

# PMUNC 2014

## Human Rights Council

Chair: *Benjamin Dinovelli*

Directors: *Mimi Chung & Hassan Ejaz*



## Contents

---

Topic A: Protecting and Promoting the Rights of Persons with Disabilities .....	3
Setting the Stage.....	3
Relevant Treaties/ International Instruments.....	3
Current Status.....	4
15 Priority Themes.....	4
The State of Disability Rights Around the World.....	7
Necessary Actions .....	8
Bibliography.....	8
Topic B: Protecting Rights of Children in Conflict.....	11
Setting the Stage.....	11
Relevant Treaties/ International Instruments.....	11
Current Status.....	12
6 Core Areas.....	12
Recent Instances of Violations.....	14
Necessary Actions .....	16
Bibliography.....	17

## Topic A: Protecting and Promoting the Rights of Persons with Disabilities

### Setting the Stage

During the period of 1981 to 1992, the UN made its first efforts to focus on this vital issue of disabled persons, convening a meeting of global experts in 1987 who recommended that the General Assembly draft an international convention to protect the rights of persons with disabilities. However, at first, many governments believed that previous human rights documents already adequately covered the issue, and the international community failed to reach a consensus. Thus, during this “Decade of Disabled Persons,” only the non-compulsory “Standard Rules on the Equalization of Opportunities for Persons with Disabilities” was adopted in 1993 by the General Assembly.

The conversation around international doctrines on the rights of disabled persons revived in 2000, when five leading international disability NGOs issued a declaration calling for an international convention on disability rights. A consensus agreement was reached in August 2006, and the Convention on the Rights of Persons with Disabilities was adopted by the General Assembly in December 2006. The Convention quickly received widespread support and became the fastest negotiated human rights treaty, with 159 states signing the Convention upon its opening and 126 states ratifying the Convention within its first five years. As of September 2014, it has 159 signatories and 151 parties, and continues to be monitored by the Committee on the Rights of Persons with Disabilities.

### Relevant Treaties/ International Instruments

The following are relevant treaties and instruments that the international community has established to affirm and uphold the rights of disabled persons:

1. **UN Voluntary Fund on Disability (1981):** This fund was established by General Assembly resolution 32/133 in preparation for the 1981 International Year of Disabled Persons. Its resources support innovation actions to implement the World Programme of Action concerning Disabled Persons. The UNVF is administered by the Secretariat for the Convention on the Rights of Persons with Disabilities.
2. **World Programme of Action Concerning Disabled Persons (1982):** The Programme of action was a major result from the International Year of Disabled Persons and was adopted by the General Assembly on December 3, 1982 by resolution 37/52. It is a global strategy to enhance disability prevention, rehabilitation and equalization of opportunities, and emphasizes the need to view disability from a human rights perspective.
3. **Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993):** During the “Decade of Disabled Persons,” the Standard Rules (resolution 48/96 annex) were adopted by the General Assembly as a non-binding show of commitment to the equalization of opportunities for persons with disabilities. The Standard Rules consist of 22 rules



- summarizing the message of the World Programme of Action.
4. **Special Rapporteur on Disability (1993):** The Standard Rules of 1993 also included an appointment of a Special Rapporteur to monitor the implementation of the Rules and report yearly to the Commission for Social Development. The current Special Rapporteur is Mr. Shuaib Chalklen.
  5. **Convention on the Rights of Persons with Disabilities and its Optional Protocol (2006):** This Convention (A/RES/61/106) adopts a broad categorization and definition of persons with disabilities, and re-emphasizes that persons with all types of disabilities must enjoy all human rights and basic freedoms. The Convention also identifies areas where changes have to be made in order for those with disabilities to effectively exercise their rights, as well as areas where their rights have been violated. The Optional Protocol is a side-agreement to the Convention, which allows signed parties to recognize the ability of the Committee on the Rights of Persons with Disabilities to consider complaints from individuals.
  6. **International Day of Persons with Disabilities – December 3:** The annual observance of this day was proclaimed in 1992 by the United Nations General Assembly resolution 47/3. The aims of the day include promoting an understanding of disability issues and mobilizing support for the rights of disabled persons.
  7. **The Committee on the Rights of Persons with Disabilities** is the body of independent experts that

monitors implementation of the Convention by the States Parties. All States parties are obligated to submit reports regularly to the Committee about how the rights are being implemented. The Committee examines each report and makes suggestions and recommendations to the respective states.

