

Forum: Special Conference 2

Issue: Protecting children in war zones

Student Officer: Elisa Goñi

Position: President of the Special Conference 2

Introduction

By inducing children in war zones many rights are being violated; the United Nations Annual Reports of the Secretary General on Children and Armed Conflict recognizes six 'grave violations': killing and maiming; recruitment and use of children; abduction; sexual violence; attacks on schools and hospitals; and denial of humanitarian access. This is why this issue is of major importance and all efforts should be put into eradicating it.

During times of crisis, children are usually more vulnerable and exposed to several unimaginable types of abuse, this is due to the benefits they can bring and the lack of care and attention they receive within these circumstances. From being recruited by armed groups to facing sexual exploitation, children are being constantly affected by this situation and are experiencing consequences not only nowadays but also in the long run. UNICEF advocates protecting children and women in conflict from the systematic sexual violence that is increasingly used as a weapon of war and works to help victims of that abuse. Without protection from violence and exploitation, the basic survival and development of children at risk. (The United Nations International Children's Emergency Fund USA [UNICEF USA], 2018)

Studies confirm that more than 357 millions of children are living in war zones. According to studies done by the organization Save the Children, this number has increased up to 75% since the early 1990s. Unfortunately, the United Nations (UN) states that since 2010 the amount of deceased has raised up 300%. Furthermore, according to UNICEF "an estimated 90 percent of global conflict-related deaths since 1990 have been civilians, and 80 percent of these have been women and children."

Children in war zones are not only being forcibly displaced but also suffering from collateral consequences caused by the lack of resources, such as malnutrition and fatal health issues. In 2015, of the 156 million kids suffering from malnutrition 45% were identified to be living in war zones and conflict areas. Being victims of starvation and urging treatment that war zones cannot provide. Furthermore, children at war zones are being deprived of

education, which creates everlasting negative consequences on the future of the underaged and the recovery of the country's economy in case the conflict ceases.

The situation experienced in war zones also exposes children to situations which affect both their mental and physical health. Creating, for example, post-traumatic stress disorders and depression, as a consequence of traumatic experiences they had to face.

Definition of Key Terms

Child

According to the Convention on the Rights of the Child, a child is “every human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier”.

Armed conflict

When an armed force is used by an organized actor against another organized actor, or against civilians, resulting in at least 25 battle-related deaths in one calendar year.

Malnutrition

According to the World Health Organization (WHO), this term refers to ‘deficiencies, excesses or imbalances in a person’s intake of energy and/or nutrients. Undernutrition or acute malnutrition, the lack of food and nutrients for a certain age or height, affects directly the immune system and increases the susceptibility to infectious diseases such as diarrhea, measles, malaria, and pneumonia. Micronutrient deficiencies is another form of malnutrition and refer to the lack of some vitamins and minerals can lead to poor health and development, mainly in children and a pregnant woman. During emergencies, these two anomalies are highly common due to the low accessibility to food and other nutrients.’ (2017)

Geneva Convention and their Additional Protocols

Are treaties that define the limits of the brutalities of war, in order to protect those who are not involved and are physically or mentally disabled too. The first convention was carried out in 1864 but was consequently updated in 1949 due to the barbarities experienced in the Second World War. In 1977, Protocols 1 and 2 were added to the last convention. The first one increased protections for civilians, military workers, and journalists during an international armed conflict while Protocol II approaches the issue of protection of victims of non-international armed conflicts.

The Convention on the Rights of the Child

It is an international human right treaty presented by the UN that regulates the way in which children are considered and treated with a set of laws and was signed in November 1989. It is claimed to be the first legally binding international instrument of Children's Rights protection, in other words, all States that approved the convention are obligated to comply with all the rights included in it.

Recruitment

According to the international organization Save the Children, this term 'refers to compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group(s) under the age stipulated in the international treaties applicable to the armed force or armed group in question.' (2018)

Child soldier

Individuals under the age of 18 that are used for military purposes. Children are exploited in many ways such as cooks, porters, messengers, informers or spies, fighters and even for sexual purposes.

Background Information

Over the last few years, modern conflicts have adopted a new field in which to develop. These areas tend to be overcrowded areas, where schools, hospitals, and public areas abound, making citizens, including children, one of the main targets. This affects children's lives in a way that can't be imagined. As a first impact, around 30 million children are currently being forcibly displaced from their homes due to the danger and instability present in these areas. Some of them already located in refugee camps whether internally or in neighbor countries, a great amount of them are still seeking asylum. This situation endangers children's security, health, and education, due to the lack of resources and services available.

This current situation is violating many rules that were established in the past, many that were stated in the Geneva Convention, present in the sub-heading "Relevant Laws and treaties". This could be said as children are not being protected from the damage of the war, they are not receiving the necessary aid, their psychological needs are not being assessed, and many more.

