

# JUSTICE FOR CHILDREN

## IN THE FUTURE CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST HUMANITY

CHILDREN AND CRIMES AGAINST HUMANITY COALITION

A guidance document for children, young people and  
for practitioners supporting advocacy efforts.



# Introduction

The new International Convention on Crimes against Humanity should do more to protect children. This Convention is currently being negotiated by representatives of States. This paper presents information to be considered by these States' representatives, so they can propose articles in the Convention that will better protect children, offer children justice, and ensure that the people who harm children are held responsible.

## Key moments in the process of approval of the new International Convention on Crimes against Humanity

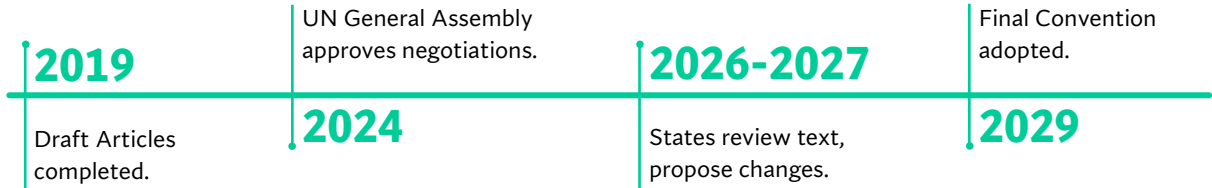
One of the UN's teams, called the International Law Commission (ILC), wrote the so-called 'Draft Articles' to serve as the basic text of the International Convention on Crimes against Humanity. The ILC worked on these 'Draft Articles' for six years, talking to many countries, experts, and organizations. In 2019, they finished their work and asked all countries to use these 'Draft Articles' to start the official negotiations towards the approval of the International Convention on Crimes against Humanity: a big agreement with legal effects that many countries can sign to help protect people (including children) from these very serious crimes.

The official starting process of the negotiations by States was approved in

December 2024 by the UN General Assembly (which is one of the most important groups of the UN, as it includes all countries that form part of the UN).

These negotiations are very important: States review the 'Draft Articles' and can propose changes and improvements in different meetings with other States (2026 and 2027) until the final text of the International Convention on Crimes against Humanity is approved by all of them (2029).

Advocacy with States that will be part of these negotiations is very important to ensure that the International Convention on Crimes against Humanity includes specific articles on children, as proposed in this publication.



## Why is it important to include children specifically in the International Convention on Crimes against Humanity?

Because **many children are victims of very serious crimes:** they are killed, forced to leave their home, imprisoned, hurt, or treated badly in many ways. Some children are abused, exploited, or forced into sexual acts, marriage, or labor. Some children are hurt because of their age, race, religion, gender, or other reasons. Some children are separated from their families. Some others have been forced to see their family and loved ones being hurt.

In fact, in the past, **justice systems, when addressing these serious crimes, have only focused on adults. This meant that children's experiences were often ignored,** and the ways children were hurt were not fully understood.

Because **many children who are victims of these serious crimes live in places where there is conflict and war. Other children live in safe places** but can be **equally hurt** due to crimes.

Because these serious crimes hurt children physically and emotionally/mentally in ways

that last a long time. **Those serious crimes also affect children differently from adults.**

Because **children have their own rights,** including the right to be heard, to be protected, and to get help to heal. The most important thing is that decisions from justice authorities should always focus on what is best for the child.

Because **if children are not mentioned specifically in international laws or conventions of this type, they are forgotten and not taken into account by justice systems.**

This **new International Convention on Crimes against Humanity can be a real and unique opportunity to finally recognize children specifically,** mentioning them in their articles, and creating obligations for States to pay attention to children's experiences and protect and uphold their rights.



## How can children be included in the International Convention on Crimes against Humanity?

Here are ‘Seven Proposals’ for the States’ representatives to make the articles of the Convention better for children.

### **N°1**

Provide a Second Mention of ‘Children’ In the Introduction/Preamble of the Convention

### **N°2**

Include a Definition of ‘Who a Child Is’.

### **N°3**

Improve How Crimes Against and Affecting Children are Described.

