a margin of protection enshrined in the various provisions render it weak and insignificant, whilst too strict a margin would ultimately deter some states from ratifying the treaty (many of whom the international community want to ratify it). The working group was thus faced with the task of balancing the interest of children on the one hand, i.e., setting acceptable standards relating to their participation in war and armed conflict, and on the other hand agreeing a treaty that would be ratified and indeed, complied with, by the vast majority of nations throughout the world.³⁸ Theirs was a delicate balancing act. One on which many would congratulate the drafters.

³³ Article 11(2).

³⁴ Article 12(1).

³⁵ Article 12(1).

³⁶ Article 12(1).

³⁷ Article 12(1).

15. Protocol Weakness: The Indirect Use of Children in War

The greatest strength of the Protocol appears to be in its coming to fruition in the first place, amid much adversity and varying opinions on a delicate matter. Its greatest weakness, however, is its failing to address a number of questions relating to the "indirect" use of children in war. The indirect use of children can manifest itself in a number of ways, depending on the country in question, the circumstances of the war in question and the nature of the troops involved in the fighting.

One indirect use of children is to strategically position them so as to act as deterrents from air raids. Many countries limit bombing campaigns levelled against them by placing important military points in areas where children frequent. They purposely place munitions factories, military barracks and intelligence headquarters in areas where civilian populations, generally, and children in particular are likely to live, study and play, including near schools, playgrounds and places of worship. This strategy is an effective means of deterring bombing campaigns, particularly from international forces who wish to avoid child and civilian casualties.³⁹ While children are not used as soldiers as such, they are used indirectly as part of the larger machinery of war.

Others are used in the war itself. Specifically, children are often used for landmine detection and clearance. They are asked to walk before the troops with the strategic effect of identifying anti-personal mines. It is considered a more efficient use of resources to lose or maim a child than to injure or lose trained soldiers. To that effect, children are not technically used directly in hostilities, but they are used all the same, and in a most brutal fashion. Another area which is not sufficiently covered in the Protocol is the issue of exploitation as it relates to rape, sexual abuse and sex slavery. Many children, particularly young girls are physically exploited by some soldiers of war both in indiscriminate *ad hoc* manners and via systematic forced slavery and servitude. Such

³⁸ See discussion notes of Commission on Human Rights Fifty-fourth Session (E/CN.4/1998/102 of 23 March 1998).

³⁹ A case in point is the 1999 NATO air campaign against the Federal Republic of Yugoslavia.

treatment has led to many unfavourable outcomes, including unwanted pregnancies, the spread of the AIDS virus and psychological trauma, generally. Finally, another indirect use of children relates to medical usage. Many children are used to facilitate war by supplying blood to soldiers wounded in action. Some are used as human blood banks to injured soldiers. Many children are literally bleed to death in this fashion, or at best suffer adversely therefrom.

As discussed, although the Protocol is an important step forward in regulating the direct use of children in military services and armed conflict, there remains a number of pressing issues left to be addressed by the international community as it relates to the broader participation of children in war generally.

16. Conclusions

There is little doubt that the Protocol is a progressive step towards protecting children's rights. For the first time in history there seems to be a collective political will to improve the quality of life of children generally and to safeguard their early life experiences relating to their participation in military duty, armed conflict and hostilities in particular. The Protocol is no doubt an important turning point. But, amid its success, it has many shortcomings. The ban does not prohibit children under the age of 18 from joining the armed forces in the first instance, it simply distinguishes between voluntary and compulsory recruitment. Moreover, it does not prohibit children from actually participating in hostilities, *per se*, it merely limits their involvement in hostilities, falling short of prohibiting participation altogether. It would seem that this is an appropriate point from which to develop further international law as it relates to the place of children in war and armed conflict, be it directly or indirectly.

APPENDIX 1

Draft optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

At its sixth session held from 10 to 21 January 2000, the open-ended working group of the Commission on Human Rights entrusted with the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts has completed its mandate by adopting by consensus, on 21 January, the text of the draft optional protocol. The draft optional protocol will now be submitted to the Commission on Human Rights at its fifty-sixth session (20 March-28 April 2000) for consideration and approval and then, through the Economic and Social Council, to the General Assembly for final adoption.

The unedited English version of the text of the draft optional protocol is reproduced below.

PP1: Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child.

PP2: Reaffirming that the rights of children require special protection and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security.

PP3: Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development.

PP4: Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals.

PP5: Noting the adoption of the Statute of the International Criminal Court, in particular the inclusion of conscripting or enlisting children under the age of fifteen years or using them to participate actively in hostilities as a war crime in both international and non-international armed conflicts.

PP6: Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child, there is a need to increase the protection of children from involvement in armed conflict.

PP7: Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

PP8: Convinced that an Optional Protocol to the Convention, raising the age of possible recruitment of persons into armed forces and their participation in hostilities, will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children.

PP9: Noting that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended inter alia that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities.

PP10: Welcoming also the unanimous adoption in June 1999, of the ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits inter alia forced or compulsory recruitment of children for use in armed conflict.

PP11: Condemning with gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard.

PP12: Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law.

PP13: Stressing that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including article 51 and relevant norms of humanitarian law.

PP14: Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter of the United Nations and observance of applicable human

rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation.

PP15: Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol due to their economic or social status or gender.

PP16: Mindful also of the necessity to take into consideration the economic, social and political root causes of the involvement of children in armed conflicts.

PP17: Convinced of the need to strengthen international cooperation in implementation of this protocol, as well as physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict.

PP18: Encouraging the participation of the community and, in particular, children and child victims in the dissemination of information and education programmes concerning the implementation of the Protocol.

Article 1

State Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

State Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

States Parties shall raise the minimum age in years for the voluntary recruitment of persons into their national armed forces from that set out in Article 38(3) the Convention on the Rights of the Child, taking account of the principles contained in that article and recognize that under the Convention persons under 18 are entitled to special protection.

Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol which sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

States Parties which permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that: such recruitment is genuinely voluntary; such recruitment is done with the informed consent of the person's parents or legal guardians; such persons are fully informed of the duties involved in such military service, and such persons provide reliable proof of age prior to acceptance into national military service.

Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations who shall inform all States Parties. Such notification shall take effect on the date which it is received by the Secretary-General.

The requirement to raise the age in paragraph 1 does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with Articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups, distinct from the armed forces of a State, should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. State Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed to preclude provisions in the law of a State Party or in international instruments and international humanitarian law which are more conducive to the realisation of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery, and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present protocol, including in the prevention of any activity contrary to the protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation among concerned States parties and other relevant international organisations.
2. 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 General Assembly rules.

Article 8

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other State Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from State Parties further information relevant to the implementation of this Protocol.

Article 9

1. The present Protocol is open for signature by any State which is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification or open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General of the United Nations in his capacity as depositary of the Convention and the Protocol shall inform all States Parties to the Convention and all States which have signed the Convention of each instrument of declaration pursuant to article 3, ratification or accession to the Protocol.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States which have signed the Convention. Denunciation shall take effect one year after the date of receipt

of the notification by the Secretary-General of the United Nations. If, however on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act which occurs prior to the date at which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States which have signed the Convention.