

INTERNATIONAL INSTRUMENTS

Minimum Age of Military Recruitment

- Convention on the Rights of the Child (Article 38)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Articles 1 and 2)
- African Charter on the Rights and Welfare of the Child (Article 22)
- ILO Convention No.138 on the Minimum Age for Employment (Article 3)
- Additional Protocol I to Geneva Conventions (Article 77)
- Additional Protocol II to Geneva Conventions (Article 4)

Convention on the Rights of the Child

Article 38

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

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.

African Charter on the Rights and Welfare of the Child

Article 22: Armed Conflicts

1. States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.
2. States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.

ILO Convention 138: The Minimum Age Convention

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

Addition Protocol 1 to Geneva Conventions

Article 77: The protection of children

2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.

Addition Protocol 2 to Geneva Conventions

Article 4: Fundamental Guarantees

- (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;