

Zero Draft v2.0

The Global Treaty for the Absolute Protection of Children from Warfare & Armed Conflict

(An Enhanced Global Proposal for the Absolute Protection of Children in All Forms of Armed Violence)

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Date: 02/05/2025

Table of Contents

Contents

Table of Contents	2
Preamble.....	3
Article 0: Definitions	3
Article 1: Absolute Prohibition of Warfare and Armed Conflict in the Presence of Children.....	3
Article 2: Peaceful and Legal Dispute Resolution as a Mandatory First Step	4
Article 3: Legal Accountability for Crimes Against Children in Conflict	4
Article 4: Establishment and Legal Recognition of Child Protection Zones (CPZs).....	4
Article 5: Monitoring, Enforcement and International Oversight.....	5
Article 6: Treaty Ratification and Implementation.....	5
Article 7: Civil Society Participation.....	5
Article 8: Roadmap to Global Adoption.....	5
Conclusion.....	6

Preamble

We, the undersigned, recognize that children are the most vulnerable members of society and must be protected unconditionally from the consequences of warfare and armed conflict, whether initiated by states or non-state actors.

Acknowledging the foundational principles of international humanitarian law, the Geneva Conventions (1949), the United Nations Convention on the Rights of the Child (1989), and the Rome Statute of the International Criminal Court (1998),

Affirming that the presence of children must serve as an absolute deterrent to both warfare and all forms of armed conflict, including civil wars, insurgencies, foreign interventions, and non-state violence,

Recognizing that existing legal frameworks often focus on mitigating harm to children within conflict, rather than preventing conflict from endangering children at all,

Recognizing further that the safety and wellbeing of children are inseparable from the protection of their parents, guardians, and caregivers,

We, The Rufina Children's Foundation, in collaboration with global child advocates, humanitarian organizations, and state and non-state signatories, propose the following treaty as a legally binding international commitment.

Article 0: Definitions

1. **Child:** Any individual under the age of 18, as defined by the United Nations Convention on the Rights of the Child.
2. **Warfare:** Armed conflict between states or organized groups representing states.
3. **Armed Conflict:** Includes civil wars, insurgencies, internal disturbances, terrorism, and any organized use of force between groups within a state or between a state and non-state actors.
4. **Presence of Children:** Any geographic area where children are known or reasonably expected to reside, study, or receive services, regardless of temporary displacement or refugee status.
5. **Child Protection:** Includes the protection of a child's parents, legal guardians, and primary caregivers, recognizing their essential role in the child's physical and emotional wellbeing.

Article 1: Absolute Prohibition of Warfare and Armed Conflict in the Presence of Children

1. No state, military force, or non-state armed group shall initiate or sustain any form of warfare or armed conflict within any territory where children are present.
2. The presence of even a single child shall serve as a legal prohibition against the use of force.

3. Hostilities, including airstrikes, bombardments, ambushes, and raids in such areas, shall be considered treaty violations.
4. This treaty does not prevent lawful self-defence under international law, except in areas where children are present. In such cases, all efforts must be made to de-escalate or relocate hostilities.

Article 2: Peaceful and Legal Dispute Resolution as a Mandatory First Step

1. All disputes, whether inter-state or internal, must be resolved through diplomatic, legal, or non-violent mechanisms.
2. The International Court of Justice (ICJ) and other regional tribunals shall serve as the primary venues for resolving disputes.
3. Non-state actors shall be encouraged to submit grievances to international or neutral mediation platforms in lieu of armed conflict.

Article 3: Legal Accountability for Crimes Against Children in Conflict

1. Any individual (political, military, or militia leader) who initiates, authorizes, or fails to prevent hostilities in areas known to host children shall be held criminally liable.
2. The International Criminal Court (ICC) or a designated tribunal shall hold jurisdiction over both state and non-state actors.
3. Prohibited acts include the use of child soldiers, displacement due to conflict, attacks on schools or hospitals, and siege warfare affecting children.

Article 4: Establishment and Legal Recognition of Child Protection Zones (CPZs)

1. All states must designate Child Protection Zones areas such as residential zones, schools, hospitals, and displacement camps where children are housed.
2. CPZs shall be recognized under international law and clearly identified.
3. Military action or surveillance in CPZs shall constitute a war crime.
4. The protections granted to children in CPZs shall extend equally to their parents, guardians, and primary caregivers residing with or responsible for them.

Article 5: Monitoring, Enforcement and International Oversight

1. An Independent Global Commission on Children in Conflict (IGCCC) shall be established to monitor implementation, investigate violations, and publish annual reports.
2. States and civil society organizations may submit evidence of violations to the IGCCC.
3. The United Nations Security Council (UNSC), in coordination with enforcement agencies, shall impose sanctions on violators.
4. Penalties include prosecution, asset freezes, travel bans, and suspension from global bodies.

Article 6: Treaty Ratification and Implementation

1. This treaty shall be open for signature to all states, regional unions, and recognized non-state actors.
2. Signatories shall ratify the treaty through national legislatures or governing authorities.
3. National implementation plans, reporting standards, and local accountability structures must be developed.

Article 7: Civil Society Participation

1. Humanitarian organizations, civil society, and child protection agencies shall be recognized as key stakeholders in treaty implementation.
2. These actors may:
 - Submit independent reports;
 - Support community-based monitoring;
 - Participate in treaty reviews.

Article 8: Roadmap to Global Adoption

1. Early adopters (e.g., African Union, Latin America, Southeast Asia) shall be encouraged to form a "Coalition of Willing Nations."
2. A phased adoption approach shall be promoted, leading to eventual presentation at the United Nations General Assembly.
3. Awareness campaigns and regional diplomacy shall support treaty expansion.

Conclusion

This treaty affirms that no political, territorial, religious, or ideological goal can ever justify endangering a child's life. Warfare and armed conflict must end where children begin. The absolute protection of children, and those who care for them, must become the defining principle of international peace and security.

The Rufina Children's Foundation calls upon all governments, civil society organizations, and global leaders to sign, adopt, and enforce this treaty. Let children be the line that war and conflict shall never cross.