



Summary of Input to the Office of the Prosecutor at the International Criminal Court

To Renew the Policy Paper on Crimes Against or Affecting Children

The Jerusalem Institute of Justice has submitted its substantive input to the Office of the Prosecutor of the International Criminal Court as part of their public consultation aimed at updating the policy paper concerning crimes against or affecting children. The primary objective of this public consultation, in which our organization actively engages, is to enhance the effectiveness of investigations and prosecutions pertaining to crimes committed against or adversely impacting children. JIJ actively works to raise awareness and combat the utilization of children in hostilities, highlighting the significance of addressing indoctrination as a means of exerting psychological pressure on children to join armed groups.

The Rome Statute of the International Criminal Court does not explicitly define the actions of conscripting, enlisting, or using children in hostilities. Instead, the scope of these activities is determined by referencing relevant treaties, principles of international law, and general legal principles derived from national legal systems, all in line with internationally recognized human rights standards. The ICC Trial Chamber I acknowledged that children under 15 are typically unable to give genuine and informed consent when enlisting. Given the interpretive nature of the Rome Statute, indoctrination can be considered within the purview of enlisting or conscripting as it involves imposing prescribed beliefs, inhibiting critical evaluation, and fostering violence normalization. Indoctrination plays a significant role in exerting psychological pressure on children to join armed groups or forces, and its methods can range from formal education to military-oriented summer camps, mass media, and online networks.

The involvement of children as combatants in conflict situations not only jeopardizes their own well-being and development but also poses a threat to the prospects of peace and stability in affected regions. Children exposed to violence during their formative years are at risk of becoming agents of violence themselves, hindering their potential as contributors to lasting peace. Conflict-affected children suffer enduring mental and physical trauma, with child soldiers experiencing even greater levels of violence as witnesses and perpetrators. This trauma can manifest in various



disorders, impacting their mental health, behavior, and education. The consequences of children's trauma extend beyond their individual experiences, profoundly shaping communities and societies. Transgenerational effects are observed, with former child soldiers more likely to exhibit violent behavior, and their trauma potentially being passed down to their own children, perpetuating a cycle of violence and contributing to ongoing conflicts. Recognizing the broader impact and intergenerational nature of child soldiering highlights the urgent need to address this issue as a means to break the cycle of violence and promote sustainable peace.