

Forum: Special Conference on Children

Issue: Providing humanitarian assistance for children suffering “atrocities” in countries with conflicts

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INTRODUCTION

Conflicts have always victimised children and other non-combatants throughout history. This phenomenon has raised questions regarding Human Rights Violations, specifically the rights of children stricken by atrocities. Today's wars are exploiting, maiming and even killing minors more callously and more systematically than ever. Many children find themselves trapped in complex and confusing conflicts that have multiple causes and lack clear prospects for resolution.

A halting of the conflicts fueled by the superpowers' ideological differences was promised by the end of Cold War. On the contrary, wars have raged in virtually every part of the globe, either between or, more typically, within States. Though easily released within the media as tribal wars or ethnic hostilities, these internecine conflicts have more recent and multiple roots. Their impact on children has been devastating. Millions of underaged people living in war-torn areas have come under direct attack. They have become victims of sexual violence, malnutrition, disease, abduction, depredations of forced fight, mutilation or even death as deliberate targets of warfare. Children have nothing to do with armed conflict and its causes, yet they are the most vulnerable. Still, many of them are separated from their families and become heads of households, which leaves them sensitive to forced labour, sexual exploitation, recruitment in armed forces, displacement, as well as poverty and psychosocial distress. In environments, where children are deprived of basic services and livelihoods are destroyed, young people are usually malnourished and at risk of death by diseases. The difficulties of life in armed conflicts often force children to leave school. Many never return, even when the war ends. This youth suffers from fear, insecurity, and disruption, which may have long-term repercussions and affect their whole lives.

Although several commitments have been made to children over the past years by governments, regional organisations, the UN and civil society, this issue still remains unsolved despite the considerable progress made in many areas. The UN Convention on the Rights of the Child was introduced in order to ensure the protection of children in conflict according to the international law. However, more countries than any time since

1989, when the UNCRC was introduced, are experiencing conflict. Every day, children come under attack because military forces and armed groups breach international laws and treaties. War crimes are committed with impunity, from the use of chemical weapons to rape as a weapon of war. Hence, it is vital to develop measures in order to increase the protection of minors suffering atrocities in such nations by providing humanitarian assistance. Protecting the most vulnerable and affected young non-combatants is a legal responsibility, a moral imperative and a question of international peace and security.

DEFINITION OF KEY-TERMS

Atrocities

Atrocities are defined as “cruel and violent acts” involving physical violence or injury, especially in a conflict or war.

Child

The United Nations Convention on the Rights of a Child defines a child as “a human being under the age of eighteen, unless the age of majority is attained earlier under a state’s own domestic legislation”¹.

Armed conflict

An armed conflict is a contested incompatibility that concerns governments and/or territories where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths annually².

Child soldier

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or exploited by an armed force or armed group in any capacity, including but not limited to children, used as fighters, cooks, porters, spies or for sexual purposes.

Humanitarian assistance

Humanitarian assistance is intended to save lives, alleviate suffering and maintain human dignity during and after man-made crises and disasters caused by natural

¹ "UN Convention on the Rights of the Child (UNCRC)." *Unicef UK*, 18 May 2010, www.unicef.org.uk/what-we-do/un-convention-child-rights/.

² "Definitions." *Start - Department of Peace and Conflict Research - Uppsala University, Sweden*, www.pcr.uu.se/research/ucdp/definitions/.

hazards, as well as to prevent and strengthen preparedness for when such situations occur. Humanitarian aid should be governed by the key humanitarian principles of humanity, impartiality, neutrality and independence.

BACKGROUND INFORMATION

General History (Figure 1³)

Children living in countries with conflict have increased over time. Despite the fact that the end of the Cold War promised a halting of the conflicts fueled by superpowers' ideological differences, the number of nations involved in armed conflict has remained quite stable over the years. While the amount of the children suffering atrocities in these countries was at its lowest in the 1990s at around 200 million, more recently this number has increased more than 50%, reaching specifically 420 million juveniles suffering atrocities.

