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ภาคผนวก

ภาคผนวก ก.

**Optional Protocol to the Convention on the Rights of the Child
on the involvement of children in armed conflict**

**Adopted and opened for signature, ratification and
accession by General Assembly resolution
A/RES/54/263 of 25 May 2000**

entered into force on 12 February 2002

The States Parties to the present Protocol,

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles

contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:

(a) Such recruitment is genuinely voluntary;

(b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;

(c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

3. The application of the present article shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.

2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.

3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Article 8

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

Article 9

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.

2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

Article 10

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

ภาคผนวก ข.

The Case Studies of Radda Bamen's Project on Child Soldiers

The Case Studies:

Country	Years	Forces and Groups Studied
Afghanistan	1978 - ...	(1979-1992) Government forces; (1979-1992) Mujahideen; (1993 - ...) various factions
Bhutan	1990 - ...	Government Army (RBA), Police (RBP), Militia
Burma / Myanmar	1988 - ...	Government forces; Opposition groups: KNU/KNLA; ABSDF; NMSP/MNLA; USWP/USWA; PDF
Burundi	1993 - ...	Government forces; Hutu and Tutsi Opposition groups
Cambodia	1970 - ...	Successive Government forces; Opposition Khmer Rouge
Columbia	1965 - ...	Government forces (army, paramilitary); Opposition groups (FARC, ELN, EPL, Quintin Lame, M19); "Popular Militias"
El Salvador	1980 - 1992	Government forces (FAES); Opposition (FMLN)
Ethiopia	1974 - 1992	(to 1991) Government forces (Derg); Ethiopian People's Revolutionary Democratic Front (EPRDF); (1992) Oromo Liberation Front (OLF)

Guatemala	1960 - ...	Government forces (Army, PAC Militias); Guatemalan National Revolutionary Unity (URNG)
Honduras	*1977 - ...	Government forces; unnamed Opposition groups
Lebanon	1975 - ...	Government forces; sectional militias; South Lebanon Army; PLO; Hezbollah; Black September Brigades etc.
Liberia	1987 - 1993	Government forces; Opposition NPFL, ULIMO and other factions
Mozambique	1976 - 1992	Government (Frelimo) Army and allied self- defence teams/local armed groups, e.g. NAPARAMAS
Nicaragua	1977 - 1979	Government forces (National Guard)
Occupied Territories (Intifada)	1987 - 1993	Unstructured opposition
Paraguay	*1989 - ...	Government forces (Army, Police)
Peru	1980 - ...	Government forces (Army, Self-Defence Committees); Opposition (Shining Path, MRTA)
Philippines	*1976 - ...	(Opposition) New Peoples Army; also (briefly) Moro National Liberation Front (MNLF)
Russia Federation (Chechnya)	1994 - ...	Opposition groups
Rwanda	1994 - ...	Government forces; Interhamwe Militias
South Africa	1961 - ...	(to 1991) Government forces; armed wings of the African National Congress and Pan African Congress (post 1991) "Self-

		Defence Units" & "Self-Protection Units"
Sri Lanka	1983 - ...	Liberation Tigers of Tamil Eelam (LTTE)
Turkey	1984 - ...	AGRK – military wing of the (Opposition) PKK
Uganda	1989 - ...	Lords Resistance Army (LRA)
UK (Northern Ireland)	1969 - ...	Republican and Loyalist Oppositions groups; unstructured opposition
The former Yugoslavia	1991 - ...	"Army of Republika Srpska"; "Army of Republika Srpska Krajina"; informal Serbian groups

* In these cases, the date given is of the earliest first-hand testimony quoted in the case study, the recruitment of children having gone on for an unspecified length of time previously.

ภาคผนวก ค.

รูปแบบ (Model) ของการให้สัตยาบันและภาคยานุวัติพิธีสารเลือกรับของอนุสัญญาว่าด้วยสิทธิเด็ก
ว่าด้วยเรื่อง "ความเกื้อหนุนของเด็กในความขัดแย้งกันด้วยกำลังอาวุธ ค.ศ. 2000"

Model instrument of ratification

[To be signed by the Head of State, Head of Government or Minister for Foreign Affairs]

WHEREAS the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted in New York on 25 May 2000,

AND WHEREAS the said Optional Protocol has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE, I [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned Optional Protocol, ratifies the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of ratification at [place] on [date].

[Signature]

Model instrument of accession

[To be signed by the Head of State, Head of Government, or Minister for Foreign Affairs]

WHEREAS the Government of [name of State] [is a party to/has signed] the Convention on the Rights of the Child,

AND WHEREAS the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted in New York on 25 May 2000,

NOW THEREFORE I, [name and title of the Head of State, Head of Government, or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the above-mentioned Optional Protocol, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession at [place] on [date].

[Signature]

ภาคผนวก ง.

**Optional Protocol to the Convention on the Rights of the
Child on the involvement of children in armed conflict New
York, 25 May 2000**

Last update:	13 March 2007
Entry into force:	12 February 2002, in accordance with article 10 (1).
Registration:	12 February 2002, No. 27531.
Status:	Signatories: 122 ,Parties: 110.
Text:	Doc.A/RES/54/263; and C.N.1031.2000.TREATIES-82 of 14 November 2000 [Rectification of the original of the Protocol (Arabic, Chinese, English, French, Russian and Spanish authentic texts)]; 865.2001.TREATIES-10 of 13 September 2001 [Rectification of the original of the Protocol (Chinese, English, French, Russian and Spanish authentic texts)].

Note: The Optional Protocol was adopted by resolution A/RES/54/263 of 25 May 2000 at the fifty-fourth session of the General Assembly of the United Nations. In accordance with its article 9 (1), the Optional Protocol will be open for signature by any State that is a party to the Convention or has signed it.

Participant	Signature	Ratification, Accession (a)
Afghanistan	.	24 Sep 2003 a
Andorra	7 Sep 2000	30 Apr 2001
Argentina	15 Jun 2000	10 Sep 2002
Armenia	24 Sep 2003	30 Sep 2005
Australia	21 Oct 2002	26 Sep 2006
Austria	6 Sep 2000	1 Feb 2002
Azerbaijan	8 Sep 2000	3 Jul 2002
Bahrain	.	21 Sep 2004 a
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus	.	25 Jan 2006 a
Belgium <u>1</u>	6 Sep 2000	6 May 2002
Belize	6 Sep 2000	1 Dec 2003
Benin	22 Feb 2001	31 Jan 2005
Bhutan	15 Sep 2005	.
Bolivia	.	22 Dec 2004 a
Bosnia and Herzegovina	7 Sep 2000	10 Oct 2003
Botswana	24 Sep 2003	4 Oct 2004
Brazil	6 Sep 2000	27 Jan 2004
Bulgaria	8 Jun 2001	12 Feb 2002
Burkina Faso	16 Nov 2001	.
Burundi	13 Nov 2001	.
Cambodia	27 Jun 2000	16 Jul 2004
Cameroon	5 Oct 2001	.
Canada	5 Jun 2000	7 Jul 2000
Cape Verde	.	10 May 2002 a

Chad	3 May 2002	28 Aug 2002
Chile	15 Nov 2001	31 Jul 2003
China	15 Mar 2001	.
Colombia	6 Sep 2000	25 May 2005
Costa Rica	7 Sep 2000	24 Jan 2003
Croatia	8 May 2002	1 Nov 2002
Cuba	13 Oct 2000	.
Czech Republic	6 Sep 2000	30 Nov 2001
Democratic Republic of the Congo	8 Sep 2000	11 Nov 2001
Denmark 2	7 Sep 2000	27 Aug 2002
Djibouti	14 Jun 2006	.
Dominica	.	20 Sep 2002 a
Dominican Republic	9 May 2002	.
Ecuador	6 Sep 2000	7 Jun 2004
El Salvador	18 Sep 2000	18 Apr 2002
Eritrea	.	16 Feb 2005 a
Estonia	24 Sep 2003	.
Fiji	16 Sep 2005	.
Finland	7 Sep 2000	10 Apr 2002
France	6 Sep 2000	5 Feb 2003
Gabon	8 Sep 2000	.
Gambia	21 Dec 2000	.
Germany	6 Sep 2000	13 Dec 2004
Ghana	24 Sep 2003	.
Greece	7 Sep 2000	22 Oct 2003
Guatemala	7 Sep 2000	9 May 2002
Guinea-Bissau	8 Sep 2000	.
Haiti	15 Aug 2002	.
Holy See	10 Oct 2000	24 Oct 2001
Honduras	.	14 Aug 2002 a
Hungary	11 Mar 2002	.
Iceland	7 Sep 2000	1 Oct 2001
India	15 Nov 2004	30 Nov 2005
Indonesia	24 Sep 2001	.
Ireland	7 Sep 2000	18 Nov 2002
Israel	14 Nov 2001	18 Jul 2005
Italy	6 Sep 2000	9 May 2002
Jamaica	8 Sep 2000	9 May 2002
Japan	10 May 2002	2 Aug 2004
Jordan	6 Sep 2000	.
Kazakhstan	6 Sep 2000	10 Apr 2003
Kenya	8 Sep 2000	28 Jan 2002
Kuwait	.	26 Aug 2004 a
Kyrgyzstan	.	13 Aug 2003 a
Lao People's Democratic Republic	.	20 Sep 2006 a
Latvia	1 Feb 2002	19 Dec 2005
Lebanon	11 Feb 2002	.
Lesotho	6 Sep 2000	24 Sep 2003
Liberia	22 Sep 2004	.
Libyan Arab Jamahiriya	.	29 Oct 2004 a
Liechtenstein	8 Sep 2000	4 Feb 2005
Lithuania	13 Feb 2002	20 Feb 2003
Luxembourg	8 Sep 2000	4 Aug 2004
Madagascar	7 Sep 2000	22 Sep 2004
Malawi	7 Sep 2000	.
Maldives	10 May 2002	29 Dec 2004
Mali	8 Sep 2000	16 May 2002
Malta	7 Sep 2000	9 May 2002
Mauritius	11 Nov 2001	.

