



Armed Conflicts, Peacekeeping and Transitional Justice:
Law as Solution (ATLAS)

March 09

Recommendations

These recommendations aim at improving the effectiveness of international humanitarian law in offering some concrete proposals and guidance to fill up the existing gap between positive humanitarian law and the new configurations and realities of conflicts. Special emphasis is made on the protection of civilian populations – and more specifically vulnerable target groups such as women and children – in armed conflict situations.

[Key recommendations concerning humanitarian law violations by organized armed groups](#)

Issue: The qualification of "armed conflict"

Recommendation 1: For a better application of international humanitarian law principles, in particular the Additional protocol II, the European Union's institutions should qualify as soon as possible an emergent conflict as armed conflict ensuring the application of Protocol II

Recommendation 2: The criteria established by the ICTY could be used as a reference for this qualification.

Comment: One of the key element of the application of international humanitarian law is the distinction between an armed conflict and disorder situations or internal tensions (riots, isolated or sporadic acts of violence). This distinction was not integrated in the Geneva Conventions, since Common Article 3 provides broad conditions of application: the existence of an armed conflict "not of an international character" and which emerges on the territory of one of the parties to the Geneva Conventions. On the other hand, it was integrated within the Additional protocol II, and Article 1 provides in particular that the material protection granted by the Protocol does not apply "to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts". The Rome Statute establishing the International Criminal Court also refers to this distinction, since its Article 8 specifies that the provisions related to the war crimes apply to "armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups". The participation of third parties to the conflict is fundamental to the application of international humanitarian law. It will often happen that the parties to a conflict do not understand the interest of applying humanitarian law and initially refuse the qualification of

armed conflict. For the legitimate government, an application of humanitarian law would, from a legal point of view, enable to distinguish the conflict from cases of internal criminal law. Politically, it would lead the government to recognize that the armed group controls part of the territory or at least exerts a certain authority on a given territory. The armed group could consider the provisions of the international humanitarian law as binding, in particular the principle of distinction between civilians and soldiers, and without real reciprocity. It could also have problems accepting the binding effect of instruments originally ratified by its opponent.

The qualification of a conflict as armed conflict was at the center of the work of the International Criminal Tribunal for ex-Yugoslavia (ICTY). In an important series of cases, the Tribunal established the criteria defining the existence of an armed conflict which would exceed sporadic violence. None of these criteria is sufficient or essential in defining the existence of an armed conflict, but their accumulation makes it possible to qualify a conflict as an armed conflict. The criteria include: - the number, duration and intensity of individual confrontations, - the type of weapons or other military equipment used, - the number and gauge of the ammunition used, - the number of individuals participating and the nature of the forces taking part to the conflict, - the number of casualties, - the degree of material destruction and - the number of civilians fleeing the conflict zones.

[Issue: The determination of the existence of an organized armed group](#)

Recommendation 3: For a better application of the principles of international humanitarian law, in particular the Additional protocol II, the European Union's institutions should qualify as soon as possible an armed group as organized armed group – instead of rebels – to ensure the application of Protocol II.

Recommendation 4: The criteria established by the ICTY could be used as a reference for this qualification.

Comment: The scope of application of Protocol II covers any armed conflict excluded from the scope of application of Protocol I (dealing with international armed conflicts) and which takes place on the territory of a contracting party “between her armed forces and the dissenting armed forces or the organized armed groups which, under the conduit of a responsible command, exert on part of its territory a control such as it enables them to carry out continuous and concerted military operations” (Protocol II, Article 1). The ICTY defined a series of criteria which would make it possible to qualify a group of “organized armed group”: - the existence of an organized chain of command, including rules and mechanisms of discipline; - the existence of general headquarters; - the fact that the group controls a certain territory; - the capacity of the group to have access to weapons, to other military materials, to recruits and to military training; - its capacity to plan, coordinate and carry out military operations, including the participation of troops and the logistic assistance of material; - its capacity to define a unified military strategy and to use a military tactic; - its capacity to speak with one voice, negotiate and conclude agreements, such as cease-fire or peace agreements.