Social protection's role

The decreasing of social protection has led to malnutrition and infectious diseases, which is the main cause of childhood deaths. The circumstances had caused such an amount of displaced people that there are not enough resources to supply them. This also makes them highly more vulnerable to abduction, sexual harassments, orphaning, higher risks to sexually transmitted infections and for girls unwanted pregnancies. An example could be the Democratic Republic of the Congo, where around 1,270 deaths occur every day, most of which are due to preventable causes like malnutrition and infectious diseases, mainly affecting young people.

Innovative tactics

Another issue of paramount concern is the new brutal tactics that are being manipulated. The use of children as suicide bombers is one of them, the wide availability of small inexpensive arms has allowed the use of children in armed conflicts. This drastically changed the way in which children are involved within armed conflicts, as they previously suffered collateral damage but they are now fighting the war.

Children involvement in war zones

There are several causes that explain the recruitment of minors in armed conflict, where moral aspects and physical conditions play a key role. One of the most practical reasons is the vulnerability. By being younger than their generals, children are less likely to question their superiors and tend to accept any order they are given. They are also proven to learn faster and easier, so they can be simply trained and can fight in the fields within a short period of time.

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A great amount of children involved in armed conflict access military organizations seeking comfort whether is it in terms of economy, familiar or education. This is considered voluntary recruitment as they are not being forced to join these organizations. Many States still defend this conception by defending that children are aware of the conditions, advantages, and disadvantages that this practice offers. They also state that the education received in military centers is much more disciplined and they develop military doctrines. Nevertheless, individuals under 18 years old don't have full juridical capacity under the law, in other words, they are not completely capable of making decisions with real knowledge and awareness of them, and as declared by international rights, they can't receive any penal punishment.

Another way in which we can see the presence of children in military organizations is the involuntary recruitment by insurgent groups allied and supported by governments. In order to defend themselves and their communities, they create these armed groups, where children are dragged to with coercive and violent methods. They are supplied by governments with funds or armaments and munitions, so they are fully responsible for the involvement of children in this type of conflicts.

Healthcare

Healthcare under these type of circumstances is being highly compromised due to the wide amount of people in need and by being constantly targeted and attacked. The destruction of health services, water systems, sanitation is putting at risk thousands of lives as these aids cannot reach to all of those in need. On the one hand, the massive displacements are worsening their hygiene and sanitation facilitates can easily spread epidemic diseases that, considering the scenario, can prove fatal. Besides the deaths directly caused by the conflict, the lack of nutrients and health assistance received is estimated to cause the death of about half a million children. The organization Save the Children estimated that they would be unable to reach around 2,953,651 children suffering from Severe Acute Malnutrition (SAM) in conflict areas all over the world.

Psychological damage

For those children that survive the conflicts, being part of any armed conflict can lead to a life-long impact. The traumatically violent situation they have to experience can seriously affect their future. To start with, they don't receive any type of basic education so whenever they are able to reintegrate with their communities, this aspect will play a crucial role. By

being exposed to such brutal scenario at an early age, they are taking away their childhood and due to their conditions they can easily be stigmatized, which will definitely affect their adulthood and relationships with other people.

The Six Grave Violations Against Children During Armed Conflict

The six grave violations serve as the basis to gather information and report on violations affecting children (Children and Armed Conflict, 2019). The Monitoring and Reporting Mechanism (MRM) created by the UN Security Council, established to regulate and report the violations committed against children under these circumstances, uses these six grave violations as a guide to collect and analyze information in order to make more specific recommendations to countries where these violations occur.

Killing and maiming of children

The right of civilians not to be arbitrarily deprived of life and the prohibitions against killing or maiming civilians are principles firmly enshrined in international humanitarian law, international human rights law and international jurisprudence. The prohibition of violence to civilians, including children, in particular murder, mutilation, cruel treatment, and torture is a principle of customary international law, with universal applicability in all situations of armed conflict (Children and Armed Conflict, 2019).

Recruitment or use of children as soldiers

As declared in the international humanitarian law, the minimum age for participating in armed conflicts or hostilities is 18, and recruiting children as soldiers under the age of 15 is highly prohibited.

Sexual violence against children

Any form of sexual violence against children, both boys, and girls, is seriously forbidden by international human rights law and may tempt against breaches of international humanitarian law.

Abduction of children

Abducting or seizing children against their or their adult in charge's will either temporarily or permanently is considered illegal under international law and it may

also tempt against the Geneva Conventions and in many cases amount to war crimes and crimes against humanity.

Attacks against schools or hospitals

Schools and hospitals are often public institutions that offer shelter and assistance to that underexposure, attacks against these facilities are considered illegal under international humanitarian law and may constitute war crimes and crimes against humanity.