### **N°4**

Make Sure that Children Who Commit Crimes are Treated in a Justice System Specifically Designed for Children.

### **N°5**

Include a Definition of ‘Victim’ that Can Integrate Different Children’s Experiences.

### **N°6**

Let Children Speak in Justice Processes. Participation of Child Victims and Child Witnesses.

### **N°7**

Reparation Programs Should be Child-Friendly.

## PROPOSAL N°1

### Provide a Second Mention of ‘Children’ in the Introduction/Preamble of the Convention

The beginning of the Convention should clearly include an emphasis on children on children. This is very important as **it signals a strong commitment that the protections in the Convention apply specifically to children.**

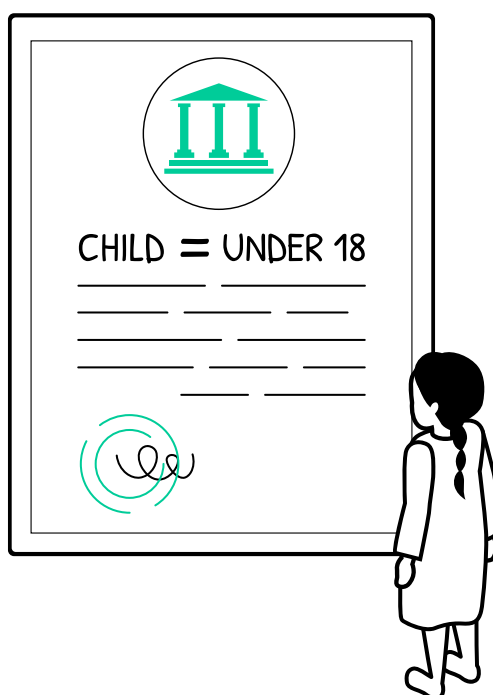
Add to the preamble the following **(highlighted)**:  
Considering the rights of victims, witnesses and others, **including children**, in relation to crimes against humanity, as well as the right of alleged offenders to fair treatment.

## PROPOSAL N°2

### Include a Definition of ‘Who a Child Is’

The Draft Articles of the Convention do not include a definition of a child. The proposal is to **add a definition of a child as anyone under the age of 18 without exception.** It aligns with the definition of a child in the Convention on the Rights of the Child.

Add **highlighted**:  
**For the purposes of the present Convention, a child means every human being below the age of eighteen years.**



## PROPOSAL N°3

### Improve How Crimes Against and Affecting Children are Described

The Draft Articles include 11 crimes. However, most of them don't identify how these crimes impact children specifically. The articles of the Convention must expressly refer to children as proposed below:

#### *The Crime of Persecution*

Persecution happens when perpetrators choose to seriously hurt a group of people because of their religion, nationality, etc. **The International Convention on Crimes against Humanity should clearly include that 'age' can be a basis of this crime, recognizing that children and young people are sometimes hurt simply because of their age.** In practice, this means that children are sometimes forced to fight in war, denied access to go to school, denied access to food and clean water, and sexually abused. Oftentimes perpetrators target children and young people, also to hurt their families.

#### Add **highlighted**:

Article 2(1)(h). For the purpose of the present Draft Articles, "crime against humanity" means ...

(h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, **age**, or other grounds that are universally recognized as impermissible under international law ...



## *The Crime of Forced Pregnancy*

The Draft Articles of the International Convention only talk about adult women as victims of sexual violence and getting pregnant because of that. But **girls and other children are also victims of this crime**. The Convention should specifically include any person (which includes children) in the definition of the crime, instead of only women.

## *The Crime of Forced Marriage*

This crime is not included in the Draft Articles and should be. Many children are obliged to marry without agreeing or having the capacity to agree because of their age, and perpetrators of this serious crime force them to do it anyway. Since **forced marriage happens a lot and its impact on children is really dangerous, grave, and long-lasting** (as it has been recognized already by many tribunals), including it as a crime against humanity will greatly help to bring justice to the many victims of this crime and support them in their healing process.

Add **highlighted**:

Article 2(2)(f). For the purpose of paragraph 1: ...

(f) “forced pregnancy” means the unlawful confinement of **a person**, forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law ...