[Issue: International supervision mechanism](#)

Recommendation 5: Because of the important political role of the European Union, a declaration on the application of Protocol II can be fundamental for the application of its provisions by the territorial state.

Recommendation 6: Following this declaration, the relationship between the European Union's institutions and the armed groups could be developed, which could lead to the process of legitimizing the action of these groups. The decolonization provided many examples of attempts at legitimizing insurrectionary groups by an action within the UN. The European Union's organs will have to be careful to distinguish between the promotion of the respect for international humanitarian law standards and the whole legitimizing process of the armed groups' action. The declaration of application of international humanitarian law may have to specify that it does not mean that it recognizes

any legitimacy to the armed group concerned.

Comment: Protocol II suffers from an apparent lack of supervision from an international agency: no article provides that such an organization will have jurisdiction to determine that the conditions for application of the Protocol are met or whether the Contracting parties satisfy the provisions of the Protocol or not. This lack is partly compensated by the fact that Protocol II being closely related to Common Article 3, it is generally considered that its paragraph 2, according to which “An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.” is applicable, which is also confirmed in practice. But the ICRC has only limited room for maneuver, since the Contracting states must themselves ask for its intervention; indeed, in practice when the territorial state does not recognize the character of insurgent to the members of an armed group, it will not wish the intervention of the ICRC and will not accept the application of Protocol II.

From a formal point of view, international law does not require such a recognition. Politically, the application of Protocol II is subject to such disputes that the mere acceptance of its application by the parties in conflict represents the necessary condition for this application. The territorial state will be thus the one in charge of the qualification of the group of insurgents as organized armed group and that qualification will condition the application of Protocol II. It is however possible that the recognition of this statute by a group of states compensates for the lack of declaration by the territorial state, or makes a sufficient pressure on the territorial state, particularly when it is obvious that this lack resulted from political circumstances.

Issue: Unilateral Declarations and Special Agreements on the respect of Humanitarian Law

Recommendation 7: The European Union's organs should encourage the signature of special agreements by the organized armed groups.

Comment: The examples of unilateral declarations by which armed groups declared themselves bound by certain provisions of international humanitarian law are numerous. Thus, the FLN (1956), the regime of Katanga in Congo (1961) and various armed groups opposed to the legitimate governments in Lebanon (1958), Cuba (1959) and Yemen (1962) declared that they respected Common Article 3 or the “principles of the Geneva Conventions”. Certain organized armed groups even tried to adhere to the Geneva Conventions, without success. Recently, that was the case for the Kosovo Liberation Army (1998), which stated that it recognized the Geneva Conventions and other conventions applicable in times of armed conflict, “even if it could not adhere to it formally, as it would have wished to do”.

[Issue: Protocol II and organized armed groups](#)

Recommendation 8: To open Protocol II for adherence by organized armed groups.

Comment: Protocol I is open to the ratification of the “groups which fight against the colonial domination” by a simple unilateral declaration addressed to its agent (the Swiss government), which automatically involves the application of the Protocol and the Geneva Conventions to these groups’ actions. A parallelism between the two Protocols should have brought the states which took part in the Geneva conference to admit the possibility for the armed groups involved in a non-international armed conflict to adhere to Protocol II. The acts of the conference do not mention anything on this subject.

To open Protocol II to the adherence by organized armed groups would require the amendment of Protocol II. Currently, the number of non-international armed conflicts imposes that a similar provision than the one provided by Protocol I concerning groups fighting in a context of decolonization, but concerning this time organized armed groups is inserted in Protocol II.