### Current Status

According to the United Nations Division for Social Policy and Development, around 15% of the world's population or an estimated 1 billion people, live with disabilities, making people with disabilities the world's largest minority. Despite this large number, disabled people face discrimination in all aspects of society and their basic human rights are egregiously violated on a daily basis. Over 90% of children with disabilities in developing countries do not attend school and many are abandoned and put into institutionalized care. Women and girls with disabilities are particularly vulnerable to abuse: some are raped or forcibly sterilized. In most places of the world, people with disabilities are denied the opportunity to fully integrate to society as they lack access to public and private facilities and denied employment. As the world population continues to grow and age, the number of persons with disabilities is only expected to increase. Therefore, it is imperative that we discuss the issue of disability rights within various contexts of other issues, including development, gender equality, education and the prevention of violence.

### Fifteen Priority Themes

The Secretariat for the Convention on the Rights of Persons with Disabilities in the Division for Social Policy and Development of the Department of Economic and Social Affairs has identified various priority themes related to the issue of protecting the rights of disabled persons. Fifteen are detailed below.

### 1. Accessibility

Accessibility (such as to buildings, transportations, etc.) is a key precursor to equal rights for disabled persons, as it allows for them to be fully involved and engaged members of society. A United Nations Expert Group convened in June 2010 to discuss “Accessibility: Innovative and Cost-Effective Approaches for Inclusive and Accessible Development.” The experts examined ways to promote inclusive development and environmental accessibility, and identified priorities to strengthen national capacities and institutions. They concluded that progress has indeed been made in increasing the accessibility of man-made infrastructure, transportation and tourism, as well as information and communications technologies, globally. However, even more innovative ideas and developments can still be introduced to many countries, especially developing countries, whose capacities to implement such measures are more limited. The Group’s final report emphasized the importance that accessibility be on the forefront of national and international development agendas, and that persons with disabilities work with their state government and organizations to set standards that would be specific to and feasible for their respective states.

### 2. Awareness-Raising

In addition to the economic and political developments necessary to protect and reinforce the rights of disabled persons, it is also vital that communities from the local to national level hold an acceptant and informed view of those with disabilities, so that persons with disabilities are able to fully participate in society and receive the support they need. Awareness-raising, such as in the form of advocacy campaigns, is critical for fostering this acceptant view.

### 3. Children

Disabled children often suffer from discrimination, in the form of reduced access to basic social services such as education, and a general lack of recognition. Promoting inclusion and addressing discrimination can

be accomplished through information, advocacy, policy changes and increasing access to services. However, a key challenge with children specifically is that there is a lack of precise data on disabled children. No reliable global estimates on child disability are currently available.

### 4. Civil Society

Many non-profit organizations and institutions work on the issue of disability rights. It is important for the United Nations to collaborate effectively with these organizations, support their projects, and utilize their initiatives and projects in order to execute shared goals in the area of disability rights. The United Nations has compiled a report, “NGOs & UN Agencies Assisting Persons with Disabilities,” listing the many organizations that work in this area, from Handicap International to UNICEF.

### 5. Data and Statistics

The General Assembly has stressed, including in its most recent resolutions 63/150, 64/131 and 65/186, the importance of improving disability data and statistics, especially in conjunction with national legislation. A lack of accurate and comprehensive data on disability is currently a major impediment to international state- and NGO-led initiatives to protect the rights of disabled persons.

### 6. Decent Work

In developing countries, 80-90% of persons with disabilities of working age are unemployed, while 50-70% are unemployed in industrialized countries. Even in the most developed countries, the official unemployment rate for persons with disabilities of working age is at least twice that for those who have no disabilities. Prejudice and perceptions continue to limit the understanding and acceptance of disabled persons in workplaces around the world. Contrary to these impressions, many companies have found that persons with disabilities are capable of being capable employees. As long as disabled persons continue to have a stark disadvantage in the

workplace, they will not be able to thrive as fully integrated and participating members of society.

## **7. Education**

98% of children with disabilities in developing countries do not attend schools, according to best estimates by international agencies. Children in developing countries or countries under civil strife are also at an increased risk of disability, which inevitably decreases their chances of acquiring education. 500,000 children every year lose some part of their vision due to vitamin A deficiency. For every child killed in armed conflict, three are injured and permanently disabled. A vast majority of individuals with hearing or visual impairments in developing nations lack basic literacy, and individuals with intellectual or psychiatric disabilities are often cruelly neglected. The link between poverty and disability is still very strong in many countries, and a lack of education for disabled children reinforces this outcome.

## **8. Family**

Families can play a critical role in empowering and providing opportunities for individuals with disabilities. However, some families can be overprotective and restrictive, while others can be neglectful, viewing their disabled family members with stigma or shame. Disabled persons also face discrimination in regards to marriage and relationships.