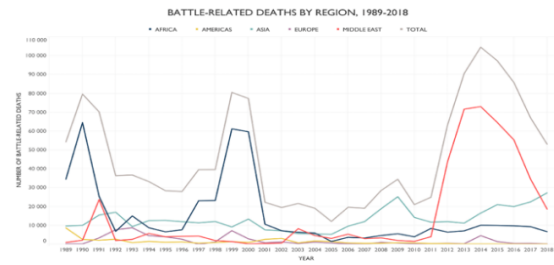


Figure 1: conflict deaths by region

2017

Uppsala Conflict Data Program Georeferenced Events Dataset (UCDP GED) estimates the number of children living in countries that experience at least one lethal conflict event. Specifically, according to data provider, about 434 million children were living in peaceful countries in 2017. In contrast, the rest – 1.87 billion children (81%) - were living in conflict-affected nations worldwide. It should be underlined that countries like Indonesia and China experienced several low intensity conflict events (2017), which resulted in the increase of this phenomenon. Nevertheless, this fact should not be misinterpreted to considering that all children in armed conflicts were affected that year. In fact, the actual fighting was confined to smaller areas. For example, the Boko Haram insurgency took place mainly in the northern parts of Nigeria, and the conflict between the Islamic State and the Iraqi government took place in Sunni- majority regions. Hence, in order to get a better idea of the number of war- affected juveniles, we need to

³ "UCDP Charts, Graphs and Maps." UCDP - Uppsala Conflict Data Program, [www.ucdp.uu.se/downloads/charts/#_utma=1.681584990.1589790519.1589790519.1589797545.2&_utmb=1.2.10.1589797545&_utmc=1&_utmz=1.1589797545.2.2._utmcsrc=google|utmccn=\(organic\)|utmcmd=organic|utmctr=\(not%20provided\)&_utmv=-&_utmk=66970030](http://www.ucdp.uu.se/downloads/charts/#_utma=1.681584990.1589790519.1589790519.1589797545.2&_utmb=1.2.10.1589797545&_utmc=1&_utmz=1.1589797545.2.2._utmcsrc=google|utmccn=(organic)|utmcmd=organic|utmctr=(not%20provided)&_utmv=-&_utmk=66970030)

consider precisely where the actual fighting was taking place. Afghanistan, South Sudan, Yemen, the Central African Republic, the Democratic Republic of Congo (DRC), Iraq, Syria, Nigeria, Mali, and Somalia are the ten countries where children were most affected by conflict in 2017.

2018 (Figure 2⁴)

In 2018, 415 million children worldwide were living in a conflict zone (18% or one in six of all the world's children). This number has more than doubled since 1995 – far outstripping population growth. From 2017 to 2018, there was a slight decline of 3% in the overall percentage of children living in conflict, while the number of those living in high- intensity conflict zones dropped by 12%. The countries with the highest number of minors living in high-intensity conflict zones were Mexico, Nigeria, Afghanistan and the Democratic Republic of Congo (DRC).

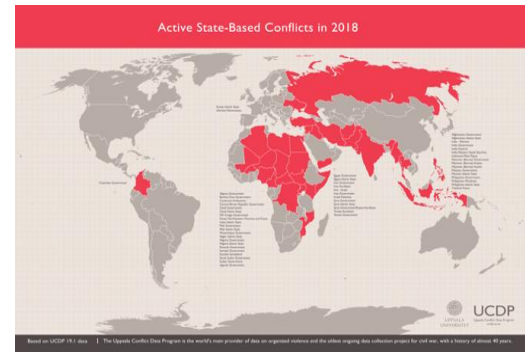


Figure 2: conflicts in 2018

2019 (Figure 3⁵)

Violence and attacks against children have not let up throughout 2019. At the beginning of the year, the UN has verified more than 10,000 violations against children. Nonetheless, actual numbers are likely to be much higher.