[Key recommendations concerning the EU's role in international humanitarian and human rights law](#)

The European security landscape has changed rapidly since 1991. In 1991, in Maastricht, the Member states of the European Communities created the Common Foreign Security Policy as an intergovernmental second pillar of the TEU. Since 1998, they have been developing the security aspect of this policy into a European Security and Defence Policy. Today, the role of the European Union as a major international actor via humanitarian aid, crisis management and peacekeeping is not questioned anymore.

The research has covered an extremely wide array of subject matter in the context of the EU's role in international humanitarian and human rights law. The research seeks to provide the reader with a comprehensive look at not only the basic aspects of the EU's place in IHL and IHRL, but also into the specific policies and action taken by the EU in this regard. To that end, the research covered subject matter such as the legal personality of the EU and its competence to act within the sphere of IHL and IHRL, including whether there are any built-in mechanisms to review the policies and actions taken. Further to that, the research examines existing policy, including any internal mechanisms that might have input into IHL or IHRL and any follow up action taken with regard to EU policy. The research then considers in some depth the EU's relationship with third states, for example any action taken by the EU to encourage accession, ratification, or implementation of IHL and IHRL instruments, and any contribution to developments in that context, specifically with regard to the Responsibility to Protect. The research also evaluates funding and assistance, EU support to international institutions, its role in conflict prevention and resolution, and briefly touch on its sanctions regime for violations of IHL and IHRL norms. The research also briefly looked at the EU's action with regard to women and children. The study then concludes with an assessment of the EU as an actor in peacekeeping, enforcement, and policing missions abroad.

Issue: Coordination

Recommendation 1: The EC could act as the harmonizing body by providing a leadership role and working to coordinate more closely with the EU in order to achieve coherence and complementarity in relation to the delivery of humanitarian aid. In turn, this coordination should be extended and picked up by other international actors and the Member states in order to ensure the coherent application of EU policy. At this stage, it seems the best way to do this is to establish a coordinating body that can assist both the institutions and the Member states and bridge the institutional divide between them. This has been suggested already by the EU's Conflict Prevention Partnership in its Göteborg paper of 2006, but it does not seem that any steps have been taken in that direction, other than more coordination with regard to better communication between the institutions and the Member states.

Comment: We see that by and large, the biggest issue is coordination. While it is clear that the EU does have a policy with regard to IHL and IHRL and that it strives to implement its considerations in its own order as well as in relation to third countries, the boundaries between its own action and that of the EC and the Member states are quite blurry. Coordination is necessary in order to establish clear policies and methods with regard to humanitarian aid and policies regarding political, military and peacekeeping matters. There should first be better coordination between the Commission, other EU institutions and the Member states. They should strengthen their working relationships in order to develop common policies with regard to the implementation of and compliance with the humanitarian aid guidelines for third countries, as well as establish a set of principles and good practices to govern funding policy. In 2007, the EU published Guidelines on the implementation of international humanitarian law. Although it is a welcome initiative, COJUR (the body in charge of its implementation) has not considered the Guidelines on its current agenda, and there has been no real follow up on the Guidelines since their development.

[Issue: Conflict Prevention](#)

Recommendation 2: Develop joined-up planning between military and civilian crisis management institutions for ESDP operations and ensure greater civilian and military co-ordination takes place in the field (for example by integrating senior level civilian peace-building advisors into military interventions).

Recommendation 3: Improve early warning analysis by ensuring that greater information ‘from the field’ is used to support Member states intelligence.

Comment: In this respect Country Strategy Papers and the integration of the Checklist for Root-Causes of Conflict elaborated by the Commission should play a more important role than they do now. The study of the latest CSPs of our target countries (Haiti, Cambodia, Sierra Leone and BiH) revealed that the Community has indeed taken on its mandate to consider the Checklist for Root-Causes of Conflict in its evaluation of countries that receive assistance from the Community; this evaluation for the most part is quite comprehensive. However, the method by which these countries are assessed against the Checklist is by no means uniform, although this may be due to the individual nature of these countries and their specific situations. Many aspects of the Checklist are left out from consideration by the CSPs or RSPs and those areas which are included are superficially explored. Because the information is not uniform, it is scattered in various places throughout the Strategy Papers, so that one cannot clearly conceive which considerations are being discussed.