Mexico	7 Sep 2000	15 Mar 2002
Micronesia (Federated States of)	8 May 2002	.
Monaco	26 Jun 2000	13 Nov 2001
Mongolia	12 Nov 2001	6 Oct 2004
Morocco	8 Sep 2000	22 May 2002
Mozambique	.	19 Oct 2004 a
Namibia	8 Sep 2000	16 Apr 2002
Nauru	8 Sep 2000	.
Nepal	8 Sep 2000	.
Netherlands	7 Sep 2000	.
New Zealand <u>3</u>	7 Sep 2000	12 Nov 2001
Nicaragua	.	17 Mar 2005 a
Nigeria	8 Sep 2000	.
Norway	13 Jun 2000	23 Sep 2003
Oman	.	17 Sep 2004 a
Pakistan	26 Sep 2001	.
Panama	31 Oct 2000	8 Aug 2001
Paraguay	13 Sep 2000	27 Sep 2002
Peru	1 Nov 2000	8 May 2002
Philippines	8 Sep 2000	26 Aug 2003
Poland	13 Feb 2002	7 Apr 2005
Portugal	6 Sep 2000	19 Aug 2003
Qatar	.	25 Jul 2002 a
Republic of Korea	6 Sep 2000	24 Sep 2004
Republic of Moldova	8 Feb 2002	7 Apr 2004
Romania	6 Sep 2000	10 Nov 2001
Russian Federation	15 Feb 2001	.
Rwanda	.	23 Apr 2002 a
San Marino	5 Jun 2000	.
Senegal	8 Sep 2000	3 Mar 2004
Serbia	8 Oct 2001	31 Jan 2003
Seychelles	23 Jan 2001	.
Sierra Leone	8 Sep 2000	15 May 2002
Singapore	7 Sep 2000	.
Slovakia	30 Nov 2001	7 Jul 2006
Slovenia	8 Sep 2000	23 Sep 2004
Somalia	16 Sep 2005	.
South Africa	8 Feb 2002	.
Spain	6 Sep 2000	8 Mar 2002
Sri Lanka	21 Aug 2000	8 Sep 2000
Sudan	9 May 2002	26 Jul 2005
Suriname	10 May 2002	.
Sweden	8 Jun 2000	20 Feb 2003
Switzerland	7 Sep 2000	26 Jun 2002
Syrian Arab Republic	.	17 Oct 2003 a
Tajikistan	.	5 Aug 2002 a
Thailand	.	27 Feb 2006 a
The Former Yugoslav Republic of Macedonia	17 Jul 2001	12 Jan 2004
Timor-Leste	.	2 Aug 2004 a
Togo	15 Nov 2001	28 Nov 2005
Tunisia	22 Apr 2002	2 Jan 2003
Turkey	8 Sep 2000	4 May 2004
Turkmenistan	.	29 Apr 2005 a
Uganda	.	6 May 2002 a
Ukraine	7 Sep 2000	11 Jul 2005
United Kingdom of Great Britain and Northern Ireland	7 Sep 2000	24 Jun 2003
United Republic of Tanzania	.	11 Nov 2004 a
United States of America	5 Jul 2000	23 Dec 2002
Uruguay	7 Sep 2000	9 Sep 2003

Vanuatu	16 Sep 2005	.
Venezuela (Bolivarian Republic of)	7 Sep 2000	23 Sep 2003
Viet Nam	8 Sep 2000	20 Dec 2001

ภาคผนวก ๑.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

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***Guidelines regarding initial reports of States Parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict : . 12/10/2001.
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Convention Abbreviation: CRC
COMMITTEE ON THE RIGHTS OF THE CHILD

Guidelines regarding initial reports to be submitted by States Parties under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Adopted by the Committee at its 736th meeting
(twenty-eighth session) on 3 October 2001

Introduction

Pursuant to article 8 paragraph 1 of the Optional Protocol, States Parties shall, within two years following the entry into force of this Protocol for the State Party concerned, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Optional Protocol. Thereafter, pursuant to article 8, paragraph 2 of the Optional Protocol, States Parties shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44, paragraph 1(b) of the Convention any further information with respect to the implementation of the Optional Protocol. States Parties to the Optional Protocol, who are not parties to the Convention, shall submit a report every five years, after the submission of the comprehensive report.

The Committee may, in the light of article 8, paragraph 3 of the Optional Protocol, request from States Parties further information relevant to the implementation of the Optional Protocol.

Reports should provide information on the measures adopted by the State Party to give effect to the rights set forth in the Optional Protocol and on the progress made in the enjoyment of those rights and should indicate the factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Optional Protocol.

Copies of the principal legislative texts and judicial decisions, administrative and other relevant instructions to the armed forces, both of a civil and military character, as well as detailed statistical information, indicators referred therein and relevant research should accompany reports. In reporting to the Committee, States Parties should indicate how the implementation of the Optional Protocol is in line with the general principles of the Convention on the Rights of the Child, namely non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child. Moreover, the process of preparation of the report should be described to the Committee, including the involvement of governmental and non-governmental organizations/bodies in its drafting and dissemination. Finally, reports should indicate the date of reference used when determining whether or not a person is within an age limit (for instance, the date of birth of the person concerned or the first day of the year during which the person concerned reaches that age limit).

Article 1

Please provide information on all measures taken, including of a legislative, administrative or other nature, to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities. In this respect, please provide information notably on:

- The meaning of "direct participation" in the legislation and practice of the State concerned;
- The measures taken to avoid that a member of the armed forces who has not attained the age of 18 years is deployed or maintained in an area where hostilities are taking place and the obstacles encountered in applying these measures;
- When relevant, disaggregated data on members of the armed forces below the age of 18 years who were made prisoners, whereas they did not directly participate in hostilities;

Article 2

Please indicate all the measures taken including of a legislative, administrative or other nature, to ensure that persons who have not attained the age 18 years are not compulsorily recruited into the armed forces. In this regard, reports should indicate among others:

- Detailed information on the process of compulsory recruitment (i.e. from registration up to the physical integration into the armed forces) indicating the minimum age linked to each step and, at what time in that process, recruits become members of the armed forces;
- The reliable documents to verify age, which are required prior to acceptance into compulsory military service (birth certificate, affidavit, etc.);

- Any legal provision enabling the age of conscription to be lowered in exceptional circumstances (e.g. state of emergency). In this respect, please provide information on the age it can be lowered to, the process and the conditions for that change.
- For States Parties where compulsory military service has been suspended but not abolished, the minimum age of recruitment set up in the previous regime and how, and under what conditions, this previous system can be reinstalled.

Article 3 para 1

Reports should notably indicate:

- The minimum age set out for voluntary recruitment into the armed forces, in accordance with the declaration submitted upon ratification or accession or any change thereafter;
- When relevant, disaggregated data on children below the age of 18 years voluntarily recruited into the national armed forces (for example, by gender, age, region, rural/urban areas and social and ethnic origin, and military ranks);
- When relevant, pursuant to article 38, paragraph 3 of the Convention on the Rights of the Child, the measures taken to ensure that in recruiting those persons who have attained the minimum age set out for voluntary recruitment but who have not attained the age of 18 years, priority is given to those who are the oldest. In this respect, please provide information on the measures of special protection adopted for the under-18-years-old recruits.

Article 3, paras 2 and 4

Reports should notably provide information on :

- The debate which has taken place in the State concerned prior to the adoption of the binding declaration and the people involved in that debate;
- When relevant, the national [or regional, local, etc.] debates, initiatives or any campaign aiming at strengthening the declaration if it set out a minimum age lower than 18 years.

Article 3, para 3

With regard to the minimum safeguards that States Parties shall maintain concerning voluntary recruitment, reports should provide information on the implementation of these safeguards and indicate among others:

- A detailed description of the procedure used for such recruitment from the expression of intention to volunteer until the physical integration into the armed forces;
- Medical examination foreseen before recruitment of volunteers;
- The reliable documentation used to verify the age of the volunteers (birth certificate, affidavit, etc.);
- Information that is made available to the volunteers, and to their parents or legal guardians allowing them to formulate their own opinion and to make them aware of the duties involved in the military service. A copy of any materials used for this information to be annexed to the report;

- The effective minimum service time and the conditions for early discharge; the use of military justice or discipline to under-18-years recruits and disaggregated data on the number of such recruits under-trial or in detention; the minimum and maximum sanctions foreseen in case of desertion;
- The incentives used by the national armed forces for encouraging volunteers to join the ranks (scholarships, advertising, meetings at schools, games, etc.).

Article 3, para 5

Reports should indicate, among others, information on:

- The minimum age of entry into schools operated by or under the control of the armed forces;
- Disaggregated data on schools operated by or under the control of the armed forces, including numbers, type of education provided, proportion between academic education and military training in the curricula; length of this education; academic/military personnel involved, educational facilities, etc.;
- The inclusion in the school curricula of human rights and humanitarian principles, including in areas relevant to the realisation of the rights of the child;
- Disaggregated data on the students in these schools (for example, by gender, age, region, rural/urban areas and social and ethnic origin); their status (members or not of the armed forces); their military status in the case of a mobilisation or of an armed conflict, a genuine military need or any other emergency situation; their right to leave such schools at any time and not to pursue a military career;
- All appropriate measures taken, to ensure that school discipline is administered in a manner consistent with the child's human dignity and any complaint mechanisms available in this regard.

Article 4

Please provide information on, *inter alia*:

- The armed groups operating on/from the territory of the State concerned or with sanctuary on that territory;
- Update on the status of the negotiations of the State Party with armed groups;
- Disaggregated data on children who have been recruited and used in hostilities by the armed groups, and on those who have been arrested by the State concerned (for example, by gender, age, region, rural/urban areas and social and ethnic origin, time spent in the armed groups, and time spent in hostilities);
- Any written or oral commitment made by armed groups aiming at not recruiting and using children below the age of 18 years in hostilities;
- Measures adopted by the state concerned aiming at raising awareness amongst armed groups and within the communities of the need to prevent recruitment of children below the age of 18 years and of their legal duties with regard to the minimum age set up in the Optional Protocol for recruitment and use in hostilities;
- The adoption of legal measures which aim at prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 years by such armed groups and the judicial decisions applying to this issue;

- The programmes to prevent notably children who are at highest risk of recruitment or use by such armed groups, such as refugee and internally displaced children, street children, orphans (e.g. birth registration campaigns) from being recruited or used by armed groups.

Article 5

Please indicate any provision of the national legislation and of international instruments and international humanitarian law applicable in the State concerned, which are more conducive to the realization of the rights of the child. Reports should also provide information on the status of ratification by the State concerned of the main international instruments concerning children in armed conflict and on other commitments undertaken by that State concerning this issue.

Article 6, paras 1 and 2

Please indicate the measures adopted to ensure the effective implementation and enforcement of the provisions of the Optional Protocol within the jurisdiction of the State Party, including information on:

- Any review of domestic legislation and amendments introduced into it;
- The legal status of the Optional Protocol in national law and its applicability before domestic jurisdictions, as well as, when relevant, the intention of the State Party to withdraw existing reservations made to this Protocol;
- The competent governmental departments or bodies responsible for the implementation of the Optional protocol and their coordination with regional and local authorities as well as with civil society;
- The mechanisms and means used for monitoring and periodically evaluating the implementation of the Optional Protocol;
- Measures adopted to ensure the relevant training of peacekeeping personnel on the rights of the child, including the provisions of the Optional Protocol;
- The dissemination in all relevant languages of the Optional Protocol to all children and adults, notably those responsible for military recruitment, and the appropriate training offered to all professional groups working with and for children.

Article 6, para 3

When relevant, please indicate all measures adopted with regard to disarmament, demobilization (or release from service) and to the provision of appropriate assistance for the physical and psychological recovery and social reintegration of children, taking due account of the specific situation of girls, including information on:

- Disaggregated data on children involved in that proceeding, on their participation in such programmes, and on their status with regard to the armed forces and armed groups (e.g. when do they stop to be members of the armed forces or groups?);
- The budget allocated to these programmes, the personnel involved and their training, the organizations concerned, cooperation among them, and participation of civil society, local communities, families, etc.;

- The various measures adopted to ensure the social reintegration of children, e.g. interim care, access to education and vocational training, reintegration in the family and community, relevant judicial measures, while taking into account the specific needs of children concerned depending notably on their age and sex.
- The measures adopted to ensure confidentiality and protection of children involved in such programmes from media exposure and exploitation;
- The legal provisions adopted criminalizing the recruitment of children and the inclusion of that crime in the competence of any specific justice seeking mechanisms established in the context of conflict (e.g. war crimes tribunal, truth and reconciliation bodies). The safeguards adopted to ensure that the rights of the child as a victim and as a witness are respected in these mechanisms in light of the Convention on the Rights of the Child;
- The criminal liability of children for crimes they may have committed during their stay with armed forces or groups and the judicial procedure applicable, as well as safeguards to ensure that the rights of the child are respected;
- When relevant, the provisions of peace agreements dealing with the disarmament, demobilization and/or physical and psychological recovery and social reintegration of child combatants.

