Background Guide

BayernMUN 2019 – Topic 1

Children in Armed Conflicts
This year's topics under discussion for the General Assembly are:

1. Children in Armed Conflicts
2. Expanding Protection for Victims of Gender-Based Violence
3. Promoting Access to Renewable and Sustainable Energy for Poverty Reduction and Sustainable Development

The BayernMUN General Assembly serves this year as the core forum for discussions on Security, Development and Human Rights topics affecting Member States. The international community has faced a number of dynamic changes over the past years; we hope to see the resolutions in this committee reflect an understanding of those changes.

The background guide will serve as an introduction to the topics listed. Accordingly, it is not meant to be used as an all-inclusive analysis for research, but rather the groundwork for your own analysis and research. The references listed for each topic will provide you with the resources you need to start your own research. Each delegation is requested to submit a position paper, which reflects your research on the topics. Please take note of our BayernMUN policies on the website and in the delegates guide. This background guide was part of the 2017 National Model United Nations and has been updated with some changes by BayernMUN staff members.

If you have any questions regarding your preparation for the committee and the conference itself, please feel free to contact any of the substantive staff of the 2019 BayernMUN.

We wish you all the best in your preparation for the conference and look forward to seeing you in February!

Your BayernMUN staff!
I. Children in Armed Conflicts

“A Child killed, recruited as a soldier, injured in an attack or prevented from going to school due to a conflict is already one too many” – Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict, 2017

Introduction

Millions of children globally are affected by armed conflict. The United Nations High Commissioner for Refugees (UNHCR) estimates that by mid 2018, at least 25 million people had fled their country due to conflict and half of them were children.\(^1\) Armed conflict affects children disproportionately in many ways, including causing elevated child mortality rates, removing the possibility of an education, and producing permanent displacement.\(^2\) Children used in conflict are often forced to take part in combat, but can also be used in support functions that entail risks and can be subject to sexual violence.\(^3\) Children and armed conflict has been placed at the forefront of the international agenda since the 1990s, with the United Nations (UN) and the Security Council (SC) taking leading roles.

International and Regional Framework

The international community has produced a set of legal instruments codifying the protection of children in armed conflict. Foundational documents such as Article 25 of the Universal Declaration of Human Rights (1948), Articles 23 and 24 of the International Convention on Civil and Political Rights (1966), and Article 10 of the International Covenant on Economic, Social, and Cultural Rights (1966) all narrowly address the rights of children within broader human rights frameworks.\(^4\) Specific documents that deal with rights of children include the Geneva Declaration of the Rights of the Child (1954), adopted in an expanded form by the UN in 1959 as the Declaration of the Rights of the Child, and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974).\(^5\)

The Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly (GA) in November 1989 and is one of the most rapidly and widely ratified human rights treaties in history.\(^6\) Articles 38 and 39 of this convention oblige States Parties to protect children in armed conflicts and to not use children under the age of 15 as combatants.\(^7\) It also requires States Parties to promote the recovery and reintegration of child victims of conflict.\(^8\) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted by the General Assembly in 2000 and increases the age limit for involvement in hostilities to 18 years of age, applicable to both States and non-State armed groups, while also emphasizing the rehabilitation and reintegration into society of children victimized by non-adherence to the protocol.\(^9\) There are 166 States Parties to the Optional Protocol.\(^10\)

The International Labour Organization’s Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) defines forced recruitment of children for armed conflict as one of the worst forms of child labor.\(^11\) The African Charter on the Rights and Welfare of the Child (1999) is the first regional treaty establishing a minimum age of 18 for participation in a

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2. Ibid., pp. 10, 41, 54.
3. UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Child Recruitment and Use, 2017.
5. Ibid.
8. Ibid.
conflict.\textsuperscript{12} Furthermore, the 1998 \textit{Rome Statute}, which created the International Criminal Court, classified deliberate attacks on hospitals and schools, sexual violence against children, and the enlistment or use of children under the age of 15 as war crimes.\textsuperscript{13}

\textbf{Role of the International System}

The protection of children in conflict falls within the mandate of several UN entities. The United Nations ChildrenFund (UNICEF) is mandated to advocate for the protection the rights of children, the Committee on the Rights of the Child is responsible for monitoring the implementation of the CRC, the UNHCR works to assist and protect displaced children, and the SC is responsible for maintaining peace and security.\textsuperscript{14} Other agencies, programs, and funds are also able to work in concert and contribute to the protection, reintegation, and rehabilitation of children affected by conflict both inside and outside the UN system.\textsuperscript{15}