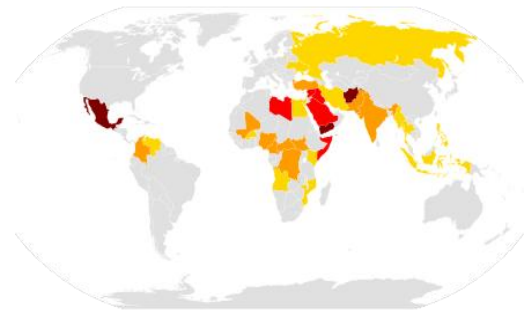


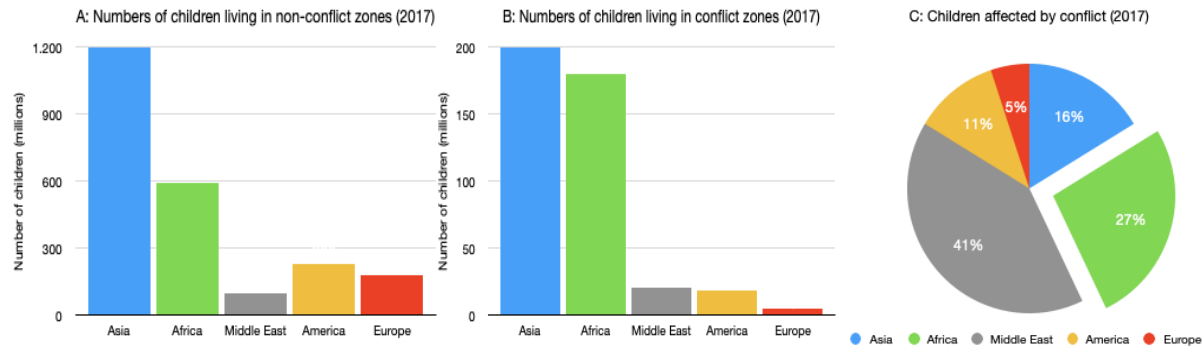
Figure 3: ongoing conflicts (2020)

- Major wars, 10,000+ deaths in current or past calendar year
- Wars, 1,000–9,999 deaths in current or past calendar year
- Minor conflicts, 100–999 deaths in current or past calendar year
- Skirmishes and clashes, 10–99 deaths in current or past calendar year

⁴ "UCDP Charts, Graphs and Maps." *UCDP - Uppsala Conflict Data Program*, [www.ucdp.uu.se/downloads/charts/#_utma=1.681584990.1589790519.1589790519.1589797545.2&_utmb=1.2.10.1589797545&_utmc=1&_utmx=-&_utmz=1.1589797545.2.2.utmcsr=google|utmccn=\(organic\)|utmcmd=organic|utmctr=\(not%20provided\)&_utmv=-&_utmh=66970030](https://www.ucdp.uu.se/downloads/charts/#_utma=1.681584990.1589790519.1589790519.1589797545.2&_utmb=1.2.10.1589797545&_utmc=1&_utmx=-&_utmz=1.1589797545.2.2.utmcsr=google|utmccn=(organic)|utmcmd=organic|utmctr=(not%20provided)&_utmv=-&_utmh=66970030)

⁵ "List of Ongoing Armed Conflicts." *Wikipedia, the Free Encyclopedia*, Wikimedia Foundation, Inc, 31 July 2005, https://en.wikipedia.org/wiki/List_of_ongoing_armed_conflicts

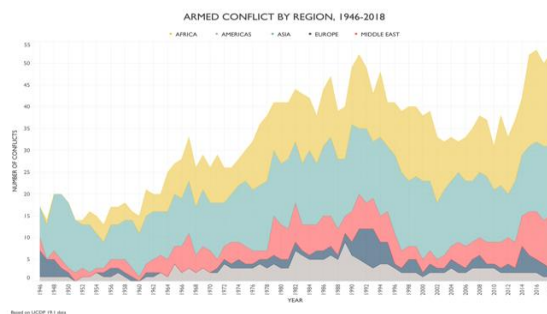
Conflicts by region



(2017 statistics are accurate. However, the numbers have remained quite similar in 2018, 2019, 2020)

Figures A and B above show that Asia is the region with the highest number of children (195 mil.) living in conflict zones worldwide. This represents almost half of all conflict-affected children globally. As the graphs show, Africa comes second in this unpleasant ranking, with nearly 152 million children living in such areas. The corresponding numbers for the Middle East, America and Europe are 35, 31 and 7 million.

However, this does not necessarily mean that the conflict risk for children is the highest in Asia. Figure C shows the proportion of children in each world region compared to its overall population that were living in a conflict zone in 2017. Ultimately according to the graphic, the Middle East has the highest share on



conflict-affected children (40%) with regards to its total population number. The corresponding percentages for Africa, Asia, America and Europe are 26%, 16%, 11% and 5%.

(Figure 4⁶)

Figure 4: armed conflict by region, 1946-2018

⁶ "UCDP Charts, Graphs and Maps." *UCDP - Uppsala Conflict Data Program*, [www.ucdp.uu.se/downloads/charts/#_utma=1.681584990.1589790519.1589790519.1589797545.2&_utmb=1.2.10.1589797545&_utmc=1&_utmx=-&_utmz=1.1589797545.2.2.utmcsr=google|utmccn=\(organic\)|utmcmd=organic|utmctr=\(not%20provided\)&_utmv=-&_utmk=66970030](http://www.ucdp.uu.se/downloads/charts/#_utma=1.681584990.1589790519.1589790519.1589797545.2&_utmb=1.2.10.1589797545&_utmc=1&_utmx=-&_utmz=1.1589797545.2.2.utmcsr=google|utmccn=(organic)|utmcmd=organic|utmctr=(not%20provided)&_utmv=-&_utmk=66970030)