Article 7

Reports should provide information on cooperation in the implementation of the Optional Protocol, including through technical cooperation and financial assistance. In this regard, reports should provide information, inter alia, on the extent of the technical cooperation or financial assistance, which the State Party has requested or offered. Please indicate, if the State Party is in a position of providing financial assistance, the existing multilateral, bilateral or other programs that have been undertaken for that assistance.



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ภาคผนวก จ.

มติ ครม. วันที่ 22 พฤศจิกายน 2548

เรื่อง การเข้าเป็นภาคีพิธีสารเลือกรับของอนุสัญญาว่าด้วยสิทธิเด็ก

คณะรัฐมนตรีเห็นชอบตามมติคณะกรรมการกลั่นกรองเรื่องเสนอคณะรัฐมนตรี คณะที่ 4 (ฝ่ายการท่องเที่ยว กีฬา พุทธศาสนา แรงงานและการพัฒนาสังคม) ที่มีรองนายกรัฐมนตรี (นายสุวัจน์ ลิปตพัลลภ) เป็นประธานที่เห็นชอบการเข้าเป็นภาคีพิธีสารเลือกรับของอนุสัญญาว่าด้วยสิทธิเด็ก จำนวน 2 ฉบับ ดังนี้

1. พิธีสารเลือกรับ เรื่องความเกี่ยวพันของเด็กในความขัดแย้งกันด้วยอาวุธ

พิธีสารฉบับนี้เป็น พิธีสารเพิ่มเติมอนุสัญญาว่าด้วยสิทธิเด็กข้อ 38 คือ ห้ามเกณฑ์เด็กอายุต่ำกว่า 15 ปี เป็นทหารในภาวะสงคราม ซึ่งเป็นจุดอ่อนของอนุสัญญาว่าด้วยสิทธิเด็กมีสาระสำคัญประกอบด้วยข้อบท 13 ข้อ โดยมีหลักการให้รัฐภาคีรับรองสิทธิและประกันว่าบุคคลที่มีอายุไม่ถึง 18 จะไม่มีส่วนร่วมโดยตรงในการสู้รบและไม่ถูกบังคับให้เข้าร่วมในกองทัพ รายละเอียด โดยสรุปดังนี้

1.1 ข้อ 1-4 ว่าด้วยหลักการเกี่ยวกับการประกันว่าบุคคลที่อายุไม่ถึง 18 ปี จะไม่เข้าร่วมในการสู้รบ รวมถึงการไม่ถูกคัดเลือกโดยไม่สมัครใจเข้าร่วมในกองทัพของรัฐภาคี ตลอดจนกลุ่มกองกำลังติดอาวุธ โดยให้รัฐภาคี จัดทำคำประกาศ ซึ่งกำหนดอายุขั้นต่ำในการเข้าร่วมในกองทัพโดยสมัครใจ

1.2 ข้อ 5-7 ว่าด้วยการบังคับใช้กฎหมายในประเทศและระหว่างประเทศที่เกี่ยวข้องรวมถึงการดำเนินมาตรการตามข้อบทของพิธีสารและการให้ความร่วมมือในการช่วยเหลือระดับพหุภาคีหรือทวิภาคีในด้านการฟื้นฟูด้านวิชาการ และด้านการเงิน

1.3 ข้อ 8-13 ว่าด้วยการทำรายงานหลังการเข้าเป็นภาคีแล้ว 2 ปี จากนั้นให้เสนอรวมในรายงานผลการดำเนินงานตามอนุสัญญา ทุก ๆ 5 ปี และการเข้าเป็นภาคีและถอนตัวจากพิธีสาร

2. พิธีสารเลือกรับเรื่อง การค้าเด็ก การค้าประเวณีเด็ก และสื่อลามกที่เกี่ยวกับเด็ก

พิธีสารฉบับนี้เป็นพิธีสารเพิ่มเติมอนุสัญญาว่าด้วยสิทธิเด็ก ข้อ 32, 34, 35 ซึ่งว่าด้วยการแสวงประโยชน์จากเด็กทางเศรษฐกิจและ ทางเพศ มีสาระประกอบด้วยข้อบท 17 ข้อ โดยมีหลักการที่มุ่งการ

คุ้มครองเด็กจากการแสวงประโยชน์ทางเศรษฐกิจทางเพศ และพัฒนาการทางร่างกายและจิตวิญญาณของเด็ก รายละเอียดโดยสรุปมีดังนี้

2.1 ข้อ 1-3 ว่าด้วยการห้ามให้มีและกำหนดให้เป็นความผิดทางอาญาสำหรับการค้าเด็ก การค้าประเวณีเด็ก และสื่อลามกที่เกี่ยวข้องกับเด็ก และได้ให้คำนิยามไว้ดังนี้

(1) การค้าเด็ก หมายถึง การกระทำที่เด็กถูกส่งมอบโดยบุคคลหรือกลุ่มบุคคลไปยังอีกบุคคลหรือกลุ่มบุคคล เพื่อค่าตอบแทนหรือผลประโยชน์

(2) การค้าประเวณีเด็ก หมายถึง การใช้เด็กในกิจกรรมทางเพศ เพื่อค่าตอบแทนหรือผลประโยชน์

(3) สื่อลามกที่เกี่ยวข้องกับเด็ก หมายถึง การนำเสนอกิจกรรมทางเพศหรือส่วนใดในทางเพศ ของเด็กจากตัวตนจริงหรือการทำจำลองเพื่อจุดประสงค์ในทางเพศ

2.2 ข้อ 4-6 ว่าด้วยมาตรการในการกำหนดเขตอำนาจความผิด การส่งผู้ร้ายข้ามแดนและการสืบสวน สอบสวน หรือกระบวนการทางอาญา ซึ่งรัฐภาคีต้องดำเนินการตามสนธิสัญญาหรือความตกลงว่าด้วยความช่วยเหลือที่มีอยู่ระหว่างกัน ในกรณีที่ไม่มีความสนธิสัญญาหรือความตกลงดังกล่าว รัฐภาคีต้องดำเนินการให้รัฐภาคีอีกรัฐหนึ่งในการ ช่วยเหลือ โดยสอดคล้องกับกฎหมายภายในประเทศของตน

2.3 ข้อ 7 ว่าด้วยการกำหนดมาตรการในการริบทรัพย์สินที่เกี่ยวข้องกับการกระทำผิด

2.4 ข้อ 8 ว่าด้วยการจัดมาตรการที่เหมาะสมในการคุ้มครองสิทธิและผลประโยชน์ของเด็ก ได้แก่ กระบวนการพิจารณาคดีที่คำนึงถึงความต้องการเป็นพิเศษของเด็ก การคุ้มครองเอกลักษณ์ ความเป็นส่วนตัวของเด็กและพยาน เป็นต้น

2.5 ข้อ 9 ว่าด้วยนโยบายในการป้องกัน แก้อันตราย และส่งเสริมความรู้ทางกฎหมายและความตระหนักของสาธารณชน ชุมชน โดยเฉพาะอย่างยิ่งเด็ก

2.6 ข้อ 10 ว่าด้วยความร่วมมือระหว่างประเทศในการป้องกัน แก้อันตรายการนำบัตรพินฟูและส่งกลับเด็กผู้ได้รับเคราะห์

2.7 ข้อ 11 – 17 ว่าด้วยการจัดทำรายงานหลังจากเข้าเป็นภาคีแล้ว 2 ปี จากนั้นให้เสนอรวมในรายงานผลการดำเนินงานตามอนุสัญญา ทุก ๆ 5 ปี และการเข้าเป็นภาคีและการถอนตัวจากพิธีสาร

กระทรวงการพัฒนาสังคมและความมั่นคงของมนุษย์มีความเห็นว่า ประเทศไทยมีกฎหมาย นโยบาย และการดำเนินงานรองรับพิธีสารเลือกรับทั้ง 2 ฉบับ ดังกล่าวอยู่แล้ว และการเข้าเป็นภาคีพิธีสารจะก่อให้เกิดประโยชน์ต่อประเทศไทยหลายประการ ได้แก่

1. ประเทศไทยจะเป็นที่ยอมรับในกลุ่มประชาคมโลกที่แสดงเจตนารมณ์อย่างชัดเจนในการปกป้องสิทธิเด็กจากความขัดแย้งกันด้วยอาวุธ การค้าเด็ก การค้าประเวณีเด็ก และการตกเป็นเหยื่อของสื่อลามกอนาจาร

2. ความร่วมมือในกลุ่มประเทศภาคีในการคุ้มครองสิทธิเด็กอันจะนำมาซึ่งการแลกเปลี่ยนองค์ความรู้ในการส่งเสริมและพิทักษ์สิทธิเด็ก รวมทั้งการป้องกันและแก้ไขปัญหาที่เกิดจากความเกี่ยวพันของเด็กในความขัดแย้งกันด้วยอาวุธ และการค้าเด็ก การค้าประเวณีเด็ก และสื่อลามกที่เกี่ยวกับเด็ก

3. ทำให้เกิดการพัฒนากลไกในการปกป้องคุ้มครองเด็กในประเทศไทยในด้านต่าง ๆ เพิ่มขึ้น รวมทั้งกระทรวงการต่างประเทศแจ้งว่า ไม่ขัดข้องที่ไทยจะเข้าเป็นภาคีพิธีสารดังกล่าว

(มติ ครม. เมื่อ 22 พ.ย.48)

ภาคผนวก ช.

รูปแบบคำประกาศพิธีสารฯ

Elements for a binding declaration under article 3(2)

Required elements:

- * Name of State
- * Minimum age for voluntary recruitment
- * In the case of States recruiting children under the age of 18 years, a description of safeguards to ensure, as a minimum, that:

1. Recruitment is genuinely voluntary, not forced or coerced.
(Information is provided on recruitment procedures, advertising methods, etc.)
2. Recruitment is carried out with the informed consent of the potential recruit's parents or legal guardians.
(Information is provided to parents or guardians, e.g. the Code of Practice used by recruitment officers.)
3. Potential recruit is fully informed of the duties involved in such military service.
(Information is provided to potential recruits, e.g. brochures and films on the duties involved in military service, the Code of Practice used by recruitment officers.)
4. Potential recruit provides reliable proof of age prior to acceptance into national military service.
(Birth certificate.)

Optional elements:

- * Additional safeguards ensuring that recruitment is voluntary.
- * Information about schools operated by or under the control of the armed forces, including students' minimum age for entry and whether or not they belong to the armed forces.
- * A detailed description of the armed forces (e.g. divisions, units, etc.)