It may be valuable either to generate separate reports specifically relating to the Checklist which can be annexed to the CSPs and RSPs, or to restructure the Strategy Papers in a way that clearly makes use of the Checklist in a systematic, uniform manner. If the point is to consider conflict risk factors in their own right so that the attention of the Community and Member states can be drawn to those countries which are in most need of assistance, it seems sensible to evaluate those factors separately from the other elements of the Strategy Papers in order to effectively

attract that attention.

[Issue: Funding Assistance](#)

Recommendation 4: Increase and maintain EU Humanitarian Aid.

Comment: The last five years have shown the EU to be particularly active in reform of humanitarian aid policy, with the introduction of the *Good Humanitarian Donorship* principles (2004), annual publication of ECHO financial reports (2006) and the recent *European Consensus on Humanitarian aid* (2007).

These major initiatives reflect the desire of the EU to strengthen the framework within which humanitarian aid is distributed, through focusing on both efficient and effective aid delivery and implementation. Thus, the overall trend emerging reports on an ambition to streamline procedure and codify norms of practice, although there has been some criticism in this regard, which will be explored further. On a theoretical level there has been a reaffirmation of the foundations upon which EU aid is granted, namely the humanitarian principles of neutrality, independence and impartiality.

Despite currently being the world's largest single donor of humanitarian assistance, EU humanitarian aid has actually decreased in real terms. Unless addressed, this recent erosion of the EU funds will have a serious impact on the world's most vulnerable people, over 100 million of whom receive EU assistance at present.

[Issue: EU Contribution to Responsibility to Protect](#)

Recommendation 5: Ensure the implementation of the EU Responsibility to Protect. The EU must take a more conspicuous and forward-looking role in the advancement of Responsibility to Protect. Although Member states are the actors responsible for its application, the EU should take a greater role in supporting Member states' efforts to develop and apply the doctrine. The most visible and constructive

effort the EU could make in this regard would be to establish a new EU agency or working group responsible for developing a shared understanding of when Responsibility to Protect applies, building state capacity for recognizing and responding to situations in which it applies, and generally acting as an information clearinghouse when called upon by other EU bodies. Such an agency would fit well alongside those other EU groups responsible for dealing with matters associated with the CFSP.

— Comment: The Responsibility to Protect has transformed from an emerging legal norm to an accepted international responsibility. It represents the idea that not only is a sovereign state responsible for protecting its own citizens, but where another sovereign state is unable or unwilling to protect its citizens from avoidable catastrophe, that responsibility must be borne by the international community.

Although the EU has enthusiastically endorsed the principle of Responsibility to Protect, its implementation can be best described as inconsistent and lacking initiative.

— Recommendation 6: Clarifying the boundaries of the doctrine should be a priority for the EU. Guidelines cataloguing the substantive content of the norm and establishing criteria for its application – perhaps the criteria advanced by the International Commission on Intervention and state Sovereignty in its 2001 report (e.g. just cause, proportional means, right intention, etc.) – need to be developed at EU level so that EU Member states can apply the norm responsibly, consistently, transparently, and legally.

— Comment: There is not yet an international consensus regarding the application of the Responsibility to Protect. For example, it is unclear whether it should apply to situations concerning nuclear proliferation, environmental degradation, or natural disasters.

— Recommendation 7: The EU must be prepared to commit troops to protect civilians in situations where the

Responsibility to Protect applies and other means of coercive action have failed to solve the problem.