Six Grave Violations under the International Humanitarian Law (IHL) and International Human Rights Law (IHRL)

Grave Violation 1: Recruitment and use of children (Figure 5⁷)

The first grave violation, namely recruitment or use of children under the age of 15 as soldiers, is undeniably prohibited under the International Humanitarian Law (IHL). Furthermore, International Human Rights Law (IHRL) clearly states “18 years as the minimum legal age for participation in hostilities”⁸. Other than that, recruitment and use of children under the age of 15 is prohibited by the Additional Protocols to the Geneva Conventions and the UN Convention on the Rights of the Child. The regulation that children must not be recruited into armed forces or groups and that children must not be allowed to be involved in hostilities is considered customary international law. This applies equally in situations of international and non- international armed conflict, and in both government armed forces and non-State armed groups.



Figure 5: child soldier

Grave Violation 2: Killing and maiming of children

Prohibitions against killing or maiming civilians and the right of civilians not to be arbitrarily deprived of life are principles strongly enshrined in IHL, IHRL and International Jurisprudence. The prohibition of violence to children, in particular murder, mutilation, torture and cruel treatment, belongs to customary international law, with universal applicability in all situations of armed conflict. The most recognised source for

⁷ "Redirect Notice." Google, www.google.com/url?sa=i&url=https%3A%2F%2Fwww.pinterest.com%2Fpin%2F68187381838266717%2F&psig=AOvVaw18uHdb4OGxh_dh9eQXLm0z&ust=1591829208427000&source=images&cd=vfe&ved=0CA0QjhxqFwoTCOiBIIf09ekCFQAAAAAdAAAAABAD.

⁸ "The Six Grave Violations." United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict | To Promote and Protect the Rights of All Children Affected by Armed Conflict, 18 Mar. 2020, <https://childrenandarmedconflict.un.org/six-grave-violations/>

this fundamental protection is Common Article 3 of the Geneva Conventions, which is universally applicable and allows no derogation and binding on both Government armed forces and non- State armed groups.

Grave Violation 3: Sexual Violence against children

Forms of sexual violence like rape against children, both boys and girls, are serious violations of IHRL and may amount to grave breaches of IHL. Acts of sexual violence may establish a war crime, a crime against humanity or a constitutive act regarding genocide. Forms of sexual abuse are prohibited during armed conflict under the Geneva Conventions and their Additional Protocols. Child-specific provisions of these treaties explicitly forbid sexual violence against children.

Grave Violation 4: Attacks against schools and hospitals

Schools and hospitals are civilian infrastructure that often provide protection and shelter and focus on the needs of children during conflict. Attacks against civilian infrastructure like schools or hospitals are, in principle, contraventions of well-established IHL, including customary norms, and may constitute war crimes and crimes against humanity.

Grave Violation 5: Abduction of children

Abducting children against their will or the will of their adult guardians either temporarily or permanently and without due cause, is illegal under the International Humanitarian Law. It is considered to be a grave breach of the Geneva Conventions and, in some circumstances, equals to war crimes and crimes against humanity. Moreover, the Geneva Conventions Common Article 3 prohibits the abduction of children. Forced displacement or deportation of the civilian population, both of which are expressed prohibitions in the Geneva Conventions, may include instances of child abduction. Abduction may also constitute “enforced disappearance”⁹ and is thereby prohibited by several international legal instruments. Child kidnapping violates the rights of the young victim and family, as recognised by the UN Convention on the Rights of the Child, the ICCPR and the UDHR.

⁹ "The Six Grave Violations." *United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict | To Promote and Protect the Rights of All Children Affected by Armed Conflict*, 18 Mar. 2020, <https://childrenandarmedconflict.un.org/six-grave-violations/>

Grave Violation 6: Denial of humanitarian access

Denial of humanitarian access to children and attacks against humanitarian workers assisting children are both principles prohibited under the Geneva Convention 1949 and its Additional Protocols. Such a denial of humanitarian access or attack may constitute a war crime and a crime against humanity. Furthermore, it is a principle of customary international law that parties to a conflict must allow and facilitate aid to any civilian population in need, subject to their control. Provision of such relief must be impartial in character and conducted without any adverse distinction (e.g. based on race, age or ethnicity).