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification or accession.)

Afghanistan

Declaration:

".....according to the Decree No. 20 dated 25 May 2003 on the voluntary enrollment to the Afghan National Army, signed by H.E. Hamed Karzi Head of State of Afghanistan, the minimum age for recruitment of Afghan Citizen to an active military service is limited by the age of 22 to 28. All recruitments of personnel in the Afghan National Army is voluntary and is not forced or coerced."

Andorra

Declaration:

With regard to article 3, paragraph 2, of the Protocol, the Principality of Andorra declares that it currently has no armed forces. The only specialized forces in the Principality are those of the Police and Customs, for which the minimum recruitment age is that specified in article 2 of the Optional Protocol. Moreover, the Principality wishes to reiterate in this declaration its disagreement with the content of article 2, in that that article permits the voluntary recruitment of children under the age of 18 years.

Argentina

Declaration:

"The Argentine Republic declares that the minimum age required for voluntary recruitment into the national Armed Forces is eighteen (18) years."

Australia

Declaration:

"The Australian Defence Force (ADF) shall continue to observe a minimum voluntary recruitment age of 17 years.

Pursuant to Article 3 (5) of the Optional Protocol, age limitations do not apply to military schools. A list of authorised establishments, both military and civilian (including those used to train apprentices), to which this age exemption applies is held by the Service Director-General Career Management. Age limitations also do not apply to cadet schemes, members of which are not recruited into, and are therefore not members of, the ADF.

Persons wishing to join the ADF must present an original certified copy of their birth certificate to their recruiting officer. Before their enlistment or appointment, all ADF applicants who are less than 18 years of age must present the written informed consent of their parents or guardians.

All applicants wishing to join the ADF must be fully informed of the nature of their future duties and responsibilities. Recruiting officers must be satisfied that an application for membership by a person less than 18 years of age is made on a genuinely voluntary basis."

Austria

Declaration:

Under Austrian law the minimum age for the voluntary recruitment of Austrian citizens into the Austrian army (Bundesheer) is 17 years.

According to paragraph 15, in conjunction with paragraph 65 (c) of the Austrian National Defence Act 1990 (Wehrgesetz 1990), the explicit consent of parents or other legal guardians is required for the voluntary recruitment of a person between 17 and 18 years.

The provisions of the Austrian National Defence Act 1990, together with the subjective legal remedies guaranteed by the Austrian Federal Constitution, ensure that legal protection in the context of such a decision is afforded to volunteers under the age of 18. A further guarantee derives from the strict application of the principles of rule of law, good governance and effective legal protection.

Azerbaijan

Declaration:

"Pursuant to Article 3 of the protocol, the Republic of Azerbaijan declares that in accordance with the Law of the Republic of Azerbaijan on the military service of 3 November 1992, the citizens of the Republic of Azerbaijan and other persons, who are meeting the defined requirements of the military service, may voluntarily enter and be admitted in age of 17 the active military service of the cadets military school. The legislation of the Republic of Azerbaijan guarantees that this service shall not be

forced or coerced, shall be realized on the basis of deliberative consent of the parents and the legal representatives of those persons, that those persons shall be provided with the full information of the duties regarding this service, and that the documents certifying their age shall be required before the admission to the service in the national armed forces."

Bahrain

Declaration:

With reference to Article (3), Paragraph (2) of the Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict, the Kingdom of Bahrain hereby declares that the minimum age for voluntary recruitment to Bahrain Defence force is 18 years.

Bangladesh

Declaration:

"In accordance with Article 3 (2) of [the Optional Protocol], the Government of the People's Republic of Bangladesh declares that the minimum age at which it permits voluntary recruitment into its national Armed Forces is sixteen years for non-commissioned soldiers and seventeen years for commissioned officers, with informed consent of parents or legal guardian, without any exception.

The Government of the People's Republic of Bangladesh further provides hereunder a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced:

The process of recruitment in the national Armed Forces is initiated through advertisement in the national press and the media for officers and other ranks without exception.

The first induction of new recruits is conducted invariably in a public place such as a national park, school ground or a similar place. Public participation is welcomed in such programmes.

Before a recruit presents himself he has to submit a written declaration from his parents or legal guardians consenting to his recruitment. If the parent or legal guardian is illiterate the declaration is verified and counter signed by the Chairmain of the Union Parishad.

The recruit is required to present birth certificate, matriculation certificate and full school records.

All recruits whether officers or other ranks have to undergo rigorous medical examination including checks for puberty. A recruit found to be pre-pubescent is automatically rejected.

Officers and other ranks without exception are required to undergo two years of compulsory training. This ensures that they are not assigned to combat units before the age of 18. All officers and other ranks are carefully screened before being assigned to combat units. These tests include tests of psychological maturity including an understanding of the elements of international law of armed conflict inculcated at all levels.

The Government of the People's Republic of Bangladesh declares that stringent checks in accordance with the obligations assumed under the Optional Protocol will continue to be applied without exception."

Belarus

Declaration:

The Republic of Belarus, pursuant to article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, declares that voluntary recruitment of citizens into the armed forces of the Republic of Belarus shall occur upon the attainment by them of 18 years of age.

Admission to a military academy, to which citizens aged 17 years or over, including those who attain 17 years of age during the year in which they are admitted to such an academy, are entitled, in accordance with article 43 of the Act of the Republic of Belarus of 5 November 1992 on Military Obligations and Military Service, shall constitute an exception to the above. Such admission shall not be forced or coerced.

The legislation of the Republic of Belarus guarantees that entry into military service as a cadet at a military academy:

Shall be voluntary;

Shall occur with the informed consent of the person's parents or legal guardians;

Shall occur on condition that such persons are fully informed of the duties involved in military service;

Shall be permitted on condition that such persons provide reliable proof of age prior to acceptance into military service.

Belgium 1

Upon signature:

...

Upon ratification:

Declarations:

1. In accordance with article 3, paragraph 2, and bearing in mind article 3, paragraph 5, the Government of the Kingdom of Belgium states that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years.

2. The Government of the Kingdom of Belgium states that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement. Moreover, non-governmental militias are prohibited, regardless of the age of the persons concerned.

3. The Government of the Kingdom of Belgium shall not act upon a request for judicial cooperation where doing so would lead to discrimination between governmental and non-governmental forces in violation of the principle of international humanitarian law of equality of parties to a conflict, including in the event of armed conflict of a non-international nature.

Belize

Declaration:

"The Government of Belize declares that in accordance with Article 3 of the Protocol, the minimum age at which voluntary recruitment to any military service in Belize shall be permitted is sixteen years. In recruiting among persons who have attained sixteen years but less than eighteen years, the following principles are to be observed:

1. Such recruitment is to be genuinely voluntary and reliable proof of age must be given;

2. Such persons are to receive the informed consent of his/her parent or guardian;

3. Such persons are, before being recruited, well-informed of the duties involved in the military service;

4. Such persons may be able to withdraw from the military service within the first month of having enlisted."

Bosnia and Herzegovina

Declaration:

"The State of Bosnia and Herzegovina will not permit voluntary recruitment into its national armed forces of any person under age of 18. Such provision is incorporated into the Law on Defense of Federation of Bosnia and Herzegovina ("Official Gazette of Federation of Bosnia and Herzegovina" No. 15/96, 23/02, 18/03) and Law on Army of Republika Srpska ("Official gazette of Republika Srpska" No 31/96, 96/01), and is in compliance with Optional Protocol to the Convention on the Rights of the Child that was ratified by Bosnia and Herzegovina."

Botswana

Declaration:

"The Government of the Republic of Botswana declares, pursuant to Article 3 (2), of the Optional Protocol, that:

- a) There is no compulsory conscription into the Defence Force.
- b) The process of recruitment in the Defence Force is initiated through advertisement in the national press in which the minimum age limit of 18 years is stipulated as one of the requirements.
- c) The induction of all recruits is conducted in public.
- d) All recruits are required to present a national identity card which states their date of birth, school completion certificate, and other educational records where necessary.
- e) All recruits undergo a rigorous medical examination where pre-pubescence would be noticed, and any person determined to be underage is routinely rejected from recruitment."

Brazil

Declaration:

"With regard to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Brazilian Government declares that, according to article 143 of the Federal Constitution, military service is compulsory, as set forth by law. The Constitution also provides that it is within the competence of the Armed Forces, according to the law, to assign an alternative service to those who, in times of peace, after being enlisted, claim imperative of conscience. Women and clergymen are exempt from compulsory military service in times of peace, but are subject to other duties assigned by law. According to the Military Service Act (Law no 4.375, of 17 August 1964), the obligation to military service, in times of peace, begins the 1st January of the year the citizen becomes 18 years old (article 5). Pursuant to the Regulation of the Military Service (Decree no 57.654, of 20 January 1966), citizens may freely present themselves to voluntary military service provided they have the minimum age of 16 years (article 41, paragraph 1 and article 49, paragraph 4). However, their acceptance to voluntary military service is only possible from the 1st January of the year they become 17 years old (article 127). The acceptance of voluntaries to Military Service requires special authorization from the Armed Forces (Military Service Act, article 27). Pursuant to the Regulation of the Military Service, the civil incapacity to act, to the purposes of military service, ends on the date the citizen becomes 17 years old. Voluntaries who, upon the act of incorporation or enrollment to the military service, have not yet completed 17 years old, must present written consent from parents or guardians (article 239)."

Bulgaria

Declaration:

The Republic of Bulgaria declares hereby that all men, Bulgarian citizens who have attained 18 years of age shall be subject to a compulsory military service.

Bulgarian citizens who have been sworn in and done their military service or have done two thirds of the mandatory term of their military service shall be admitted, voluntarily, to regular duty.

Persons who have not come of age shall be trained at military schools subject to the conclusion of a training agreement to be signed by them with the consent of their parents or guardians. Having come of age, the trainees shall sign a training agreement on a regular military duty.

Cambodia

Declaration:

"According to Article 42 of the Law on the General Status of Royal Cambodian Armed Forces stipulated that the Cambodian citizen of either sex who has attained the age of 18 years should be permitted or recruited into the armed forces."

Canada

Declaration:

"Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, Canada hereby declares:

1. The Canadian Armed Forces permit voluntary recruitment at the minimum age of 16 years.
2. The Canadian Armed Forces have adopted the following safeguards to ensure that recruitment of personnel under the age of 18 years is not forced or coerced:
 - (a) all recruitment of personnel in the Canadian Forces is voluntary. Canada does not practice conscription or any form of forced or obligatory service. In this regard, recruitment campaigns of the Canadian Forces are informational in nature. If an individual wishes to enter the Canadian Forces, he or she fills in an application. If the Canadian Forces offer a particular position to the candidate, the latter is not obliged to accept the position;
 - (b) recruitment of personnel under the age of 18 is done with the informed and written consent of the person's parents or legal guardians. Article 20, paragraph 3, of the National Defence Act states that 'a person under the age of eighteen years shall not be enrolled without the consent of one of the parents or the guardian of that person';
 - (c) personnel under the age of 18 are fully informed of the duties involved in military service. The Canadian Forces provide, among other things, a series of informational brochures and films on the duties involved in military service to those who wish to enter the Canadian Forces; and
 - (d) personnel under the age of 18 must provide reliable proof of age prior to acceptance into national military service. An applicant must provide a legally recognized document, that is an original or a certified copy of their birth certificate or baptismal certificate, to prove his or her age."