Comment: It has become clear that the EU has not yet developed the operational capacity to deal with situations involving the Responsibility to Protect. This is largely due to the fact that the militaries of most EU Member states rely on conscription and have only 10-15% of their forces available for deployment abroad, and also because only a small number of Member states have the capacity to conduct strategic military operations outside of their territory. This could be one of the main reasons the EU has taken a backseat role with regard to certain situations, for example in Darfur, where the EU made it clear that its role was primarily one of support to the African Union which was to be considered the lead international player in that context.

[Key recommendations concerning the protection of women in armed conflict situations](#)

Recommendation 1 (global): Enhance the protection of women in times of armed conflict by reinforcing the existing normative framework and by taking specific actions.

Recommendation 2: [States] to denounce any form of violence against women perpetrated in conflict situation, in accordance with the provisions of international humanitarian law, and in particular to denounce rape, sexual slavery, forced pregnancy and sterilization or any other form of sexual violence of a comparable gravity as crimes against humanity and, when they are perpetrated in armed conflict situations, as war crimes.

Recommendation 3: [States] to not grant the benefit of amnesty in the event of crimes of sexual violence.

Recommendation 4: [States, international organizations, international jurisdictions] to ensure the protection of the victims called to testify before the national courts and the international criminal courts judging genocides, crimes against humanity and war crimes, and to grant them a residence permit, at least for the time of the judicial procedure.

Recommendation 5: [states, international organizations, NGOs] to offer a specific legal and social support to women who can give information about the individuals who perpetrated attacks to basic rights and war crimes during or after the conflict.

Recommendation 6: [States, international organizations, NGOs] to provide social and legal assistance to all the witnesses quoted in front of national courts and international criminal courts judging genocides, crimes against humanity and war crimes.

Recommendation 7: [States] to grant the statute of refugee or another form of protection to the victims of persecutions and sexual violence and/or to grant the statute of resident for humanitarian reasons to women victims of violence during a conflict.

Recommendation 8: [States, international organizations] to support and finance NGOs which advise and help the victims of violence in conflict and post-conflict situations.

Recommendation 9: [States, international organizations] in post-conflict situations, to take into account the problems specific to women in the rebuilding process and in the political transition in affected areas.

Recommendation 10: [States, international organizations, NGOs] to offer health care to women recovering from wounds and traumatism undergone during the war -physical and mental -, including the assistance of specialists for the women whose children were the fruit of a rape and/or who were ostracized by their community and their family for having being raped.

Recommendation 11: [All parties involved in armed conflicts] to impose appropriate military disciplinary actions against any form of violence inflicted to women in conflict situations.

Recommendation 12: [All participants to armed conflicts] in armed conflict situation, to carry out the evacuation towards sure places of women threatened of violence, including sexual violence.

Recommendation 13: [UN] to take measures to allow the peace operations team, in their mandate, to protect women against all forms of violence and, in the event of occurrence of such acts, to immediately transmit the most complete information on the events, to identify and evacuate the victims.



Armed Conflicts, Peacekeeping, Transitional Justice:
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Comment: International law provides a normative framework for the protection of women in times of armed conflict (via international humanitarian law) and an incrimination of the acts of violence, including sexual violence inflicted to women during conflicts (criminal international law). However, the new wars especially call for an increased protection of women in times of armed conflicts.

[Key recommendation concerning the protection of children in times of armed conflict: the issue of child soldiers](#)

In spite of the existing legal arsenal at an international level aiming at protecting the child and the reinforcement of the fight against the child soldiers issue since the end of the year 90 - in particular following the report drawn up for the UN by Graça Machel on the impact of armed conflicts on children -, failures to protect children in times of armed conflicts persist. The European Union and its Member states individually have a role to play in solving the child soldiers issue and in the protection of childhood at different levels (prevention, monitoring, responsabilisation/punishment and reintegration). These levels of action are however closely interrelated. The question of the victimisation of childhood in the armed conflicts must be dealt with globally. Preliminary research on the protection of children in times of armed conflicts, in particular concerning child soldiers issues, help to underline some significant recommendations on how the European Union could act (or reinforce its action) to contribute to a better child protection in times of armed conflict:

Recommendation 1: Ensuring a better control of the production and distribution of small-caliber and light weapons and controlling the trade of such weapons.