In 1996, Graça Machel, an independent expert appointed by the Secretary-General to report to the GA, published a report on the “Impact of Armed Conflict on Children.”\textsuperscript{16} The report highlighted the disproportionate effects war has on children and recommend several different courses of action and priorities.\textsuperscript{17} This seminal report has been a catalyst for action and led to the adoption of GA resolution 51/77 in 1997, which created the role of Special Representative of the Secretary-General for Children and Armed Conflict.\textsuperscript{18} The Special Representative is mandated to assess the progress made in protecting children in situations of conflict, raise awareness and promote the collection of information, work closely with UN bodies and non-governmental organizations (NGOs), and foster international cooperation.\textsuperscript{19} The Special Representative is the primary advocate for the protection of children affected by conflict within the UN system and reports yearly to the General Assembly, the Human Rights Council (HRC), and other bodies as necessary.\textsuperscript{20}

In 2007, UNICEF and the French government co-hosted the Free Children from War Conference, attended by delegations from Member States, international organizations, and NGOs, with the goal of obtaining an international commitment for the protection, release, and reintegation of children used by armed groups.\textsuperscript{21} 105 Member States signed the Paris Commitments and the Principles and Guidelines on Children Associated With Armed Forces or Armed Groups, creating guidelines on the disarmament, demobilization, and reintegation of children who have been exploited by armed groups.\textsuperscript{22} These commitments and principles build upon the pivotal \textit{Cape Town Principles}, adopted in 1997, which focused on preventing recruitment and facilitating reintegation.\textsuperscript{23}

\textbf{Security Council}

The Security Council has adopted 11 resolutions specifically on the topic of children and armed conflict, placing it within its mandate as an issue affecting peace and security.\textsuperscript{24} Resolution 1261 of 1999, the first resolution on this topic, condemned six grave violations perpetuated against children in conflict that now serve as the basis for gathering and reporting abuses against children.\textsuperscript{25} These violations include the killing and maiming of children, sexual violence against children, abduction and forced displacement, the recruitment and use of child soldiers, attacks against schools or hospitals, and the denial of humanitarian

\begin{itemize}
\item \textsuperscript{13} UNICEF, Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World, 2009, p. 60.
\item \textsuperscript{15} UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Child Mainstreaming, 2017.
\item \textsuperscript{16} UN General Assembly, The Impact of Armed Conflict on Children: Report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157 (A/51/306), 1996.
\item \textsuperscript{17} Ibid.
\item \textsuperscript{18} Ibid. UN General Assembly, The Rights of the Child (A/RES/51/77), 1997.
\item \textsuperscript{19} Ibid.
\item \textsuperscript{20} UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Our Work, 2017.
\item \textsuperscript{21} UNICEF, Cape Town Principles and Best Practices, 1997.
\item \textsuperscript{22} Ibid. UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Child Mainstreaming, 2017.
\item \textsuperscript{23} Ibid. UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, The Six Grave Violations, 2017.
\end{itemize}
aid to children.\textsuperscript{26} The SC has encouraged Member States to pursue non-judicial measures focusing on rehabilitation and reintegration instead of detention and prosecution.\textsuperscript{27}

In 2001, the SC adopted resolution 1379, requesting the Secretary-General to attach an annex to their annual report on children and armed conflict naming parties to conflict that recruit and use children.\textsuperscript{28} Resolutions 1882 of 1998, 1998 of 2011, and 2225 of 2015 progressively asked the Secretary-General to include parties that kill and maim children, commit sexual violence, attack schools and hospitals, or abduct children as triggers for inclusion in the annexes.\textsuperscript{29} The denial of humanitarian aid is the only grave violation not to prompt inclusion in the annexes.\textsuperscript{30} In the 2016 report, 59 parties in 14 separate countries were listed.\textsuperscript{31} To be removed from the annexes, a party must submit and implement an action plan designed to end the violations against children that they have been listed for.\textsuperscript{32}