Add **highlighted**:

“**Forced marriage**” means **compelling a person to enter into a conjugal union with another person by the use of physical or psychological force, or threat of force, or by taking advantage of a coercive environment or a person’s inability to give genuine consent, including because of young age.**



## *The Crime of Recruiting and Using Children in Armed Conflict*

**Many children around the world have been taken by armed groups and forced to fight or to do other tasks to support the members of the armed groups** (including cooking, spying, cleaning, etc.). This not only occurs when there is an officially declared war in the countries, but can also happen in periods of conflict, without being officially declared a war by the authorities. Children who are victims of this serious crime also need to be protected in these situations.

This crime is as serious as any other included in the Convention. **Many of the other crimes in the Convention** (such as forced pregnancy, forced marriage, rape, enslavement, etc.) **are likely to happen to children when they have been recruited by armed groups.**

Add **highlighted:**

**Experts are still deciding how to define this crime in the new treaty. In the meantime, it is very important to ask States to make sure that recruiting and using children is punished under other crimes in the treaty, like slavery, and that children who survive this crime (recruitment and exploitation) get help and support to rebuild their lives.**



## *The Crime of Extermination*

Extermination is when a large group of people is killed on purpose. It's a very serious crime because the perpetrators try to destroy whole groups of people through different means.

The International Convention should say specifically that taking away or impeding safe water (like food or medicines) is also a way to kill in purpose a group of people.

**Safe water is very important for children, as its absence can cause more diseases and lead to more serious nutritional problems in children compared to adults.**

## *The Crime of Slavery*

Slavery happens when a person is forced to work or do things for someone else without being able to say no. People in slavery are treated like they don't have freedom or rights. **Children are victims of slavery in different forms.** Sometimes they are taken away from their families by perpetrators and sold to other bad people so they can force children to work or do different things for them. This is called 'slave trade'.

**The International Convention on Crimes against Humanity includes 'enslavement' and 'sexual slavery', but not the 'slave trade', to which many children are victims.** It should also be recognized as a particular form of slavery.

Add **highlighted:**

in the definition of 'extermination'

Article 2(2)(b):

"...intentional infliction of conditions of life, inter alia, the deprivation of access to food, **safe water**, and medicine, calculated to bring about the destruction of part of a population."

Add **highlighted:**

**"'slave trade' which governs the intent to bring a person into – or maintain them in – a situation of slavery."**



## PROPOSAL N°4

### Make Sure that Children Who Commit Crimes are Treated in a Justice System Specifically Designed for Children

Some children are forced to commit crimes, especially when they are used by armed groups. The International Convention on Crimes against Humanity does not say anything about crimes committed by children under 18 years old. **The Convention must state that these children should not be treated as adults in the justice system. Instead, they should be considered as victims in the first place, recognizing that they are often forced by others to commit crimes.** The Convention must also state that children in this situation **have the right to access child-friendly justice systems** to know and address their cases, so they can be protected, and justice can focus on their reintegration and future.

Add highlighted:

**Each State shall take the necessary measures to ensure that any person who was under the age of 18 years at the time of the alleged offense shall be subject to the exclusive jurisdiction of a child justice system that prioritizes their best interests and rehabilitation, and shall not be prosecuted within the adult criminal justice system.**



## PROPOSAL N°5

### Include a Definition of ‘Victim’ that Can Integrate Different Children’s Experiences

The Draft Articles speak about ‘victims’ and recognize their rights, but do not explain or define who is considered a victim.

**Including a definition of victims is important since children experience different harms as a consequence of crimes against humanity:** some of them are considered **direct victims**, experiencing harm due to crimes committed against them directly; while some are considered **indirect victims** and also experience harm even though the crime was not directly against them, for example, children who are separated from their families because they have disappeared, children who witness harm against their family members or loved ones. **They are all victims and should be seen and treated by justice systems like that.**

This is why the International Convention on Crimes against Humanity should include a broad definition of victims, so include all persons, including children who have suffered harm (any harm, directly or indirectly) for these serious crimes.

