

Crimes against the Child

Crimes against Humanity

**International Round Table organised by AMADE
Under the Patronage of UNESCO**

25-26 April 2003
Monaco

Monaco Declaration on Crimes against the child, crimes against humanity

The World Association of Children's Friends (AMADE),

1. Deeply concerned by the fact that crimes committed against children such as and without limitation: child pornography, sexual and commercial exploitation of children, child trafficking and the sale of children, trading in human organs taken from children, child forced labour and slavery, the recruitment and enrolment of children in armed conflicts, or their use as military targets– are crimes which profoundly offend the conscience of humanity,
2. Affirming that crimes against children touch our societies at their very heart, and put their very existence into question, and affirming the importance of the recognition of this problem by the International Community faced with systematic and repeated violations of the fundamental human rights of the child,
3. Convinced that the most effective way towards a better prevention and sanction of such crimes committed against children is to obtain their qualification as crimes against humanity, and willing to accelerate the idea inherent in this legal concept at the international, regional and national levels,
4. In accordance with the Declaration adopted by its General Assembly on 13 April 2002 upon signature by all national affiliates of AMADE, and which identified the idea as one major avenue for AMADE to pursue in the future,

5. Recalling that the idea was given support by His Serene Highness Crown Prince Albert of Monaco at the 27th Extraordinary Session of the United Nations General Assembly on Children, in New York in May 2002, and was further detailed in the Declaration by Mr. Jacques Danois, Secretary-General of AMADE, to the Plenary Committee of that Session,
6. Drawing on the guidelines for action proposed by the panel of eminent experts – including representatives of international organisations, specialists of the Rights of the Child within these organisations, as well as judges and representatives of non-governmental organisations– assembled at the international round table organised by AMADE in Monaco on 25-26 April 2003 at the initiative of Her Royal Highness the Princess of Hanover, President of AMADE, under the patronage of UNESCO, to examine the legal possibilities of achieving the aims set out in paragraph 3 above,
7. Reaffirming that the legal framework applicable to the Rights of the Child is widely recognised by the International Community, inter alia the United Nations Convention on the Rights of the Child and its two Optional Protocols on the involvement of Children in armed conflict, and on the Sale of Children, Child Prostitution and Child Pornography, the European Convention on the Exercise of Children’s Rights, and the African Charter on the Rights and Welfare of the Child,
8. Noting that a great number of questions exist with respect to the fact that sanctions regarding violations of these international conventions remain essentially within the domain of individual countries,
9. Noting further that various questions are raised particularly whether the indictment norms are sufficient and whether there is an easy and effective recourse to justice,
10. Concerned that there is an absence of effective sanctions whereby the perpetrators of crimes against the child enjoy widespread impunity, and adhering to the principle proclaimed in the Preamble of the Rome Statute of the International Criminal Court that “the most serious crimes of concern to the International Community as a whole must not go unpunished”,
11. Underlining the need and urgency to define and reiterate the principles of the true nature of these crimes and of these serious and horrific attacks against the identity and integrity of the child,
12. Persuaded that the realisation of its project should encompass a strong and unwavering commitment on the part of States, International Organisations, non-Governmental Organisations and the civil society including the media,

solemnly declares its commitment to address the issue of crimes against the child as crimes against humanity as follows:

- a Crimes against the Child such as those specified in paragraph 1 of the present Declaration, which are committed in a sufficiently widespread and organised practice, should be recognised as crimes against humanity. These crimes could be regrouped under the mobilising term of “paedocide”.
- b States should be encouraged to adopt, either in a general manner or within the framework of the Conventions concerning Human Rights and the Rights of the Child, such laws that would classify crimes against the child among crimes against humanity. Within this concept, AMADE could, with the help of a group of experts, propose a model of a law that could be presented to all countries for adoption. This proposed law should confirm the principle of equivalence of crimes against the child with crimes against humanity whenever these crimes are sufficiently generalised and organised. Furthermore, ruling upon a mechanism of universal application of extraterritorial laws, promoting judicial co-operation –both bilateral and multilateral– in this domain, and the imprescriptible nature of these crimes would be part of the proposed law project.
- c The concerned Parties –Governments, Parliaments, International Organisations, non-Governmental Organisations– should be invited to examine the possibility of making the protection of children’s rights more effective in accordance with international Human Rights instruments, particularly those relating to the Rights of the Child and the repression of crimes against humanity.

With these objectives in mind, AMADE offers to undertake the necessary steps both at an international and regional level, in order to propose the appropriate changes that the concerned Parties feel may be required. This could refer to the United Nations Convention on the Rights of the Child and its two Optional Protocols, or the conventions regarding crimes against humanity, including the Rome Statute of the International Criminal Court.

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AMADE is an internationally recognised non-governmental organisation with consultative status with UNICEF, UNESCO, the Council of Europe and the United Nations Economic and Social Council.