Comment: According to the Machel Report mentioned above, “the proliferation of cheap light weapons facilitated the recruitment of children like soldiers. Formerly, the most dangerous weapons were heavy weapons or complexes, but nowadays the new weapons are so light that young children can use them and so simple that they can be dismantled and assembled by a ten year old child. The international business of weapons produces cheap and accessible rifles, so that the poorest communities have from now on access to lethal weapons which can transform a localized conflict into a bloody massacre. In Uganda, an automatic AK-47 does not cost more than one chicken and, in the north of Kenya, not more than one goat”. The proliferation of light or small-

caliber weapons being one of the major causes of the increasing number of child soldiers, a greater control on their production and distribution is essential. Moreover, the Committee of the rights of the child in the analysis of the reports submitted within the framework of Article 8 of the optional Protocol to the Convention of the United Nations on the rights of the child concerning the implication of children in the armed conflicts recommends a specific prohibition of the trade of weapons when the final destination is a country where children are or are likely to be recruited or used in the hostilities.

Recommendation 2: Encourage states to ratify all existing treaties protecting the rights of the child and encourage them to fully collaborate with the international bodies in charge of their supervision.

Comment: Because of the lacunae of the international instruments (international humanitarian law, international human rights law and international criminal law) and as long as a harmonization is not made, it seems useful to encourage the states: a) to ratify all the international instruments protecting the children (in particular optional Protocol to the Convention of the United Nations on the rights of the child on the participation of children in armed conflicts which raises at 18 years the threshold of age for recruitment and participation in hostilities); and b) to collaborate fully with the international supervision bodies.

Recommendation 3: Develop mechanisms aiming at holding non-state actors accountable for humanitarian and human rights abuses especially when the victims are children.

Comment: The Machel Report, underlines the lacunae of international law regarding the protection of the child (§ 217) as well as the relative contradictions between the various branches of the international law (§ 220), and pinpoints the importance to encourage the entities other than the states to formally undertake to respect the standards regarding the protection of the rights of the child (§ 230). More recently, in September 2008, the special

representative of the Secretary General of the UN on the children and the armed conflicts called to the attention of the Human Rights Council of the United Nations the fact that human rights law and humanitarian law often focus on states, whereas non-state actors commit serious violations against children in armed conflict situations. For the special representative, the Council must also deal with the question of non-state actors and how to hold them accountable for violations of human rights. That underlines the importance to promote dialogues between the states and such actors.

Recommendation 4: Encourage and ensure the full cooperation of all states with the ICC and the other international criminal tribunals.

Comment: In addition to the ratification of the Rome Statute - which establishes the International Criminal Court (ICC) and qualifies as war crime the recruitment of children younger than 15 years old in the armed forces or armed groups as well as their active participation in hostilities -, the co-operation of the states with the ICC or with the other international criminal courts appears essential for the prosecution and the sanction of the recruiters of child-soldiers or the perpetrators of other international crimes against children.

Recommendation 5: Ensure that states criminalize the child abuses perpetrated in the context of armed conflicts.

Comment: At the international level prosecutions remain exceptional and can prove to be insufficient. The adaptation of domestic law is thus necessary, especially since ICC's jurisdiction is only complementary to national jurisdictions. Domestic laws must establish a minimum age for recruitment and the participation of children in the hostilities, and they must also ensure that the persons in charge of the recruitment or the use of children can be prosecuted in criminalizing these behaviors and by foreseeing the imprescriptibility of these crimes, according to Article 29 of the Statute of Rome.

Recommendation 6: Provide the assistance needed to the

states in post-conflict situations to help them to rebuild their legal and justice systems.