## **9. HIV/AIDS**

The growing relationship between HIV/AIDS and disability is a major emerging issue, as persons with disabilities are at a higher risk of exposure to HIV. Persons living with HIV or AIDS are also at risk of becoming disabled on a permanent or episodic basis. Persons with disabilities need information about HIV/AIDS and access to resources and programs just like all other individuals, but may be restricted from access to those venues because of their disabilities. Persons with disabilities are often excluded from HIV education, prevention and support services because of assumptions that they do

not engage in risk behaviors or are not sexually active. Sexual and reproductive health service providers are not always equipped to handle disability issues. Women and girls with disabilities, as well as persons in specialized institutions, are also especially vulnerable to sexual assault or abuse.

## **10. Health and Development**

Persons with disabilities have a right to adequate health and medical care. However, in many countries, they are still hindered from receiving those services. An area of particular concern is mental health, as depression is the leading cause of years lost to disability worldwide. Persons with mental and psychosocial disabilities often face stigma and discrimination, and may face physical and sexual abuse. The economic cost of mental health problems is great.

## **11. Mainstreaming Disability in Development (The Millennium Development Goals)**

As states develop and industrialize, they must ensure that a disabled person still has the ability to physically move between home and work, access public spaces and transportation and access work facilities. Therefore, it is crucial that the priorities of persons with disabilities are integrated into development agendas, in order to ensure that disabled persons are included. Poverty and poor execution of development may cause disability as well, through malnutrition, poor health care and dangerous living conditions, and case studies from developing countries show that higher disability rates are associated with lower birth weight, higher rates of unemployment, poor nutritional status and higher rates of disability. The Millennium Development Goals are a unified compilation of development objectives created by the United Nations, which provide guidelines for a comprehensive approach to development that would include measures to protect the rights of disabled persons.

## **12. Natural Disasters and Emergency Situations**

Disabled persons are disproportionately affected by disaster, emergency and conflict situations due to inaccessible evacuation, response (shelters, camps, food distribution) and recovery efforts. They are more likely to be left behind or abandoned during evacuation in disasters and conflict due to lack of preparation and planning in addition to inaccessible facilities and services.

### 13. Disability and Sports

Sports can potentially be a venue and tool to reduce stigma and discrimination tied to disability, and change community attitudes. It can promote inclusion by highlighting individual skills, rather than disabilities.

### 14. Women and Girls with Disabilities

Disability rights must be promoted simultaneously with gender equality and the empowerment of women. Currently, women with disabilities face significantly more difficulties in attaining access to adequate housing, health, education, vocational training and employment, and are more likely to be institutionalized. Women and girls with disabilities face double discrimination, and are at a higher risk of gender-based violence, sexual abuse, neglect, exploitation and maltreatment.

### 15. Youth

An estimated 180-220 million youth with disabilities in the world today are marginalized and largely excluded from society, particularly in terms of education and employment. Almost 80% of them live in developing countries. Around 93 million children with disabilities do not attend school.

### The State of Disability Rights Around the World

*Note: The summaries below only contain general descriptions of regional progress on disability rights. It is highly recommended that you research your assigned country and its specific progress on or violations of disability rights in recent years. You may refer to news reports or reports by international agencies in addition to reports from your assigned country's government, if available.*

**Specific Country Reviews and Reports are collected by the Committee on the Rights of Persons with Disabilities and are accessible here:**

<http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>

### 1. Europe

A 2007 report by the International Disability Rights Monitor found that a majority of countries in Europe were moderately inclusive to persons with disabilities. Finland, UK, Spain and Greece were found to be the most inclusive while three countries, Bulgaria, Turkey and Estonia, were found to be the least inclusive. Most European countries provide adequate basic protections in the areas of employment and education, but the report emphasized that work remains in the areas of health, housing, accessibility and inclusive communication practices. For example, as of 2007, just under half of the countries had government websites that were accessible to people with visual impairments.

### 2. Asia

A 2005 report by the International Disability Rights Monitor found that a majority of countries in Asia provide at least some protections for people with disabilities. However, although legal protections were widely available, no countries provided adequate basic protections for disabled persons, especially in the areas of accessibility, education and employment. Out of all the countries, China and Japan were the most inclusive, Thailand and the Philippines were moderately inclusive, and Cambodia and India were the least inclusive. Thus, while many countries in Asia have made strides in legal reform, they could still see major improvements in implementation, especially through accessibility measures and policies for disabled persons.