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

UNICEF (United Nations International Children's Emergency Fund)

UNICEF is one of the main organisations involved in this issue. It works with partners to provide the most vulnerable children with support in accessing healthcare, nutrition, education, and child protection internationally. UNICEF is among the Non-Governmental Organizations (NGOs) that have helped the most to fight against those that constantly violate children's rights during armed conflicts through multiple conferences, discussions on the issue and organisation of campaigns with the primary goal to ensure the protection of children in conflict areas. Specifically, it is assisting refugee and migrant children, including those held in detention centres. In cooperation with partners, as mentioned above, governments, national and international agencies, UNICEF is working continuously trying to solve the issue. For example, one of the campaigns UNICEF has organised is the "Children, Not Soldiers" Campaign (March 2014), aiming at the prevention of the children's recruitment in the armed forces. In 2020, UNICEF focuses on helping 59 million children in emergencies in 64 countries by funding 4.2 billion\$.

Afghanistan

A high number of Afghan children are in danger of poor health, no access to education, exploitation, severe injury and needless death. The grave violence and harm imposed by three decades of war on the country have an accumulative effect on the people of Afghanistan. The total number of children killed is unknown. Inferentially, Afghan children suffer from one of the highest mortality rates worldwide. Peace is the first requirement for the long and challenging task of rescuing Afghanistan's children from this tragic plight. Hopefully in 2021, there may be a window to start a peace process to end this decades-long war.

Libya

UNICEF documents show that children in Libya, including refugee and migrant children, continue to suffer the tragic chaos unleashed by the country's longstanding civil war and its grave violations. Indiscriminate attacks have caused hundreds of deaths, and UNICEF has received reports of children being maimed or killed. Children are also being recruited to take part in the conflict. UNICEF reported that infrastructure, on which children depend for their survival and wellbeing, has also been targeted. Specifically, health facilities have been damaged and closed, whereas attacks against schools and threats of violence have also led to closures leaving almost 200,000 children out of education (grave violation 4).

Myanmar

The Rohingya humanitarian crisis is a series of ongoing persecutions by the Myanmar government and military against the Rohingya people. The UN described the situation of Rohingya in Myanmar by the Tatmadaw as a "textbook example of ethnic cleansing"¹⁰. In Myanmar, Rohingya children are suffering restrictions on freedom of movement, forced displacement and are victims of grave violence. They are stuck in Bangladesh or other South Asia countries, until the conditions in Myanmar allow Rohingya families to return in the country with fundamental rights. This includes safety from violence to citizenship, free movement, health and education. Meanwhile, children are unable to have access to a formal education curriculum. Thousands of children in Myanmar's Rakhine State are still waiting for justice for the grave human rights abuses and violations.

Syria

The Syrian war is an armed conflict, which includes grave violations against children each year by all parties of the conflict. Between November 2013 and June 2018, the numbers of children being killed or maimed by the conflict and the numbers of children being recruited or used by armed groups are very high. Additionally, out of 6.2 million displaced Syrian people, 2.6 million were children (42%). UNICEF stated that there were nearly 10,000 underage refugees in neighbouring countries who were separated from their family members and they were, therefore, vulnerable to situations of exploitation. About 20,000 Syrian children under the age of five suffer from severe and acute malnutrition. 40% of Syrian school buildings have been damaged or destroyed in the proxy war, which deprives children of education.

¹⁰ Safi, Michael. "Myanmar Treatment of Rohingya Looks Like 'textbook Ethnic Cleansing', Says UN." *The Guardian*, 27 Nov. 2017, www.theguardian.com/world/2017/sep/11/un-myanmars-treatment-of-rohingya-textbook-example-of-ethnic-cleansing.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1948	Universal Declaration of Human Rights
1949	Geneva Convention
1974	UN General Assembly Resolution 3318: UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict
1977	Additional Protocols to the Geneva Convention
1989	United Nations Convention on the rights of the child
2004	United Nations Security Council Resolution 1539: The Six Grave Violations
2005	United Nations General Assembly Resolution 1612

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Universal Declaration of Human Rights

The Universal Declaration of Human Rights focuses on human rights and was adopted by the United Nations in 1948. Although, it is not part of binding international law, it is accepted by all countries worldwide and gives great moral weight to the

fundamental principle that all human beings, regardless of nationality, sex, colour, religion, or any further status, have equal rights and are to be treated accordingly and with respect.