In 2004, the SC adopted resolution 1539, proposing a monitoring and reporting mechanism that utilizes expertise from within the UN system, external states, regional organizations, NGOs, and civil society to provide information on violations against children and on the recruitment and use of child soldiers.\textsuperscript{33} Resolution 1612 of 2005 formally requested the Secretary-General to implement this mechanism in order to gather accurate, timely, and objective data, and also established the Working Group on Children and Armed Conflict.\textsuperscript{34} The Working Group is comprised of all 15 Member States of the Security Council and has the mandate to review the monitoring and reporting apparatus, evaluate the development and implementation of country-specific action plans, make recommendations to the SC on issues such as the protection of children within the mandates of peacekeeping missions, and to address requests to other UN bodies for action within their particular mandates.\textsuperscript{35} The Working Group regularly receives updates from UNICEF and the Special Representative of the Secretary-General on Children and Armed Conflict, issues annual reports on its activities to the Security Council, and publishes conclusions and press releases regarding country-specific situations contained in reports by the Secretary-General.\textsuperscript{36} An annex to a letter published by the Chairman of the Working Group contains broad recommendations for fulfilling the Working Group’s mandate that can then be applied to specific circumstances, including actions it may undertake within the UN system and external political steps it can take.\textsuperscript{37}

\textit{Peacekeeping Operations}

Peacekeeping missions are often the largest UN-affiliated actor on the ground in conflict areas and the protection of children in conflict has been included in the mandates of peacekeeping operations since 2001.\textsuperscript{38} The Department of Peacekeeping Operations trains its personnel on how to protect children and is focused on mainstreaming the protection of children within its operations.\textsuperscript{39} Child Protection Advisors report violations against children to the Special Representative, collect and verify data for the Secretary-General’s annual report, and help develop action plans with armed groups for the release of children.\textsuperscript{40} UN peacekeeping forces have, in particular cases, been responsible for violations against children, with sexual abuse recently occurring in the Central African Republic.\textsuperscript{41} The Secretary-General and the SC have responded by demanding accountability from the perpetrators.\textsuperscript{42}

\begin{footnotes}
\item[26] UN Security Council, Children and Armed Conflict (S/RES/1261 (1999)), 1999.
\item[27] UN Security Council, Children and Armed Conflict, (S/RES/2225 (2015)), 2015.
\item[29] UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Identifying Parties to Conflict who Commit Grave Violations Against Children, 2017.
\item[30] UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Denial of Humanitarian Access, 2017.
\item[31] UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Identifying Parties to Conflict who Commit Grave Violations Against Children, 2017.
\item[32] Ibid.
\item[34] UN Security Council, Children and Armed Conflict, (S/RES/1612 (2005)), 2005.
\item[38] UN Peacekeeping, Children in Conflict, 2017; UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Mainstreaming, 2017.
\item[39] UN DPKO, Mainstreaming the protection, rights and well-being of children affected by armed conflict within UN Peacekeeping Operations, 2009, p. 4.
\item[40] UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Mainstreaming, 2017.
\item[41] Laville, UN Inquiry into CAR abuse claims identifies 41 troops as suspects, The Guardian, 2016.
\item[42] UN Security Council, Children and Armed Conflict: Report of the Secretary General (S/2016/360), 2016, p. 3.
\end{footnotes}
Emerging Challenges

Challenges in Enforcement

Parties listed in the annexes of Secretary-General’s annual report are requested by the Security Council to develop action plans — written commitments between these parties and the UN — including specific steps leading to compliance with international law and the protection of children. As of 2017, 26 parties listed in the annexes of the Secretary-General’s reports have signed 27 action plans, including 11 government-affiliated forces and 15 non-State armed groups, though only nine parties have fully complied and been delisted from the annexes. The annexes of the report are a useful tool, but as of the 2016 report, 37 separate parties to conflict had been named in the annexes for at least five years and are considered persistent perpetrators, with most failing to conclude an action plan.

Unlike the GA, which does not possess enforcement power, the SC may decide to use enforcement options that do not include armed force in order to uphold international peace and security under Article 41 of the Charter of the United Nations. The SC establishes sanction regimes through the adoption of a resolution establishing a sanctions committee, which may target parties economically, diplomatically, or through travel restrictions. The SC has gradually developed a readiness to do so on this topic, beginning with resolution 1539 of 2004, which expressed its willingness to consider targeted and graduated measures. Sanctions can only be adopted against parties where an existing sanctions committee is in place and where the committee is mandated to take action when violations against children have occurred; as a result, asset freezes and travel bans have only been instituted against two individuals in Côte d’Ivoire and against 14 individuals in the Democratic Republic of the Congo. The Machel Study 10-Year Strategic Review recommends that the SC establish mechanisms that would enable sanctions to be placed against those that violate the rights of children, including the establishment of a sanctions committee for children and armed conflict.

