

# Optional Protocols to the Convention

There are two Optional Protocols to the Convention on the Rights of the Child, both adopted by the UN General Assembly on 25 May 2000. These are the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which came into force on 18 January 2002, and the Optional Protocol on the Involvement of Children in Armed Conflict, which entered into force on 12 February 2002. The Optional Protocols were drafted on issues for which States parties felt ready to adopt stronger commitments than those outlined in the Convention.

## Optional Protocol on the Involvement of Children in Armed Conflict

The Convention's consensual drafting process resulted in the minimum age for the involvement of children in armed forces being set at 15 years – an age deemed far too young by many countries. The Optional Protocol requires States parties to prohibit the conscription of anyone under 18, adopt all feasible measures to ensure that voluntarily recruited soldiers under the age of 18

do not fight, and criminalize the recruitment of children under 18 by rebel groups.

The protocol resolved the contradiction in the Convention that did not afford soldiers under 18 the same rights and protection as all other children, establishing a legal norm and international standard that makes it easier to hold nations accountable and encouraging the passing of national laws in accordance with its principles. By July 2009, it had been ratified by 128 countries and signed by a further 28.

## Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography was devised to strengthen protection for children against these forms of exploitation. Among its provisions are recommendations about the criminalization of such practices; procedures for extradition of those guilty of such offences; calls for international co-operation in tracking and prosecut-

ing offenders; procedures for protecting and assisting child victims; and calls for the promotion of public awareness.

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography has succeeded in raising international awareness of the complex issues involved and in influencing national governments' attempts to pass and enforce relevant legislation. By July 2009, the Optional Protocol had been ratified by 132 countries and signed by a further 29.

A peculiarity of the Optional Protocols is that they contain a unique provision that allows them to be ratified by the United States and Somalia, the two countries that have not ratified the Convention. The US Government ratified both Optional Protocols on 23 December 2002; Somalia has signed but not ratified the Optional Protocol on the Involvement of Children in Armed Conflict.

*See References, pages 90–92.*