Cape Verde

Declaration:

[The Republic of Cape Verde] declare[s] on behalf of the Cape Verdean Government, that the minimum age for special voluntary recruitment into the Cape Verdean armed forces is 17 years in accordance with article 31 of Legislative Decree No. 6/93 of 24 May 1993, published in official gazette No.18, series I.

Moreover, Decree-Law No. 37/96 of 30 September 1986, published in official gazette No. 32, series I, which governs the provisions contained in the above-mentioned Legislative Decree, states the following in its article 60:

Special recruitment . shall apply to citizens, who of their own freely expressed will, decide to enter military service subject to meeting the following requirements:

- (a) They must have attained the minimum age of 17 years;
- (b) They must have the consent of their parents or legal guardians;
- c) They must be mentally and physically fit for military service.

Article 17 of Legislative Decree No. 6/93 and articles 29 and 63 of Decree-Law No. 37/96 provide that persons to be enrolled must be fully informed through appropriate documentation prepared by the high command of the armed forces about the duties involved in national military service.

Under article 28 of that Decree-Law, all volunteers shall provide, prior to enlistment and as reliable proof of identity, their national identity card or passport.

While article 8 of Legislative Decree No. 6/93 provides that in war time the minimum/maximum age for recruitment may be amended, the fact that Cape Verde is bound by the Convention on the Rights of the Child and is becoming a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, means that in no case shall the minimum age for recruitment be lower than 17 years. Indeed, article 12, paragraph 4, of the Constitution provides that the norms and principles of general international law and international treaty law duly approved or ratified shall take precedence, after their entry into force in the international and domestic legal system, over all domestic municipal legislative or normative acts under the Constitution.

Chad

Declaration:

The Chadian Government declares that, pursuant to article 3, paragraph 2 of the Optional Protocol, the minimum age for recruitment into the armed forces is 18 years.

Enlistment is entirely and absolutely voluntary and may take place only on a fully informed basis.

Chile

Declaration:

"The Government of Chile states that, in accordance with its domestic law, the minimum age for the voluntary recruitment of persons into its national armed forces is 17 or 18 years, and on an exceptional basis persons who have attained 16 years of age and meet certain criteria may participate in such programmes for shorter periods with the prior approval of the Director-General of the General Directorate for National Mobilization of the Ministry of National Defence and with the due consent of the parents or legal guardians."

Costa Rica

Declaration:

.....article 12 of the Constitution of the Republic of Costa Rica proscribes the army as a permanent institution. Accordingly, my Government considers that the declaration in question may be dispensed with for the purposes of article 3, paragraph 2, of the Protocol.

Croatia

Declaration:

"... The Republic of Croatia makes the following declaration in relation to Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts:

"Related to Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, the Republic of Croatia states that Croatian legislation prevents persons under 18 from joining the Armed Forces of the Republic of Croatia.

In order to ensure that persons under 18 do not join its Armed Forces, the Republic of Croatia has made the following provisions:

- It has been stipulated by law that military service consists of duty to register as a recruit, to enter military service (conscription), and to serve in the reserves in the Armed Forces of the Republic of Croatia;

- The duty to register as a recruit arises in the calendar year in which a person turns 18, and remains until the person enters military service (conscription) or service in civilian life i.e. until the person is transferred to the reserves or until military service ceases pursuant to the provisions of the Defence Act. The process of recruitment includes registration in the military records, medical and other examinations, psychological tests and recruitment itself. It is a preliminary procedure required in order to determine whether a person is eligible for military service. The status of the recruit remains valid until entering military service (conscription) to which, according to the law, a recruit may not be sent before reaching the age of 18;

- Eligible recruits are sent to do their military service (conscription) after they come of age (turn 18), normally in the calendar year in which they turn 19, thereby becoming conscripts. Recruits are not part of the Armed Forces of the Republic of Croatia; conscripts make one component of the Armed Forces of the Republic of Croatia."

Czech Republic

Declaration:

Adopting this Protocol we declare in accordance with article 3 paragraph 2 of the Protocol that the minimum age at which voluntary recruitment into its national armed forces is permitted is 18 years. This age limit is prescribed by law.

Democratic Republic of the Congo

Declaration:

Pursuant to article 3, paragraph 2, of the Protocol, the Democratic Republic of the Congo undertakes to implement the principle of prohibiting the recruitment of children into the armed forces, in accordance with Decree-Law No. 066 of 9 June 2000 on the demobilization and rehabilitation of vulnerable groups on active service in the armed forces, and to take all feasible measures to ensure that persons who have not yet attained the age of 18 years are not recruited in any way into the Congolese armed forces or into any other public or private armed group throughout the territory of the Democratic Republic of the Congo.

Denmark

Declaration:

"In connection with the deposit of Denmark's instrument of ratification of the Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict [the Government of Denmark declares] that Danish legislation does not permit the recruitment of any person below the age of 18 in the armed forces."

Dominica

Declarations:

".....the minimum age at which voluntary recruitment will be permitted into the Police Force (in the absence of national and armed forces) is eighteen (18) years in accordance with the Police Act, Chapter 14:01, Section 5 (a);

.....recruitment will be carried out only through a recognized registered body;

.....the consent of recruits is voluntary and is witnessed to with a signed declaration;

.....an orientation period is provided prior to recruitment with the option of voluntary withdrawal."

Ecuador

Declaration:

The Government of the Republic of Ecuador hereby declares that, in accordance with the provisions of its Constitution, military service is compulsory. Citizens who invoke conscientious objection on moral, religious or philosophical grounds are assigned to community service, in the manner prescribed by the law.

Article 5 of the Act on Compulsory Military Service states that "military obligations begin, for Ecuadorian citizens, at 18 years of age, and end at 55 years of age. The period between the ages of 18 and 55 shall be called 'military age'".

El Salvador

Declaration:

... pursuant to article 3, paragraph 2 of the above-mentioned Protocol, the Government of the Republic of El Salvador declares that the minimum age for Salvadorans who wish to enlist voluntarily for military service is 16 years, in accordance with articles 2 and 6 of the Act on Military Service and Reserves of the Armed Forces of El Salvador. The following is a description of the safeguards that the relevant Salvadoran authorities have adopted to ensure that the military service provided is legally voluntary:

- The 16-year-old minor must submit a written request to the Recruitment and Reserves Office or its subsidiary offices, unequivocally stating a desire to provide military service;
- Submission of the original birth certificate or minor's card;
- Document certifying knowledge of and consent to the request to provide military service from the minor's parents, guardian or legal representative, all in accordance with the provisions of title II on parental authority, article 206 et seq. of the Family Code;
- Acceptance of the request shall be subject to the needs for military service.

Finland

Declaration:

"The Government of Finland declares in accordance with Article 3, paragraph 2, of the Optional Protocol that the minimum age for any recruitment of persons into its national armed forces is 18 years. The minimum age applies equally to the military service of men and to the voluntary service of women."

France

Declaration:

France hereby declares that it recruits only volunteers aged at least 17 who have been informed of the rights and duties involved in military service and that the enlistment of recruits under the age of 18 is valid only with the consent of their legal representatives.

Greece

Declaration:

"Pursuant to article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Greece declares that the minimum age at which voluntary recruitment in the Greek armed forces is permitted by national law, is 18 years."

Guatemala

Declaration:

In conformity with article 3, paragraph 2 of the aforementioned Protocol, the Government of Guatemala makes the following declaration: 'Guatemala shall not permit the compulsory recruitment of persons under 18 years of age into its armed forces, and, in keeping with article 3, paragraph 4, of the Convention on the Rights of the Child on the involvement of children in armed conflict, the description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced shall be submitted at a later date.'

Holy See

Declaration:

"The Holy See, with regard to article 3, paragraph 2, of the Protocol, declares that, for what concerns the Vatican City State, the Regulations of the Pontifical Swiss Guard, approved in 1976, establish that the recruitment of its members is only voluntary and that the minimum age is set forth at 19 years."

Honduras

Declaration:

With the aim of specifying the scope of this Protocol and upon depositing its instrument of accession, the Government of the Republic of Honduras, acting in accordance with article 3 of the Protocol, declares that:

1 (a). Under the legislation of the State of Honduras, the minimum age for voluntary recruitment into the armed forces is 18 years, as part of the country's educational, social, humanist and democratic system".

II. This Agreement shall be submitted to the Sovereign National Congress for consideration, for the purposes of article 205, number 30, of the Constitution of the Republic.

Iceland

Declaration:

"With regard to Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Republic of Iceland declares that it has no national armed forces, and hence, a minimum age for recruitment is not applicable in the case of the Republic of Iceland."

Ireland

Declaration:

"Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, Ireland declares:

In general, the minimum age for recruitment into the Irish armed forces is 17. An exception is made in the case of apprentices, who may be recruited at the age of 16. However, apprentices are not assigned to any military duties until they have completed up to four years apprenticeship trade training, by which time all would have attained the age of 18.

Ireland has adopted the following safeguards to ensure that recruitment of personnel under the age of 18 is not forced or coerced:

All recruitment to the Irish armed forces is voluntary. Ireland does not practice conscription and recruitment campaigns are informational in nature. Applicants must fill in an application and are selected on the basis of suitability. Applicants who are offered a position are under no obligation to accept that position.

All applicants are required to provide proof of age. All unmarried applicants who are under 18 must have the written consent of a parent or guardian. In Ireland a person attains full age or adulthood either on attaining the age of 18 or upon marriage if they marry before that age. Under Irish law a person who is under the age of 18 years may not enter into a valid marriage unless an exemption is granted by the Circuit or High Court."

Italy

Declaration:

The Government of the Italian Republic declares, in compliance with article 3:

- That Italian legislation on voluntary recruitment provides that a minimum age of 17 years shall be required with respect to requests for early recruitment for compulsory military service or voluntary recruitment (military duty on a short-term and yearly basis);

- That the legislation in force guarantees the application, at the time of voluntary recruitment, of the provisions of article 3, paragraph 3, of the Protocol, inter alia, as regards the requirement of the consent of the parent or guardian of the recruit.

Jamaica

Declaration:

"Pursuant to Article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, Jamaica hereby declares that:

1. The Jamaica Defence Force permits voluntary recruitment and enlistment at the minimum age of 18 years.

2. The Jamaica Defence Force has adopted the following safeguards, under the 1962 Defence (Regular Force Enlistment And Service Regulations) Act, to ensure that recruitment of personnel under the age of 18 is not forced or coerced;

(a) All recruitment to the Jamaica Defence Force is voluntary. If an individual wishes to enter the Jamaica Defence Force, he or she completes the relevant application (Notice Paper) form in accordance with Section 5 of the Act;

(b) The applicant is given the notice paper with the condition and warning that if he knowingly makes a false attestation, he is liable to be punished;

(c) The recruiting officer shall satisfy himself that the person offering to enlist is, or as the case may be, is not, over the age of eighteen years;

(d) The recruiting officer shall read or cause to be read to the person the questions set out in the attestation paper and shall ensure that the answers are duly recorded thereon;

(e) Written parental consent is required for applicants who have attained the age of 17 1/2 years. Persons in this category are not permitted to graduate as trained soldiers from training institutions, until they have attained the age of eighteen (18) years.