Article 12. Add **highlighted:**  
**define victims as natural persons who have suffered harm as a result of the commission of any crimes to which this Convention applies.**



## PROPOSAL N°6

### Let Children Speak in Justice Processes. Participation of Child Victims and Child Witnesses

The International Convention on Crimes against Humanity should clearly say that children who are victims or witnesses should be allowed to speak and be heard, in ways that are safe and respectful. Children should be supported and protected throughout the whole process of sharing their experiences and what happened to them with the justice authorities. **Children are capable and reliable, and they should receive special protection and support to speak and be listened to in the justice system.** Children cannot be taken away from this right. **Justice systems have the obligation to make specific procedures and conditions for children** to be heard and speak.

The draft article 12 currently refers to allowing the views of victims in criminal proceedings, but does not include child victims and child witnesses, who require specific measures to be heard and to speak safely and respectfully.

#### Add highlighted:

Article 12(2). Each State shall, in accordance with its national law, enable the views and concerns of victims of a crime against humanity to be presented and considered at appropriate stages of criminal proceedings against alleged offenders in a manner not prejudicial to the rights referred to in draft article 11.

**(a) A child means every human being below the age of eighteen years.**

**(b) In all proceedings concerning children, the best interests of the child shall be a primary consideration, and a child who is capable of forming his or her own views shall have the right to express those views freely, with the views of the child being given due weight in accordance with the child's age and maturity.**

**(c) Criminal processes, including reparations, should be accessible to and protective of children.**



## PROPOSAL N°7

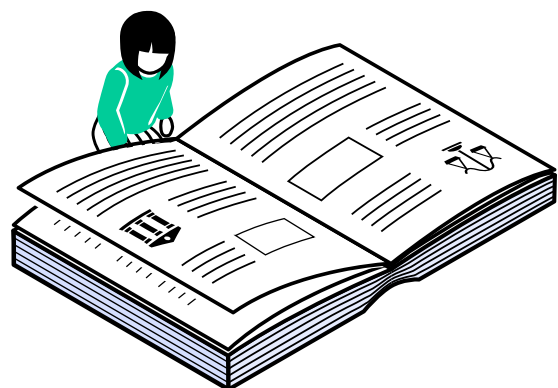
### Reparation Programs Should be Child-Friendly

The International Convention on Crimes against Humanity should make sure that **children who are hurt by these serious crimes can get full support to recover from any harm they have suffered.** We call this type of support ‘reparation’ or ‘reparations programs’. **This support must be appropriate to the different ages and needs of children.** This can take many different forms, for example, support to access schooling and education, psychosocial support, financial support to their families to cover their needs, or symbolic measures for them to be recognized as survivors. It is also very important that child victims participate in the decision to understand what they need and what reparations are best for them.

The Draft Articles include reparations but do not mention child victims specifically. It also includes some words that could make it difficult for children to access reparations: for example, if they are not part of legal or justice proceedings, they might not be selected for reparations, which is very unfair. **Any child has the right to get support to heal and recover from the very serious crimes they were affected by.**

Add **highlighted and delete:**  
Article 12(3). Each State shall take the necessary measures to ensure in its legal system that the victims of a crime against humanity, committed through acts attributable to the State under international law or committed in any territory under its jurisdiction, have the right to obtain **prompt, full, and effective reparation, including through administrative or other reparation programs, for material and moral damages any physical, mental, moral, material, legal or other harm** on an individual or collective basis, consisting, as appropriate, of one or more of the following or other forms: restitution; compensation; satisfaction; rehabilitation; cessation and guarantees of non-repetition.

**Each State shall further ensure that special attention be given to child victims**



## Conclusion

Children must be listened to by States' leaders and decision makers. Children are also victims of crimes against humanity. They need protection, and they need for the International Convention on Crimes against Humanity to include them specifically. Children matter; they should matter. Children's stories and experiences cannot be ignored, just because they are children.

This International Convention on Crimes against Humanity could change that by making sure that children are part of its articles, expressly considered and protected, by including the demands described in this technical note.

Children are rights-holders, with needs and experiences that should be legally recognized. This creates an obligation to decision-makers to ensure justice for children.

It is essential that, together with children, we all advocate for these changes to be brought to the International Convention on Crimes against Humanity.

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