Comment: As stated by Graça Machel in his 1996 report, “the main responsibility, to identify and sanction the violations, falls on the national authorities of the state on the territory of which these violations occurred” (§ 252), but even when the political will to prosecute exists, states may not have the means to handle the prosecutions because of the weakness of their judicial system, or because of the destruction of the legal system resulting from the conflict. That's why it's crucial to rebuild the states' legal system in post-conflict situations that require international assistance (including European).

Recommendation 7: Use extraterritorial criminal jurisdiction to prosecute crimes related to child soldiers and children in armed conflict situations.

Comment: Since international prosecutions are still exceptional, and considering the obstacles preventing domestic prosecutions (weak legal system or lack of political will to prosecute), it would also be necessary to encourage the states to use their extraterritorial criminal law to prosecute the persons responsible for the recruitment and the use of children in the armed conflicts. The Committee of the rights of the child recommends such solution. In addition, the American Bill of October 3, 2008 (Child Soldiers Accountability Act - S. 2135) defines as federal crime the recruitment or the use of soldiers younger than 15 years old and authorizes the United States to prosecute on the US soil a person suspected of having committed such a crime even if the child was recruited or was used as a soldier outside of the United States. The sentence can go up to 20 years of imprisonment, even life-sentence if the crime resulted into the death of the child. Moreover, the United States can expel or refuse the entry on the American territory of the individuals that have recruited children. European Union should follow the example of the United States on that matter to avoid to become a haven for those who use child soldiers.

Recommendation 8: Subtract from amnesty laws any crimes related to child soldiers and children in armed conflict situations.

Comment: To avoid the impunity of the persons who recruit and use children in the conflicts, recruitment and the use of children cannot be covered by an amnesty law.

Recommendation 9: Ensure the right to effective remedies of the children victims of the conflicts in addressing the issue in the peace agreements negotiations.

Comment: During the negotiations of peace agreements, the issue of the remedies of the children victims of the conflict must also be taken into account.

Recommendation 10: Ensure that the prosecution of the child-soldier respects international standards applicable to the justice of juveniles and the goal of social rehabilitation.

Comment: The child-soldier seen as a victim or as a criminal raises the question of his liability. That liability must integrate rehabilitation considerations. If the child is prosecuted, his vulnerability must be taken into account and he must benefit of the full application of the international standards applicable to the justice of juveniles.

Recommendation 11: Encourage alternative justice mechanisms when appropriate.

Comment: Alternative justice mechanisms such as the truth commissions and reconciliation commissions can be useful initiatives. Other extra-jurisdictional initiatives, even extra-legal, such as awareness campaign within the targeted community, the traditional ceremonies of purification or any local actions supporting the reintegration of the vulnerable populations in post-conflict situations, should be encouraged when they seem appropriate.

Recommendation 12: Adopt special measures to protect former child-soldiers and protect the children most at risk.

Comment: Given the interrelated character of the various phases of the child protection in armed conflicts (in particular those of prevention and reintegration) and to prevent that former child-soldiers from being recruited again, a special attention must be carried to the most vulnerable children (e.g. those separated from their family or without family and/or placed in institutions, children living or working in the streets, children internally displaced within their country or refugees). The European Union should support educational measures as well as measures aiming at improving living and social conditions of the families concerning in sensitive zones, and should play its part in the Disarmament, Demobilization and Reintegration programs and in immigration policies to prevent the refoulement of particularly vulnerable children.

Recommendation 13: Provide children at risk identity cards and set up systems enabling to determine their age.

Since control of the age of the child soldiers is most of the time difficult, states should set systems of general registration, notably for children refugees and internally displaced, and provide children at risk with identity cards.

Recommendation 14: Train the staff – especially the staff involved in peace-keeping operations – to deal with crimes related to child soldiers and children in armed conflict situations.

Finally, the staff in charge of the security and the army personnel should be properly trained to deal with child-soldiers issues, especially those who participate in peace-keeping operations.