3. Personnel must provide reliable proof of age prior to acceptance into national military service, in the form of a legally recognized document, that is, an original or a certified copy of their birth certificate.

If the Jamaica Defence Force offers a particular position to the candidate, he or she is not compelled to accept the position."

Japan

Declaration:

"In accordance with article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of Japan declares as follows:

The Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces, with the exception of the cases of the students solely receiving educational training at the schools within the structure of the Japan Self-Defense Forces (hereinafter referred to as "the Youth Cadets"), which come under "schools" stipulated in Article 3, paragraph 5 of the Optional Protocol.

The minimum age of recruitment of the Youth Cadets is 15 years.

In Japan, the safeguards to ensure that the recruitment of the Youth Cadets is not forced or coerced are as follows:

1. In accordance with the provisions of the Law on the Japan Self-Defense Forces (Law No 165/1954), the recruitment of personnel of the Japan Self-Defense Forces including the Youth Cadets is required to be based upon examination or selection, and it is prohibited to use such measures as threat, compulsion and similar means with the intention of realizing unjust recruitment of the members.

2. Further, in recruiting the Youth Cadets, the following shall be confirmed beforehand in accordance with the Instruction on the recruitment of the students of the Japan Self-Defense Forces (Japan Defense Agency Instruction No 51/1955).

(1) Either the person who executes the parental authority over a Youth Cadet or his/her guardian gives consent to the recruitment.

(2) The candidate for a Youth Cadet is fully informed of the duties to be involved in advance.

(3) A proof of the age of the Youth Cadets for being at or over 15 years is provided by a certifying document.

Kazakhstan

Declaration:

"Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, the Republic of Kazakhstan hereby declares:

In accordance with the Military Service on Contract Basis Act No. 167-II 3PK of March 20, 2001:

1. Military Service on Contract Basis grounded on the principles of legitimacy, voluntary recruitment, professionalism and competency, social security and protection of rights of military servants.

2. Every military servant is entitled in full equality in his or her rights. No one shall be limited in his or her rights or attain any advantages realising the rights with regard to sex, age, race, nationality, language, religion, official capacity and social status.

3. Article 17, paragraph 1 permits voluntary recruitment at the minimum age of 19.

4. According to the article 14, paragraph 1 a contract should obligatory include description of the identification document, number and date of issue of the document, number of social individual code and tax-payer's registration number."

Kenya

Declaration:

"The Government of the Republic of Kenya declares that the minimum age for the recruitment of persons into the armed forces is by law set at eighteen years. Recruitment is entirely and genuinely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Kenya.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, to add, amend or strengthen the present declaration. Such notifications shall take effect from the date of their receipt by the Secretary General of the United Nations."

Kuwait

Declaration:

.....the Government of the State of Kuwait is committed to maintaining the minimum age for voluntary service in the Kuwaiti armed forces at 18 years of age, and to prohibiting the forced conscription of any persons under the age of 18, pursuant to article 3, paragraph 2 of the aforementioned Protocol.

Kyrgyzstan

Declaration:

"In accordance with the Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in New York, 25 May 2000, I have the honour to declare that in the Kyrgyz Republic the minimum age for recruitment of its citizens (men) to an active military service is limited by the age of 18 years (Article 10 of the Law of the Kyrgyz Republic "On the general military service of citizens of the Kyrgyz Republic")."

Lesotho

Declaration:

"In response to article 3 (2) of the Optional Protocol, in accordance with the Lesotho Defence Force Act of 1996, section 18 thereof, the minimum age at which the Government of Lesotho permits voluntary recruitment into the national armed forces is when the interested person has already attained the age of 18.

Such recruitment is voluntary as would be recruits submit applications for advertised vacancies in the armed forces."

Libyan Arab Jamahiriya

Declaration:

The required legal age for volunteering to serve in the armed forces of the Great Socialist People's Libyan Arab Jamahiriya, according to the national legislation thereof, is eighteen years.

Lithuania**Declaration:**

"...the Republic of Lithuania declares that under Republic of Lithuania law the citizens of the Republic of Lithuania under the age of 18 years may not serve in the national armed forces; the minimum age of citizens of the Republic of Lithuania for voluntary recruitment into the active military service is 18 years, and the minimum age of citizens of the Republic of Lithuania for enlisting into the mandatory military service must be 19 years. Compulsory recruitment of children under the age of 18 years into the national armed forces shall involve liability under law of the Republic of Lithuania."

Declaration:

The Government of the Grand Duchy of Luxembourg declares that, in accordance with article 3 of the Protocol, the minimum age at which voluntary recruitment to the army of Luxembourg shall be permitted is 17 years.

The following principles shall be observed in recruiting persons aged 17 years:

1. Recruitment shall be on a voluntary basis.

2. Voluntary recruits under the age of 18 must have the written consent of their parents or legal guardian.

3. Voluntary recruits under the age of 18 may not take part in the following military operations:

(1) At the national level:

(a) The defence of the Grand Duchy's territory in the event of armed conflict.

(2) At the international level:

(a) Contributing to the collective or common defence within the framework of the international organizations of which the Grand Duchy is a member;

(b) Taking part within such a framework in humanitarian and evacuation missions, peacekeeping missions, and combat missions for crisis management, including peacemaking operations.

4. Voluntary recruits shall be fully informed, prior to their recruitment, of the duties connected with military service.

5. Voluntary recruits may withdraw from their military service at any time.

Madagascar**Declaration:**

Pursuant to article 11 of Edict No. 78-002 of 16 February 1978 on the general principles governing National Service, young men and women aged 18 years or more may request to be recruited into the Armed Forces or outside the Armed Forces before young men and women of their age-group. Any citizen may, from the age of 18 onwards, enlist in the Armed Forces for an indefinite period.

In order to preserve his or her contractual liberty, the person requesting voluntary enlistment shall submit a request approved by his or her parents or legal guardian. Offences against the requirements of these provisions shall be prosecuted and penalized under the Code of Justice on National Service or the Penal Code.

Mal

Declaration:

In accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Government of the Republic of Mali declares that the minimum age for voluntary recruitment into the national armed forces is 18 years of age or older. No boy or girl under 18 years of age may be recruited or be allowed to be recruited, even on a voluntary basis, or be enrolled as a member of the national armed forces.

The Government of Mali is fully committed to this declaration and pledges to impose on anyone who violates such provision a penalty commensurate with the seriousness of the offence as provided for under its criminal law.

Children who are unlawfully recruited into the armed forces may, depending on their individual circumstances, receive support for their economic and social rehabilitation and reintegration.

Malta

Declaration:

"Under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), enacted in 1970, enlistment in the Armed Forces of Malta shall be made on a voluntary basis and no person under the age of seventeen years and six months may be so enlisted. A person under 18 years may not be enlisted unless consent to the enlistment is given in writing by the father of such person or, if such person is not subject to paternal authority, by the mother or by an other person in whose care the person offering to enlist may be. In any case, the term of engagement of a person enlisting under the age of 18 expires on reaching 18 years of age and enlistment has to be renewed. It is a mandatory condition for enlistment of potential recruits to produce a birth certificate from the national Civil Status Office to attest their age.

The Malta Armed Forces Act also provides that any person of whatever age offering to enlist in the regular force shall, before enlistment, be given a notice on the prescribed form stating the general conditions of engagement and the recruiting officer shall not enlist any person in the regular force unless satisfied that the potential recruit has been given such notice, understood its contents and wishes to be enlisted.

In practice the Armed Forces of Malta do not recruit and have not since 1970 recruited persons under the age of 18 years. The Government of Malta further declares that if in future recruitment of persons under 18 years were made such members of the armed forces will not take part in hostilities.

Regulations under the Malta Armed Forces Act provide for a Junior Leaders Scheme whereby persons under the age of seventeen and six months could be recruited for training but in a non-combatant position, but in effect no such recruitment has taken place since 1970."

Monaco

Declaration:

The Principality of Monaco declares, in accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, that it is bound by the Franco-Monaguesque Treaty of 17 July 1918 and that the French Republic thereby ensures the defence of the territorial integrity of the Principality of Monaco.

The only bodies having military status in the Principality are the Prince's Guard and the Fire Brigade. In accordance with the provisions of Sovereign Ordinance No. 8017 of 1 June 1984 relating to the Police Code, members of the Guard and the Fire Brigade must be at least 21 years of age.

Mongolia

Declaration:

"Under the relevant law of Mongolia the minimum age for recruitment into military service is 18 years. Mongolian male citizens of 18 to 25 years have the duty to fulfill a military service. Men of 18 to 25 years who have not fulfilled their military service for the reasons of their religious faith or moral belief may fulfill an alternative service for a period of 24 to 27 months with rescue or professional units or divisions of the General Department on Disaster Management, assisting forces of the Border Troops or other humanitarian organizations."

Morocco

Declaration:

Pursuant to paragraph 2 of the article concerning the involvement of children in armed conflicts, the Kingdom of Morocco declares that the minimum age required by national law for voluntary recruitment in the armed forces is 18 years.

Mexico

Declaration:

In accordance with article 3, paragraph 2 of the Optional Protocol, the United Mexican States declares:

(i) That the minimum age for voluntary recruitment of its nationals into the armed forces is 18 years;

ii) That article 24 of the Military Service Act provides that only volunteers will be accepted into the armed forces for active service until the figure set annually by the Ministry of Defence has been met and provided that the following conditions are fulfilled:

I. They must submit an application;

II. They must be Mexican nationals who are over 18 but not over 30, and must be under 40 in the case of personnel enlisted as specialists in the army;

Those over 16 and under 18 shall be accepted into signals units for training as technicians under contracts with the State not exceeding five years in duration. Moreover, under article 25 of the Military Service Act, only the following persons may be accepted for early enlistment in the armed forces:

I. Those who wish to leave the country at the time when they would be required by law to undertake military service if they are over 16 at the time of requesting enlistment;

II. Those who are obliged to request early enlistment because of their studies.

The maximum number of individuals who may be allowed to enlist early shall be set every year by the Ministry of Defence; and

Interpretative declaration:

In ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the General Assembly of the United Nations on 25 May 2000, the Government of the United Mexican States considers that any responsibility deriving therefrom

for non-governmental armed groups for the recruitment of children under 18 years or their use in hostilities lies solely with such groups and shall not be applicable to the Mexican State as such. The latter shall have a duty to apply at all times the principles governing international humanitarian law.

Mozambique

Declaration:

".....In accordance with the Mozambican legislation, the minimum age for enlistment into its national armed forces is 18 years,

The Republic of Mozambique declares, also that according to the law, the incorporation starts at the age of 20.

The Republic of Mozambique, furthermore declares that in case of war the age for the military service can be modified."