United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC signed on the 20th November 1989 is the first legally binding international instrument to include the full range of human rights of a child, consisting of 54 articles. The Convention aims at preserving the rights of every child in each and every country. Relevant and significant articles of the Convention include: Article 9, 11, 24, 34, 38, 39, 45.

2004- United Nations Security Council Resolution 1539: The Six Grave Violations

The UNSC Resolution /1539 in 2004, recognising the six grave violations. This resolution focuses on the protection of children, especially in conflict-affected areas, as most children in such regions suffer atrocities and experience grave brutalities.

The four Geneva Conventions

The 1949 Geneva Convention aims at the general and special protection of civilians and is closely linked with the protection of civilians in time of war. In non-international armed conflicts, children are protected by the fundamental guarantees related to the treatment of persons who not actively take part in hostilities, Art. 3 of all four Geneva Conventions. Most of the articles of the Geneva Convention IV focus on measures regarding medical care, food, and protection against the effects of war, insurance of physical safety and educational needs. The 1977 Additional Protocols to the Geneva Conventions were the first international treaties to try to tackle the situation. They prohibit the participation in hostilities and recruitment of children under the age of 15. Protocol II of 1977 also codifies the principles according to which the civilian population along with individual civilians must not be the “object of attack”¹¹.

1974 -UN General Assembly Resolution 3318: UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict

The United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict prohibits attacks and bombing of civilian populations (Art.1) and the use of biological and chemical weapons on civilian populations (Art.2) Moreover, the Declaration requires states to abide by the Geneva Protocol of 1925 and

¹¹ "OHCHR | Protocol II Additional to the Geneva Conventions of 12 August 1949."
www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolII.aspx.

also the Geneva Convention of 1949 (Art.3). It requires countries to take measures to end "torture, persecution, degrading treatment and violence, punitive measures", especially against children and women. It also recognizes "imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings, and forcible evictions" as criminal acts¹².

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The United Nations Security Council has resolved that a critical aspect of any comprehensive strategy to resolve conflict is the protection of children from armed conflict which should be a priority for the international community. Furthermore, the General Assembly and other UN bodies have repeatedly called for special protection of children afforded by all parties involved in the conflict. The atrocities children are suffering in war- torn countries can affect the whole world in the long-term. Therefore, the international community had to find a solution to this tragic issue. One of the first steps was the Universal Declaration of Human Rights, signed in 1948. Some years later, the UN Convention on the Rights of the Child was created aiming at recognising and clarifying all the rights of the juveniles. Moreover, many international organisations and NGO's are continuously helping minors suffering atrocities in countries with conflict and are still trying to solve this issue (UNICEF, UNESCO, etc.). Finally, there are several UN resolutions regarding children's rights that have passed both in the Security Council and the General Assembly, such as the UNSC Res. 1539 and 1612 and the UNGA Res. 3318.

POSSIBLE SOLUTIONS

- Warring parties should comply with their obligations under International Humanitarian Law (IHL) to end violations against children and the targeting of civilian infrastructure, such as schools, hospitals and water infrastructure;
- Provide funds in the prevention of conflicts, and children's involvement therein, through negotiation, continuous political dialogue and also by supporting and promoting the sustainable, peaceful development (specifically in war- torn countries or those threatened by conflict outbreaks);

¹² "Declaration on the Protection of Women and Children in Emergency and Armed Conflict." *CIDH Pagina Principal*, www.cidh.oas.org/Ninez/pdf%20files/Declaration%20on%20Protection%20of%20women%20and%20children%20in%20emergency%20and%20armed%20conflict.pdf

- Increase child protection as well as support mechanisms and action at all levels by facilitating the work undertaken by international organisations and relevant NGO's by providing financial and political support according to actual needs and international standards. This way the access of international organisations and NGO's to children in need will be ensured;
- Rehabilitate and support child soldiers and other conflict affected juveniles by placing them in care of child protection agencies, instead of detention centres.
- Facilitate the reintegration of such minors into society through, for example, normal education systems;
- Help children to take care and avoid reviving their traumas by involving them in peacebuilding activities, which will allow them to share their experience with other children;
- Provide specialised support to young individuals who are migrants, refugees, internally displaced, or have experienced violent and traumatic situations by giving them psychological assistance, including appropriate therapy for post-traumatic- stress, after their arrival in the host country;
- Raise public awareness as many people are not informed about the situation in those areas. This could be achieved by updating them through commercials, articles in newspapers and magazines, books and free information meetings, where experts will contact the people concerned and inform them about the issue.

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