Denial of humanitarian access for children

Denial of humanitarian access to children and attacks against humanitarian workers assisting children is prohibited under the 4th Geneva Convention and its Additional Protocols. Such a denial of access or attack may constitute a war crime and a crime against humanity. (UN Children and Armed Conflicts, 2013). Furthermore, according to a principle on international law, parties involved in a conflict must provide aid to all those in need without any distinction, regardless, for example, age, race or ethnicity.

Major Countries and Organizations Involved

Syria

More than 5 million children are in urgent need of humanitarian aid, and about half of them had to flee their homes due to the 7-year-old most severe humanitarian crisis. It is considered the number 1 most dangerous place for children to live, where all of the six grave violations are still happening.

Afghanistan

The dispute between the Taliban and the Islamic state is highly affecting children as schools and hospitals are becoming the main target of these parties. Around 3.7 million children aged between 7 and 17 are missing out school due to the danger these institutions face, and many are being introduced in the conflict by being used for hazardous works.

Somalia

Children in this country are suffering extreme abuses such as forced recruitment as soldiers, forced marriage and rape, and attacks on their schools mainly in the last two years by the parties involved in the ongoing conflict. Furthermore, they are also the main victim of the indiscriminate artillery and small arms fire, being severely exposed to dangerous

scenarios. They are also the most affected by the famine through the south-central region of Somalia, declared by the UN.

Yemen

Around 11.3 million children in Yemen are in urgent need of humanitarian assistance fueled by the 4-year-long ongoing war in the country and about 2 million of them are not assisting to school.

Nigeria

In the armed situation in north-east Nigeria, there have been reported abuses against children that are included within the six grave violations, for example, more than 1,000 of them have been recruited or used for war-related purposes, 311 were maimed and 570 were killed.

South Sudan

This country has one of the world's highest rates of child soldiers, according to the U.N, and a huge amount of children are being used for war-related purposes. Despite 900 of them have been released by armed parties, around 1,650 were recruited by the same time.

UNICEF

Provides assistance in more than 190 countries, cooperating with governments and non-governmental organizations, works to protect children in conflict zones offering educations, health aid, access to food and clean water, and more. The organization is mainly supporting countries where the humanitarian emergencies are extremely alarming such as Yemen, Syria, Nigeria South Sudan, Central African Republic (CAR) and Iraq.

Save the Children

Working in 68 countries and helping around 155 million children, the organization provides several types of assistance to those affected such as healthcare, effective containment, and donations. It works specifically in many areas of the United States of America, Africa, Asia, Latin America and the Caribbean, Greater Middle East and Eurasian region.

International Rescue Committee

Provides assistance to ensure healthcare and safety in more than 40 countries worldwide and 20 cities in the United States of America. Mainly working in Myanmar, Democratic Republic of Congo, South Sudan, Bangladesh, Syria, and Yemen.

Doctors Without Borders

Mainly provides lifesaving medical assistance and is aimed, together with the CAR Ministry of Health, to vaccinate about 213,000 against 9 life-endangering diseases. Works in more than 70 countries, mainly in Africa, Asia and The Pacific, Europe and Central Asia, Middle East, North Africa, and the Americas.

World Health Organization (WHO)

WHO is a worldwide organization which promotes health, security, and support to the most vulnerable. It provides healthcare assistance to ensure and enhance the well-being of society and also offers special protection during emergencies.

Timeline of Events

Date	Description of the event
1924	The League of Nations adopted the resolution presented by Eglantyne Jebb, the Save the Children founder, the Declaration of Children's Rights.
1949	The Geneva convention was held.
1989	The UN Convention of the Rights of the Child was held in New York.
1996	Graca Machel presented a report about the Impact of Armed Conflict on Children for the UN, which led to the creation of the UN Special Representative for Children and Armed Conflict, in order to regulate the violations exposed.
2015	Three health facilities were repeatedly attacked in 23 incidents in Yemen.
2016	Of the 60 schools Save the Children supported in Syria, 44 were bombed.

Relevant UN treaties and Events

The Geneva convention IV:

- Article 23, first paragraph, of the 1949 Geneva Convention IV provides: “Each High Contracting Party shall ... permit the free passage of all consignments of essential foodstuffs, clothing, and tonics intended for children under fifteen,
- Article 24, first paragraph, of the 1949 Geneva Convention IV provides: “The Parties to the conflict shall take all necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources”
Article 38, fifth paragraph, of the 1949 Geneva Convention IV provides that children under 15 years, aliens in the territory of a party to the conflict, “shall benefit by any preferential treatment to the same extent as the nationals of the State concerned”
- Article 50, fifth paragraph, of the 1949 Geneva Convention IV provides:
The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care, and protection against the effects of war, which may have been adopted prior to the occupation in favor of children under fifteen years, ...
- Article 76, fifth paragraph, of the 1949 Geneva Convention IV provides that, in the treatment of detainees in occupied territory, “[p]roper regard shall be paid to the special treatment due to minors”.
- Article 89, fifth paragraph, of the 1949 Geneva Convention IV provides: “[C]hildren under fifteen years of age [who are interned] shall be given additional food, in proportion with their physiological needs.”

