

3.3. Recommendations

Bearing in mind the conclusions with regard to violations of children's rights and the broad themes identified within the evidence, the Tribunal makes the following recommendations:

3.3.1. *International standards protecting children in armed conflict*

- a) International criminal procedures should be put in place to prosecute crimes against humanity in cases of recruitment and use of child soldiers, as well as the physical and sexual abuse of children during hostilities;
- b) A non-proliferation treaty for small arms should be developed;
- c) Address issues concerning the extent to which children who have committed criminal offences as combatants during the course of armed conflict are subjected to criminal procedures or are answerable to war crimes tribunals;
- d) With the adoption of the Optional Protocol to the CRC on Involvement of Children in Armed Conflict²⁸ States Parties should amend their domestic legislation before ratifying, and for those who ratify before such amendment there should be a maximum time limit set within which amendment should take place;
- e) The Security Council of the UN should be urged to impose immediate sanctions on all persons, groups and governments that fail to protect children's rights in situations of armed conflict, whether by commission or omission.

3.3.2. *Monitoring the implementation of international standards*

In order for children's rights to be monitored:

- a) It is necessary to deal with the contradictions caused by different age groupings used for different purposes in different instruments and by various agencies;
- b) Key terms relating to children in armed conflict must be defined and definitions agreed and adhered to by all relevant parties;
- c) All those responsible for the production and use of information about children affected by armed conflict must be responsible for using the most accurate information available, avoiding the use of exaggerated numbers and exploitative case studies;

d) Child impact studies should be a routine function of governments, or in the absence of governmental resources of appropriate inter governmental and non-governmental organisations;

e) The activities of NGOs should be independently audited and evaluated;

f) The activities of NGOs should be widespread throughout a particular country, not just focused on achieving objectives in city centres;

g) All responsible persons working with international organisations, including members of peacekeeping forces should be trained in children's rights, with particular reference to collecting information on and reporting violations.

3.3.3. *Advocacy and action*

- a) Programmes and policies for children affected by armed conflict should take a holistic approach to child rights, including particularly:
 - Involving children and youth;
 - Balancing survival rights with other rights issues;
 - Observing the principle of the 'best interests of the child';
- b) Documentation of independently evaluated examples of 'best practices' in programmes directed at war-affected children should be encouraged so that replicable models can be developed, particularly for immediate use in emergency situations;

With respect to long-term, low-intensity conflict, existing models that include drop in centres and international exchanges that do not exclusively focus on war should be explored and documented;

- c) Policy makers and programme design should recognise that most of the mental health problems of conflict exposed children can best be addressed by non-mental health services, apart from housing and food security, these services include justice, rule of law and overall physical security;
- d) The key role of communities and local cultures should be recognised, particularly with respect to:
 - Community regulation of non-governmental armed groups;
 - The use of traditional practices and values with respect to the rehabilitation, reintegration of child soldiers and other war affected children.

28. Adopted by the General Assembly of the UN in May 2000