

Crimes against the Child

Crimes against Humanity

AMADE INTERNATIONAL PROGRAMME

Crimes against the child, crimes against humanity: the end of impunity?

Keywords

RIGHTS OF THE CHILD, INTERNATIONAL JUSTICE, IMPRESCRIPTIBILITY, UNIVERSAL JURISDICTION, CONVENTION ON THE RIGHTS OF THE CHILD, UNITED NATIONS, OPTIONAL PROTOCOL, ROUND TABLE, EXPERTS, NGO

Over recent years, the **World Association of Children's Friends (AMADE)** has been deeply concerned by the ever growing number of systematic and repeated mass violations of the fundamental rights of the child. We believe that crimes committed against children profoundly offend the conscience of humanity, touch our societies at their very heart, and put their very existence into question.

Conscious of the importance of the recognition of this problem by the International Community, AMADE started an humanitarian campaign to affirm the principle that there is **no period of statutory limitation for the most serious crimes committed against children**, and to secure the **universal application** of this principle in international criminal law. This concerns the following crimes without limitation:

- child murder,
- sexual abuse of children,
- commercial sexual 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,
- the use of children by drug traffickers,
- child pornography

which constitute a veritable "**paedocide**".

● BACKGROUND AND AIMS

This programme is an extension of an initiative by the Filipino branch of AMADE that was discussed and adopted upon signature by all national affiliates of the organisation at its Annual General Meeting in March 2002 chaired by **HRH the Princess of Hanover** (formerly HSH Princess Caroline of Monaco), President of AMADE.

The purpose of the project is to identify every possible legal avenue for a more effective sanction and better prevention of the gravest, widespread and organised violations of children's rights.



The instigation of the initial steps to this AMADE project was supported in the Declaration by **HSH Crown Prince Albert of Monaco** at the 27th Extraordinary Session of the United Nations General Assembly on Children, in New York in May 2002, in which He stressed the urgent need to reinforce existing legal measures at the international level "*in order*

to ensure, beyond constraints of temporal or national boundaries, the prosecution and punishment of crimes against nature perpetrated against children".

In April 2003, AMADE held, under the patronage of UNESCO, an international Round Table on 'Crimes against the Child, Crimes against Humanity' in Monaco.

Experts in international humanitarian and criminal law, specialising in the Rights of the Child, along with representatives of international bodies and non-governmental organisations (see Appendix) attended the round table to debate matters concerning the protection of the fundamental rights of the child.



HRH the Princess of Hanover, President of AMADE, and HE Mr Patrick LECLERCQ, Minister of State, with participating experts and members of AMADE.
Monaco, 26 April 2003

● **A THIRD OPTIONAL PROTOCOL TO THE CRC**

The recommendations by the panel of experts were gathered in the Monaco Declaration on Crimes against the child, crimes against humanity, which was issued in November 2003.

Drawing on the guidelines for action proposed by the panel of experts, the AMADE project will build upon already existing and widely recognised legal instruments and mechanisms pertinent to the rights of the child in order to ensure a more effective protection of children at the national, regional and international levels.

To this end, AMADE has drafted a project for a **third Optional Protocol to the Convention on the Rights of the Child on the Prevention of crimes against children, their imprescriptibility and universal punishment**. It is anticipated that this Protocol will be put forward to the United Nations by the Government of the Principality of Monaco who have agreed to support the initiative and to look for a number of ally-countries to present the text for possible examination by the forthcoming Meeting of State Parties to the Convention on the Rights of the Child in 2005.

Acknowledging the awareness of the current state of 'treaty fatigue' within the international community and the lassitude on the part of international bodies with respect to the growing number of texts, an alternative avenue to pursue would be for AMADE to propose by way of a draft amendment, a modification of the existing Optional Protocols to the Convention on the Rights of the Child, relating to the involvement of children in armed conflict, on the one hand, and the sale of children, child prostitution and child pornography on the other hand. In line with the provisions of those Protocols, a submission could be made to the Secretary-General of the United Nations for an amendment which would seek the non-applicability of statutory limitations to the crimes listed in each of the two existing Protocols.

● **A MODEL-LAW TO NATIONAL STATES**

A further issue pertinent to the project is that of the adoption of a common standard of laws and practises concerning the rights of the child. There currently exists too diverse an applicability of laws pertaining to children throughout the world.

In the light of this, AMADE has drawn up a model or draft law which will be offered to countries worldwide for implementation in their own domestic criminal law.

In compliance with the provisions contained in the project for a Third Optional Protocol, this **model law defines the list of crimes to be considered imprescriptible and of universal jurisdiction within national law**.

This draft law provides for the reinforcement of international judicial co-operation, both bilaterally and multilaterally.

● INTERNATIONAL PETITION

Together with the legal approach, AMADE plans to issue a document in the form of an **international petition** to **raise public awareness** of the contemporary reality of mass violations of children's rights, and **encourage State Parties** to the Convention on the Rights of the Child to sign and ratify the project for a Third Optional Protocol, and to take all necessary actions in order to ensure that its provisions are implemented within their domestic legislation.

● PROVISIONAL CALENDAR FOR PROJECT IMPLEMENTATION (2005-2008)

STEP	DATE
Meeting of the State Parties to the Convention on the Rights of the Child	Feb. 2005
UN Committee on the Rights of the Child	2005
Human Rights Commission (Geneva)	Spring 2006
United Nations Economic and Social Council (ECOSOC)	2006/2007
UN General Assembly's 3 rd and 6 th Commissions	2007/2008

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APPENDIX: LIST OF PARTICIPATING EXPERTS, ROUND TABLE, APRIL 2003

Mr. Jacques BIANCARELLI, French State Councillor and Former Judge at the Court of Justice of the European Communities

The Honourable Mr. Phillipe KIRSCH, President of the International Criminal Court
Represented by Mr. Bruno CATHALA, Director of Common Services of the International Criminal Court

The Honourable Mr. Sergio VIEIRA de MELLO[†], United Nations High Commissioner for Human Rights
Represented by Mr. Joël MERMET, Human Rights Officer Office of the High Commissioner for Human Rights (OHCHR)

The Honourable Judge Theodor MERON, President of the International Criminal Tribunal for the Former Yugoslavia

The Honourable Mr. Olara A. OTUNNU, United Nations Special Representative for Children and Armed Conflicts

Mrs. Francesca PIZZUTELLI, International Committee of the Red Cross (ICRC)

Mrs. Hélène SACKSTEIN, Convenor of the Focal Point Programme of the NGO Group for the Convention on the Rights of the Child

The Honourable Mrs. Maria Amalia SERENO, Minister Councillor, Permanent Mission of Uruguay to the United Nations, Coordinator of the Resolution on the Rights of the Children adopted by the 57th Session of the United Nations General Assembly

The Honourable Mr. Peter TOMKA, Judge at the International Court of Justice

Professor Karel VASAK, Former Legal Adviser to UNESCO