The Changing Nature of Conflict

The Machel Study 10-Year Strategic Review lauded the progress made in protecting children, but also highlighted new priorities and responses that are now necessary due to the changing nature and tactics of armed conflict. The absence of clear battlefields, the diversification of parties to conflict, and the targeting of traditional havens for children have all contributed to new threats faced by children in conflict, while the proliferation of small arms, light weapons, and ammunition has perpetuated the use of children as soldiers and allowed conflicts to become intractable. Millions of children have been displaced by armed conflict and many have been separated from their families and caregivers; these children are often housed in camps, are at a high risk for violations, and parties to conflict often take advantage of the vulnerability of displaced populations to recruit, abduct, and violate the rights of children. In his 2016 report, the Secretary-General encouraged the SC to focus on the prevention of displacement of children, the rights of children that have been displaced, and the obligations of states to child refugees.

The increase in the number of discrete actors, especially non-State armed groups, involved in armed conflicts is a growing concern and poses challenges for monitoring and reporting, while also causing difficulties in the UN’s attempts to engage with parties in a conflict to prevent child casualties. Bringing these groups into compliance with international standards is hampered by a lack of accountability, limited routes for engagement, and the varying political and social contexts in which these groups exist. Abductions are increasingly used by armed groups as a means to recruit and exploit children for their own ends; children are often directly targeted to maximize the impact of an attack or forced to be

43 UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Action Plans with Armed Forces and Armed Groups, 2017.
47 Ibid.
49 UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Sanctions, 2017.
54 Ibid., p. 35.
55 Ibid., p. 2.
perpetrators of terrorist attacks such as suicide bombings.\textsuperscript{57} Terrorism and counterterrorism measures can also restrict children's freedoms and their access to basic services like medical care or education.\textsuperscript{58} The 2016 Report of the Secretary-General noted that both armed groups and government forces in numerous conflict areas are increasingly targeting schools and hospitals, and non-State armed groups in particular target girls' access to education.\textsuperscript{59} Educational infrastructure, teachers, and schoolchildren are increasingly being deliberately targeted and schools are being illegally used as bases for military operations in contravention of international law.

**Recruitment, Disarmament, Demobilization, and Reintegration**

Children recruited, coerced, or forced into armed conflict risk death and severe injury. The forced removal from their families stunts their development, and may subject the children to violence, including gender-based violence.\textsuperscript{60} The consequences of conflict on children are not always easily defined or self-evident; even if a child is not exploited or abused in a conflict, the fabric of their society can be destroyed in the aftermath and children living in countries affected by conflict are more likely to be poor, malnourished, or not attending school.\textsuperscript{61} Disarmament, demobilization, and reintegration (DDR) is a process that aims to contribute to the security and stability of postconflict regions by targeting former child combatants so that they can re-enter society.\textsuperscript{62} Facilitating the psychosocial recovery of children and protecting their mental health is a necessary component of a post-conflict scenario, though there are gaps in coverage and a lack of consensus at the country level.\textsuperscript{63} DDR programs utilizing innovative and context-specific approaches are beginning to fill these gaps, but more work is necessary, particularly with expanding protections and opportunities to girls that may be indirect victims of conflict and not eligible for DDR programs.\textsuperscript{64} The effective reintegration of children associated with armed groups is an international priority, but children, once repatriated by governments, are often viewed as security threats instead of victims because of their former opposition, coerced or not, and can be detained or prosecuted for their alleged relationships with armed groups.\textsuperscript{65}

**Conclusion**

While there has been concrete action taken by the UN, particularly the SC, in dealing with children and armed conflict, there is much that still needs to be done. All relevant UN bodies should continue to take specific actions to ensure mainstreaming of children and armed conflict and should continue to build on their prior work. The changing nature of conflict, the difficulties in reintegrating child victims, the gaps in reporting and response mechanisms, and the challenges inherent in enforcing international law all must be addressed. The SC is uniquely positioned to take a leading role on the topic and expand the scope of its activities with children and armed conflict.