Namibia

Declaration:

"Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, Namibia hereby declares:

1. The Namibian Defence Force permit voluntary recruitment at the minimum age of 18 years.
2. The Namibian Defence Force have adopted the following safeguards to ensure that recruitment of personnel at the age between 18 and 25 years is not forced or coerced.
 - (a) Advertisements on the availability of military career opportunities in the Namibian Defence Force are placed yearly in the local print and broadcast for the purposes of inviting interested young men and women to apply.
 - (b) As a standpoint the candidate is not obliged to accept the position if the Namibian Defence Force offer a particular position.
 - (c) Military career opportunities may emanate from Infantry, Engineering, Air wing, Maritime Wing, Communication and Medical Services. The potential recruits undergo instruction courses to give them an overview of what is expected of them as future soldiers in respect of military career opportunities stated under paragraph 2 c). The recruits may select their career paths after training.
 - (d) To ensure the absence of any possible form of remote or direct coercion the Namibian Defence Force requires that
 - i) the potential recruit should not have previous criminal records or convictions
 - ii) the potential recruits be Namibian Citizens
3. As a standpoint and policy Namibia Defence Force does not allow voluntary recruitment under the age of 18 years thus:
 - i) as proof of age requires that the candidates show certified copies of legally recognised Namibian identity documents as well as birth certificates.
4. All recruitments of personnel in the Namibian Defence Force are voluntary. Namibia does not practice conscription or any form of forced obligatory service."

New Zealand

Declaration:

"The Government of New Zealand declares that the minimum age at which New Zealand will permit voluntary recruitment into its national armed forces shall be 17 years. The Government of New Zealand further declares that the safeguards which it has adopted to ensure that such recruitment is not forced or coerced include the following:

(a) Defence Force recruitment procedures requiring that persons responsible for recruitment ensure that such recruitment is genuinely voluntary;

(b) legislative requirements that the consent of parent or guardian is obtained for enlistment where such consent is necessary under NZ law. The parent or guardian must also acknowledge that the person enlisting will be liable for active service after reaching the age of 18 years;

(c) a detailed and informative enlistment process, which ensures that all persons are fully informed of the duties involved in military service prior to taking an oath of allegiance; and

(d) a recruiting procedure, which requires enlistees to produce their birth certificate as reliable proof of age."

Norway**Declaration:**

"Pursuant to Article 3, second paragraph, of the Protocol, the Government of the Kingdom of Norway declares that the minimum age for voluntary recruitment to the armed forces is 18 years."

Oman**Declaration:**

.....the minimum legal age for enlistment in the Ministry of Defence and the Sultan's armed forces is eighteen years; that a birth certificate or a certificate of ascertainment of age from the competent governmental authorities constitutes the precautionary measure for ensuring compliance with that requirement; and that enlistment is optional, not compulsory.

Panama**Declaration:**

The Republic of Panama, in ratifying the Protocol, declares that it has no armed forces. The Republic of Panama has a civilian security force consisting of the National Police, the National Air Service, the National Maritime Service and the Institutional Protection Service. Their legal charters define the requirements for recruitment of personnel by such institutions and stipulate that recruits must have reached the age of majority, i.e. 18 years.

Paraguay**Declaration:**

.....on behalf of the Government of the Republic of Paraguay, that in accordance with the relevant national and international legal norms, it has been decided to establish the age of sixteen (16) years as the minimum age for voluntary recruitment into the armed forces. Moreover, the measures adopted to permit voluntary recruitment will be in conformity with the principles laid down in article 3, paragraph 3 of the Optional Protocol.

Peru**Declaration:**

In depositing the instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of Peru declares that, in compliance with its article 3, paragraph 2, the minimum age for voluntary recruitment into the national armed forces, under national legislation, is 18 years.

Philippines

Declaration:

"1. The minimum age for voluntary recruitment into the Armed Forces of the Philippines is 18 years, except for training purposes whose duration shall have the students/cadets/trainees attain the majority age at the completion date;

2. There is no compulsory, forced or coerced recruitment into the Armed Forces of the Philippines; and,

3. Recruitment is exclusively on a voluntary basis."

Portugal

Upon signature:

Declaration:

"Concerning article 2 of the Protocol, the Portuguese Republic considering that it would have preferred the Protocol to exclude all types or recruitment of persons under the age of 18 years - whether this recruitment is voluntary or not, declares that it will apply its domestic legislation which prohibits the voluntary recruitment of persons under the age of 18 years and will deposit a binding declaration, in conformity with paragraph 2 of article 3 of the Protocol, setting forth 18 years as the minimum age for voluntary recruitment in Portugal."

Upon ratification:

Declaration:

"The Government of Portugal declares, in accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that the minimum age for any recruitment - including voluntary - of persons into its national armed forces is 18 years. This age limit is already contained in the Portuguese domestic legislation."

Qatar

Declaration:

Pursuant to paragraph 2 of article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

The State of Qatar declares that recruitment to its armed forces and other regular forces is voluntary and is for those who have attained the age of 18 years and that it takes account of the safeguards set forth in paragraph 3 of the same article.

In making this declaration, the State of Qatar affirms that its national legislation makes no provision for any form of compulsory or coercive recruitment.

Republic of Korea

Déclaration:

"In accordance with paragraph 2, Article 3 of the aforementioned Protocol, the Government of the Republic of Korea declares that the minimum age for voluntary recruitment into the Korean national armed forces is 18 years."

Republic of Moldova

Declaration:

In accordance with article 3 paragraph 2 of the Protocol, the Republic of Moldova declares that the minimum age for recruitment into conscript military service in the Republic of Moldova is 18 years.

Romania

Declaration:

"According to the law, military service is compulsory for Romanian citizens, males, who reached the age of 20, except in case of war or upon request, during peacetime, when they may be recruited after the age of 18."

Rwanda

Declaration:

"Minimum age for voluntary recruitment: 18 years.

Minimum age for entry into schools operated by or under the control of armed forces: Not applicable.

Status of pupils in these schools (are they part of the armed forces: Not applicable.

What reliable proof of age is required: birth certificate.

What do the armed forces comprise: Adult men and women."

Senegal

Declaration:

We hereby declare that the minimum age required for regular conscription and for entry into the schools for officers and sub-officers is twenty (20) years.

Candidates shall enlist in an individual capacity and shall sign enlistment and re-enlistment contracts freely and in person.

Serbia and Montenegro

Declaration:

"Pursuant to article 3(2) of the Protocol, I have the honour to inform that the provisions of articles 291 and 301 of the Law on the Yugoslav Army specified that a person of military age who has turned eighteen may be recruited into the Army of the Federal Republic of Yugoslavia in that calendar year. The person of military age may only exceptionally be recruited in the calendar year in which he turns seventeen, at his own request, or during a state of war by order of the President of the Federal Republic of Yugoslavia.

In the light of the fact that, under the Law, only persons who have done their military service or have undergone the required military training may be called up, the minimum age for voluntary recruitment in the Federal Republic of Yugoslavia has been set at eighteen. Safeguards that recruitment of underage persons will not be forced or coerced are provided in the Penal Code of the

Federal Republic of Yugoslavia and those of its constituent republics, relating to the criminal act against civil rights and liberties and dereliction of duty."

Sierra Leone

Declaration:

"With regard to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the participation of Children in Armed Conflict, the Government of the Republic of Sierra Leone declares that:

1. The minimum age for voluntary recruitment into the Armed Forces is 18 years;
2. There is no compulsory, forced or coerced recruitment into the National Armed Forces;
3. Recruitment is exclusively on a voluntary basis."

Slovenia

Declaration:

"In compliance with Article 3, Paragraph 2, of the Optional Protocol, the Republic of Slovenia declares that the minimum age at which it will permit voluntary recruitment into its national armed forces is 18 years. The minimum age shall apply equally to men and women. By phasing out the recruitment system and introducing professional military service, the contractual reserve forces and service in the national armed forces shall be voluntary and regulated by a contract between the two parties."

Spain

Declaration:

For the purposes of the provisions of article 3 of the Protocol, Spain declares that the minimum age for voluntary recruitment into its armed forces is 18 years.

Sri Lanka

Declaration:

"The Democratic Socialist Republic of Sri Lanka [...] declares in accordance with article 3 (2) of [the Protocol] that under the laws of Sri Lanka:

- (a) there is no compulsory, forced or coerced recruitment into the national armed forces;
- (b) recruitment is solely on a voluntary basis;
- (c) the minimum age for voluntary recruitment into national armed forces is 18 years."

Syrian Arab Republic

Declaration:

Ratification of the two Optional Protocols by the Syrian Arab Republic shall not in any event imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols.

The Syrian Arab Republic declares that the statutes in force and the legislation applicable to the Ministry of Defence of the Syrian Arab Republic do not permit any person under 18 years of age to

join the active armed forces or the reserve bodies or formations and do not permit the enlistment of any person under that age.

Sweden

Declaration:

"... in accordance with Article 3 paragraph 2 of the Optional Protocol, [...] the minimum age required for voluntary recruitment into the Swedish National Armed Forces is eighteen (18) years."

Switzerland

Declaration:

The Swiss Government declares, in accordance with article 3, paragraph 2, of the Optional Protocol, that the minimum age for the recruitment of volunteers into its national armed forces is 18 years. That age is specified by the Swiss legal system.

Tajikistan

Declaration:

On behalf of the Republic of Tajikistan, the Ministry of Foreign Affairs has the honor to declare that, in accordance with [paragraph] 2 of article 3 of the Optional Protocol to the Convention on the Rights of a Child with respect to participation of children in military conflicts, the voluntarily recruitment of those under age of 18 to the armed forces of the Republic of Tajikistan shall be prohibited.

Thailand

Declarations:

"1. Military service is compulsory by law. Thai men reaching the age of 18 have a duty to register on the inactive military personnel list. At the age of 21, selected inactive military personnel will become active military personnel. Inactive military personnel may also voluntarily apply to become active military personnel to serve in the national armed forces. Women are exempt from compulsory military service both in times of peace and in times of war, but are subjected to other duties assigned by law.

2. In times of war or national crisis, inactive military personnel (men aged over 18) may be recruited to participate in the armed forces.

3. Admittances to military schools such as Army Non-commissioned Officer School, Air technical Training School, Navy Non-Commissioned Officer School, Armed Forces Academies Preparatory School and Army, Naval, and Air Forces Academies is on a voluntary basis, depending on the success in the entrance examinations and subject to the consent of parents or legal guardians.

4. High school and university students regardless of gender may voluntarily apply to receive military training from the Army Reserve Command, with the consent of parents or legal guardians, without any exception. Students who complete 3 years' training are exempt from military service (as active military personnel) when they reach the age of 21.

5. Non-governmental militias are prohibited by law, regardless of the age of persons concerned."

The Former Yugoslav Republic of Macedonia

Declaration:

"Related to Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts the Republic of Macedonia states that under

the Macedonian legislation there are no possibilities, neither on obligatory or voluntary grounds, to direct any person younger than 18 years of age to military service, i.e. there is no opportunity to violate the right to a special protection of persons of less than 18 years of age. In order to ensure that persons under 18 do not join its Armed Forces, the Republic of Macedonia has made the following provision:

Article 62 of the Law on Defense of the Republic of Macedonia sets forth that draftees shall be directed to military service after attaining 19 years of age. The draftee who requests to be drafted for military service shall be directed to military service after three months from the day of submission of the application, if he/she has attained 18 years of age."

