

CRIMES AGAINST THE CHILD, CRIMES AGAINST HUMANITY

Association Mondiale des Amis de l'Enfance (AMADE), is a non-profit child-advocacy NGO that was founded in 1963 by HSH Princess Grace of Monaco to promote and protect children's rights on an international level. Consistent with its goal of fostering ethical and legal reflection in the area of children's rights, AMADE gathered international legal experts to address this pressing issue. A report of the proceedings is provided by Jasmin Adnan, Antonella Sampo & Gilles Ivaldi.

The **World Association of Children's Friends** (AMADE hosted an International Round Table on 'Crimes against the Child, Crimes against Humanity' in Monaco on the 25-26th of April 2003. Experts in international humanitarian and criminal law, specialising in the Rights of the Child, along with representatives of international civil society, debated the protection of the fundamental rights of the child.

Background and Aim

The purpose of this round table was to explore the various categories of crimes against humanity under international law, and to identify strategies to qualify the most serious crimes against children as crimes against humanity. Currently, the specific human rights of the child are imbedded within the broader human rights framework, which does not adequately sanction the most serious violations of children's rights.

The gathered experts concurred that the project should examine the efficacy of existing international conventions – including the Rome Statute - and seek ways to ensure more effective protection of children at the national, regional and international levels.

Proposed Amendments to the Optional Protocols to the CRC

To this end, it was recommended that AMADE submit a draft amendment modifying the two Optional Protocols to the CRC, relating to the involvement of children in armed conflict (Article 12), and the sale of children, child prostitution and child pornography (Article 16). The submission to the Secretary-General of the United Nations would qualify the acts described in each of these protocols as crimes against humanity. Following the submission, AMADE would call upon the

Governments of all States Parties to the CRC to examine the proposed amendment in a conference, and to vote in favour of its submission to the General Assembly for approval.

Revision of Art. 7 of Rome Statute of the ICC

On a longer-term perspective, the experts proposed to insert in Article 7 of the Rome Statute of the International Criminal Court – which defines crimes against humanity -- an explicit reference to crimes committed against children. Only Articles 6 and 8 of the Rome Statute refer specifically to crimes perpetrated against children. Such a revision would place crimes against children squarely within the jurisdiction of the International Criminal Court.

A Model-Law to National States

The participants also advocated narrowing and homogenizing children's rights laws. A panel of experts would draft a model law through the laws pertaining to children through to be incorporated worldwide into domestic criminal legal codes. The model law would draw on Articles 34 to 38 of the CRC as well as other legal norms that already enjoy universal acceptance. The draft law would also provide for the reinforcement of international judicial co-operation, both bilaterally and multilaterally, and the adoption of all necessary domestic measures, to facilitate the extradition of individuals, as appropriate. *End.*

These and other recommendation can be reviewed and commented upon at amade@monte-carlo.mc or <http://www.amademandiale.org>.

Annual Commemoration of International Day for Eradication of Poverty, 19 October 2003, 12:15 p.m. in U.N. garden, hosted by the U.N., International Movement ATD Fourth World, and the French Mission.