**Further Research**

Is enough currently being done to protect children in peacekeeping operations? How can compliance be ensured with party-specific action plans? Are there additional violations against children that should be considered? What direct action can be taken against those parties that violate the rights of children? Are sanction regimes a viable avenue for action? How can existing instruments be modified for use with the changing nature of conflict?

**Annotated Bibliography**


\textsuperscript{57} UN Security Council, Children and Armed Conflict: Report of the Secretary-General (S/2016/360), 2016, pp. 2-3.


\textsuperscript{59} UN Security Council, Children and Armed Conflict: Report of the Secretary-General (S/2016/360), 2016, p. 2.

\textsuperscript{60} UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, Changing Nature of Conflict, 2017.


\textsuperscript{62} Ibid., p. 18.

\textsuperscript{63} UN Disarmament, Demobilization, and Reintegration Resource Centre, What is DDR? 2017.


\textsuperscript{66} UN Security Council, Children and Armed Conflict: Report of the Secretary General (S/2016/360), 2016, p. 4.
This landmark report was written by independent expert Graça Machel at the behest of Secretary-General Boutros Boutros-Ghali. This report systematically sets out the impact of armed conflict on children and provides a comprehensive agenda to protect and care for children in these situations. The report made several recommendations that were later adopted, including the appointment of a Special Representative for Children and Armed Conflict. Even though the report was written more than 20 years ago, it remains prescient and has served as a guide for concrete actions. The breadth and excellently delineated sections of this report make it an excellent introduction for delegates to a difficult topic and, coupled with more recent examination of the progress made on the issue, can provide a basis for scrutinizing what has been effective and what has been a failure when addressing the topic of children and armed conflict.


The first optional protocol on the Convention of the Rights of the Child was adopted in 2000 through a General Assembly resolution and currently has 166 States Parties. It declares that states are prohibited from conscripting anyone under the age of 18 for military service and ensures that volunteers under the age of 18 are not sent directly into combat. The protocol forbids “armed groups that are distinct from the armed forces of a State” from recruiting or utilizing persons under the age of 18, requiring States Parties to take all feasible measures to prevent this from occurring, while also emphasizing the rehabilitation and reintegration of children victimized by non-adherence to the protocol. Examining this protocol is useful for delegates to understand the legal status of the topic at hand, to know how widespread support for legal efforts to protect children is, and to understand what States Parties are already required to do within their own militaries.


This resolution is the most recent of 11 resolutions adopted by the Security Council dealing with Children and Armed Conflict. It adds the abduction of children in armed conflict to the list of violations of international law that would trigger a party being named in the annexes of the annual reports of the Secretary-General on this topic. Delegates should review all resolutions adopted by the Security Council, particularly Security Council Resolution 1379 (2001) and together with the rest of resolutions, delegates can examine the evolution of the committee’s activities as it expands the scope of what is considered a violation of the rights of children in armed conflict. Delegates should also consider what other potential violations could be addressed by the Security Council.


This annual report by the Secretary-General reviews the status of children and armed conflict in the previous year. This report provides up-to-date and succinct background of the challenges and current trends surrounding the topic, including information about specific states and non-State armed groups. The annexes of the report name parties to armed conflict that “recruit or use children, kill or maim children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/or hospitals, or abduct children,” drawing attention to specific states and non-State armed groups. Recommendations are included within the report specifically addressed to the Security Council. Delegates should read the Secretary-General’s report in detail, and especially review its recommendations, for the most current information on the topic and to understand the global scope of the issue.


This website details the structure and substantive work that the Working Group on Children and
Armed Conflict undertakes, as set out in its mandate derived from Security Council resolution 1612 of 2005. The Working Group reviews reports, assesses the progress in the implementation of action plans, makes recommendations to the Security Council and other relevant actors, and liaisons with other UN bodies to request their assistance implementing policy within their specific mandates. On this website, delegates can find numerous links to reports, resolutions, statements, letters, and documents pertaining to the Security Council and the topic at hand. Reviewing the activities of the Working Group will provide delegates with a greater understanding of the practical activities the Security Council has carried out in the past and could potentially embark on in the future.

Bibliography