Timor-Leste

Declaration:

"Pursuant to Article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed conflicts the Government of Timor-Leste declares, that the minimum age for voluntary recruitment into its national armed forces is 18 years, as specified by the domestic law of Timor-Leste."

Tunisia

Declaration:

In accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Republic of Tunisia declares the following:

Under Tunisian law, the minimum age for voluntary recruitment of Tunisian citizens into the armed forces is 18 years.

In accordance with article 1 of Act No. 51-1989 of 14 March 1989 on military service, "all citizens aged 20 shall perform national service in person, except in the case of a medically certified impediment.

However, citizens may, at their request, and with the consent of their legal guardian, perform military service at the age of 18 years, subject to the approval of the Secretary General of the Ministry of Defence."

In accordance with article 27 of Act No. 51-1989 of 14 March 1989 on military service, "any citizen between the ages of 18 and 23 may be admitted into military schools subject to such conditions as may be determined by the Secretary General of the Ministry of Defence.

Young people who have not attained the age of majority must first get the consent of their legal guardian; in such case, the first year of service shall count towards the fulfilment of military service obligations and be considered as enlistment before call-up."

Articles 1 and 27 of the Act of 14 March 1989 provide legal safeguards for citizens under the age of 18 years, since acceptance into national military service or recruitment into the armed forces is on a strictly voluntary basis.

Turkey 4

Declarations:

"1. The Republic of Turkey declares, in accordance with Article 3 (2) of the Optional Protocol, that military service is compulsory in Turkey, however Turkish citizens are not subjected to compulsory military service before reaching the legal age of maturity. In accordance with the Turkish Military Code, military service begins on 1st January of the twentieth age; in cases of mobilisation and state of emergency, individuals who are liable to military service may be recruited at the age of 19.

There is no voluntary recruitment in Turkey.

However, Article 11 of the Military Code envisages a voluntary recruitment for navy and gendarmerie classes and non-commissioned officers at a minimum age of 18. Nevertheless, this article, which is in compliance with the age regulation of the Optional Protocol, is not applied in practice.

Students of military schools, who are exempted from the Optional Protocol according to Article 3 (5) of this protocol, are not subjected to compulsory military service. Under the Turkish legal system, such students are not considered as "soldiers" and are not held liable for "military service".

2. Admittance to the military high schools and preparatory non-commissioned officer schools is on a voluntary basis, depending on success in the entrance examinations and with the consent of parents or legal guardians. Students who have completed their primary school education and enrolled into such schools at a minimum age of 15 can quit them at any time if they so wish."

Reservations:

"The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

The Republic of Turkey declares with regard to Article 3 (5) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that the reservation it made to Article 29 of the Convention on the Rights of the Child, which is referred to in the said paragraph of the Optional Protocol, fully retains its validity."

Uganda

Declaration:

"The Government of the Republic of Uganda declares that the minimum age for the recruitment of persons into the armed forces is by law set at eighteen (18) years. Recruitment is entirely and squarely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Uganda.

The Government of the Republic of Uganda reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, to add, amend or strengthen the present declaration. Such notifications shall take effect from the date of their receipt by the Secretary-General of the United Nations."

United Kingdom of Great Britain and Northern Ireland

Declaration made upon signature and confirmed upon ratification:

"The United Kingdom of Great Britain and Northern Ireland will take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

The United Kingdom understands that article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where: -

a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and

b) by reason of the nature and urgency of the situation:-

i) it is not practicable to withdraw such persons before deployment; or

ii) to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel."

Upon ratification:

Declaration:

".....in accordance with Article 3, paragraph 2, of the Optional Protocol:

- The minimum age at which individuals may join the UK Armed Forces is 16 years. This minimum broadly reflects the minimum statutory school leaving age in the United Kingdom, that is the age at which young persons may first be permitted to cease full-time education and enter the full-time employment market. Parental consent is required in all cases of recruitment under the age of 18 years.

The United Kingdom maintains the following safeguards in respect of voluntary recruitment into the armed forces:

1. The United Kingdom Armed Forces are manned solely by volunteers; there is no compulsory recruitment.

2. A declaration of age, backed by an authoritative, objective proof (typically the production of an authentic birth certificate) is an integral and early requirement in the recruitment process. Should an individual volunteering to enter the United Kingdom Armed Forces be found either by their own declaration or by inspection of supporting evidence of age to be under 18 years of age, special procedures are adopted. These procedures include:

- the involvement of the parent(s) or legal guardian(s) of the potential recruits:

- clear and precise explanation of the nature of duties involved in military service to the both the individual and their parent(s)/guardian(s); and

- as well as explaining the demands of military life to the individual volunteer and establishing that he/she remains a genuine volunteer, the requirement that the parent(s) or guardian(s), having been similarly informed, freely consent to the individual's entry into the Armed Forces and duly countersign the appropriate application or other appropriate recruitment process forms.

United States of America

Declaration:

"The Government of the United States of America declares, pursuant to Article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that -

(A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;

(B) The United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505 (a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person's parent or guardian, if the parent or guardian is entitled to the person's custody and control;

(C) each person recruited into the Armed Forces of the United States receives a comprehensive briefing and must sign an enlistment contract that, taken together, specify the duties involved in military service; and

(D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service."

Understandings:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.- The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES.-The United States understands that, with respect to Article 1 of the Protocol -

(A) the term "feasible measures" means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase "direct part in hostilities"-

(i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and

(ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) MINIMUM AGE FOR VOLUNTARY RECRUITMENT.- The United States understands that Article 3 of the Protocol obligates States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.

(4) ARMED GROUPS.- The United States understands that the term "armed groups" in Article 4 of the Protocol means nongovernmental armed groups such as rebel groups, dissident armed forces, and other insurgent groups.

(5) NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL.- The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court."

Uruguay

Declaration:

In fulfilment of the obligation laid down in article 3, paragraph 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of the Eastern Republic of Uruguay, in line with the reservation made at the time of depositing the instrument of ratification of the Convention on the Rights of the Child, declares:

That in exercise of its sovereignty and in accordance with domestic law, it does not under any circumstances permit voluntary recruitment into the armed forces of persons under 18 years of age.

Venezuela

Declaration:

[The minimum age for conscription and voluntary enlistment into the national armed forces of the Bolivarian Republic of Venezuela is between 18 and 50 years, in accordance with the provisions of the Constitution and laws of the Republic.

The safeguards adopted by the Government of the Bolivarian Republic of Venezuela to ensure that such recruitment is not forced or coerced are as follows:

1. Article 134 of the Constitution of the Bolivarian Republic of Venezuela provides:

"Everyone, in accordance with the law, has the duty to provide the necessary civilian or military services for the defence, preservation and development of the country, or to deal with situations of public emergency. No one may be subjected to forced recruitment."

2. When a person has been subjected to forced recruitment, article 27, first paragraph of the Constitution of the Bolivarian Republic of Venezuela provides that: "everyone has the right to be protected by the courts in the enjoyment and exercise of all constitutional rights and guarantees, including those inherent personal rights which are not expressly laid down in this Constitution or in the international human rights instruments".

3. The Constitution also provides, in article 31, first paragraph, that "everyone has the right, under the provisions laid down in the human rights treaties, covenants and conventions ratified by the Republic, to send petitions or complaints to the international organs created for these purposes, in order to seek protection of human rights".

4. Furthermore, article 4 of the Military Conscription and Enlistment Act provides that military age is the period during which Venezuelans have military obligations and are between 18 and 50 years of age. No Venezuelan under the age of 18 has military obligations or the duty to register for military service.

Viet Nam

Declaration:

"To defend the Homeland is the sacred duty and right of all citizens. Citizens have the obligation to fulfil military service and participate in building the all-people national defense.

Under the law of the Socialist Republic of Vietnam, only male citizens at the age of 18 and over shall be recruited in the military service. Those who are under the age of 18 shall not be directly involved in military battles unless there is an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity.

Male citizens up to the age of 17 who wish to make a long-term service in the army may be admitted to military schools. Voluntary recruitment to military schools shall be ensured by measures which, inter alia, include:

- The Law on Military Duty and other regulations on the recruitment to military schools are widely disseminated through mass media;
- Those who wish to study at a military school shall, on the voluntary basis, file their application, participate in and pass competitive examinations; they shall submit their birth certificates provided by the local authority, their education records, secondary education diploma; they shall also undergo health check in order to ensure that they are physically qualified to study and serve the military."

NOTES

1. For the Kingdom of Belgium. Further, on 23 June 2003, the Government of Belgium informed the Secretary-General that it had decided to withdraw its declaration made upon signature. The declaration reads as follows:

This signature is equally binding on the French community, the Flemish community and the German-speaking community.

2. With a territorial exclusion with respect of the Faroe Islands and Greenland. Further, on 23 January 2004, the Government of Denmark informed the Secretary-General that it had decided to withdraw its territorial exclusion with regard to the Faroe Islands and Greenland made upon ratification. See also note 1 under "Denmark" in the "Historical Information" section in the front matter of this volume.

3. With the following territorial exclusion:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this acceptance shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

4. On 29 July 2004, the Secretary-General received from the Government of Cyprus, the following communication with regard to the declarations made by Turkey upon ratification:

"The Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, (New York, 25 May 2000), on 4 May 2004, in respect of the implementation of the provisions of the Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Protocol and raises doubt as to the commitment of Turkey to the object and purpose of the Convention on the Rights of the Child and of the said Protocol. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

This reservation or the objection to it shall not preclude the entry into force of the Convention on the Rights of the Child or the future entry into force of the said Protocol between the Republic of Cyprus and the Republic of Turkey."

ประวัติผู้เขียนวิทยานิพนธ์

นางสาวจิตสุคนธ์ ธรรมาวสุ เกิดวันที่ 24 พฤษภาคม พ.ศ. 2517 ที่กรุงเทพมหานคร จบการศึกษาระดับชั้นมัธยมศึกษาจาก ร.ร. เตรียมอุดมศึกษาพัฒนาการ สำเร็จการศึกษาระดับปริญญานิติศาสตรบัณฑิตจากคณะนิติศาสตร์ มหาวิทยาลัยรามคำแหง ในปีการศึกษา 2539 ต่อจากนั้นได้รับประกาศนียบัตรหลักสูตรวิชาว่าความจากสำนักฝึกอบรมวิชาว่าความแห่งสหภาพนายความ และเข้าศึกษาต่อในหลักสูตรนิติศาสตรมหาบัณฑิต สาขานิติศาสตร์ แขนงวิชากฎหมายระหว่างประเทศ ที่คณะนิติศาสตร์ จุฬาลงกรณ์มหาวิทยาลัย ในปีการศึกษา 2546

ประสบการณ์ทำงาน

- พ.ศ. 2541 เข้าทำงานที่ The British Council
- พ.ศ. 2542 ประกอบอาชีพทนายความที่สำนักงานกฎหมายมณูญงามประดิษฐ์
- พ.ศ. 2546 เข้าทำงานในฝ่ายกฎหมายที่สำนักงานข้าหลวงใหญ่ผู้ลี้ภัยแห่งสหประชาชาติ (United Nations High Commissioner for Refugee (UNHCR)
- ปัจจุบันทำงานในแผนก Tracing ที่คณะกรรมการกาชาดสากล International Committee of the Red Cross (ICRC) Delegation in Bangkok