Additional Protocol I

- According to Article 8(a) of the 1977 Additional Protocol I, the terms “wounded” and “sick” also cover new-born babies.
- Article 70(1) of the 1977 Additional Protocol I provides: “In the distribution of relief consignments, priority shall be given to ... children ...”.
- Article 77(1) of the 1977 Additional Protocol I provides: “Children shall be the object of special respect”.

Additional Protocol II

- Article 4(3) of the 1977 Additional Protocol II provides: “Children shall be provided with the care and aid they require”

Convention on the rights of the child:

Among the articles that manifest the issues discussed in the convention, in particular,

number 38 brings out the participation of children in armed conflicts.

Article 38 of the 1989 Convention on the Rights of the Child provides:

- States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- The participating States take all feasible measures to ensure that no one who is not yet 15 years old does not directly participate in hostilities.
- The participating States will abstain themselves from enlisting in their armed forces anyone who is not yet 15 years old. When they recruit people older than 15 years but less than 18 years, the participating States will strive to enlist in priority the older ones.” (2)
- In accordance with their obligation under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict

Previous resolutions aimed to tackle the issue

- Resolution 1261: was adopted by the Security Council in 1999 aiming to condemn any exposure or use of children in armed conflicts included in the six grave violations.
- Resolution 2427: was adopted by the Security Council in 2018 with the aim of reinforcing protection, rights, well-being, and empowerment of children within war-related conflicts.
- Resolution 2143: was adopted by the Security Council in 2014

Previous Attempts to solve the Issue

In 2005, the UN Security Council adopted the resolution 1612 regarding children and armed conflict in order to regulate children’s involvement in armed conflicts. This international law principally condemns any violation or abuse against children, requires the participation and cooperation of governments and relevant actors. Within its adoption, the Monitoring and Reporting Mechanism (MRM), managed by the Country Task Force on Monitoring and Reporting (CTFMR), co-chaired by UNICEF and the highest UN representative in-country, was established. “The purpose of the MRM is to provide for the systematic gathering of accurate, timely, objective and reliable information on six grave violations committed against children in situations of armed conflict.” says the Office of the

Special Representative of the Secretary-General for Children and Armed Conflict. The aim of the reports provided is to show the rough reality in conflict areas which later prompts relevant actors to take action on the issue. The data collected by the MRM is later used in United Nation reporting such as the annual report of the Secretary-General on children and armed conflict and country-specific reports of the Secretary-General on children and armed conflict. In 2017 UNICEF has cooperated with 1,328 NGOs and local government to fuel and enhance its humanitarian work. This includes its Rapid Response Mechanism program which urgently supports children in emergencies, which in Iraq provided about 1.3 million children with lifesaving aid such as water and rations. The organization is also tackling a long-term issue by improving hygiene, sanitation and water facilities in 558 schools in Syria.

Possible Solutions

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict published an article in 2017 in which presents what should be done to solve the issue.

In political terms, conflicts should aim and appeal to different resolutions, recognizing children's safety as one of the most relevant factors. To prevent these extreme circumstances, specific intermediaries should regulate the discussion and any request would be considered and analyzed in order to come to an agreement that does not involve children or compromise their health, education, and safety.

Moreover, to tackle the outgoing situation, the presence of specialized experts on the field should be wider as to monitor and inform about the abuses against children, being the Child Protection Advisors (CPAs) the leading organization. This measure will ensure that no forbidden act against children are imposed and will make these conflicted areas more secure and safe. At the same time, the organization will also non-violently negotiate the end of children's involvement in armed actors and will later work with governments and relevant NGOs to relocate them with their families or communities.

Furthermore, to fully re-establish children after the displacements and the traumatic experiences, funds should be aimed at rehabilitation programmes for them to reintegrate in their communities. The traumatic experience, lack of affection and education tremendously affects the way in which children carry out this reality. This includes healthcare and mental health facilities, educational programmes, equipped households and child-friendly spaces.

To accomplish this, public advertising and campaigns should highlight the importance of these long term actions and encourage governments, organizations, and donors to support this long term solution.

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Appendices

- I. A document on International humanitarian law by the International Committee of the Red Cross: https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf
- II. A complete report on the situation of children in armed conflicts by Save the Children https://www.savethechildren.org/content/dam/global/reports/education-and-child-protection/war_on_children-web.pdf