### 3. Americas

A 2004 report by the International Disability Rights Monitor concluded that only

five countries in the Americas region attained the Most Inclusive nation status: Brazil, Canada, Costa Rica, Jamaica and the United States. Argentina, Chile, Colombia, the Dominican Republic, Ecuador, Mexico, Panama, Peru, Uruguay and Venezuela were moderately inclusive nations. Nine countries were labeled as least inclusive, including Belize, Bolivia, El Salvador, Guatemala, Guyana, Honduras, Nicaragua, Paraguay and Suriname. Most tellingly, many of the least inclusive nations had not signed onto the UN Disability Convention.

#### 4. Africa

Human rights law regarding disability in Africa, while still underdeveloped, is evolving. Over half of the African countries have now ratified the UN Disability Convention. However, still, few African states have constitutional protections for disabled persons and even fewer have specific legislation on disability. Many African states retain outdated lunacy laws from colonial times that leave psychiatry unregulated and result in poor practices and ill treatment of the disabled. The disabled are often unemployed and doomed to poverty, and children with intellectual disabilities are rarely given the opportunity to attain decent education. Unlike in more developed countries like those in Europe, there are few psychiatric institutions, and access to justice is almost non-existent for people with intellectual and psycho-social disabilities.

In order to address these issues, the African Union extended the African Decade of Persons with Disabilities that ended in 2009 to 2019, in recognition of the need for continued attention to the issue of disability rights. The African Commission on Human and Peoples' rights drafted an Africa Disability Protocol to further bring attention to this issue.

#### 5. Middle East

Social stigma and discrimination against disabled persons is still common in the Middle East, even within families. Thus,

opportunities for persons with disabilities are still limited and need to be increased. According to a 2005 World Bank report, many countries in the Middle East and North Africa (MENA) region have already adopted adequate legislation related to disability, but these laws are not well enforced and subsequent policies are poorly implemented. MENA countries would benefit from regional and national dialogues about the issue, partnerships with local, national and international stakeholders, and the implementation of policies, programs and investments that prioritize disability rights.

#### Necessary Actions

As you prepare for this topic, remember to keep in mind possible resolutions and actions that the international community can take to address each of the fifteen priority themes listed above. Also, remember to consider the specific needs and challenges that various states face regarding the issue of disability rights. While global standards to protect disability rights should be implemented and monitored, the standards that we adopt also should be flexible enough to cater to the specific situations of different states.

#### Bibliography

- “15. Convention on the Rights of Persons with Disabilities.” United Nations Treaty Collection, 13 December 2006. Web.  
[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en).
- “Africa.” Mental Disability Advocacy Center, 2011. Web.  
<http://mdac.info/en/fastfacts-focus/africa>.
- “Convention on the Rights of Persons with Disabilities.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=150>.



“Data and Statistics for Inclusive Development.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?navid=13&pid=1515>.

“Disability, Natural Disasters and Emergency Situations.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=1546>.

“Disability and Employment.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=255>.

“Disability and HIV/AIDS.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=1560>.

“Disability and Sports.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=1563>.

“Disability in Middle East and North Africa Region.” The World Bank Disability & Development, 30 June 2005.  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALPROTECTION/EXTDISABILITY/0,,contentMDK:20183396~menuPK:417332~pagePK:148956~piPK:216618~theSitePK:282699,00.html>.

“Education and Disability.” UNESCO Flagship Initiatives. Web.  
[http://www.unesco.org/education/efa/know\\_sharing/flagship\\_initiatives/disability\\_last\\_version.shtml](http://www.unesco.org/education/efa/know_sharing/flagship_initiatives/disability_last_version.shtml).

“Families and Persons with Disabilities.” United Nations Social Policy and Development Division, 15 May 2007. Web.  
<http://undesadspd.org/Family/InternationalObservances/InternationalDayofFamilies/2007.aspx>

“Interactive Discussion on Including Youth with Disabilities in Development.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=1578/>.

“International Day of Persons with Disabilities – 3 December.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=111>.

“IDRM Regional Report of Europe.” International Disability Rights Monitor 2007. Web.  
[http://www.idrmnet.org/pdfs/IDRM\\_Europe\\_2007.pdf](http://www.idrmnet.org/pdfs/IDRM_Europe_2007.pdf).

“IDRM Regional Report of Asia.” International Disability Rights Monitor 2005. Web.  
[http://www.idrmnet.org/pdfs/CIR\\_IDRM\\_Asia\\_05.pdf](http://www.idrmnet.org/pdfs/CIR_IDRM_Asia_05.pdf).

“Mainstreaming Disability in the Development Agenda.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=1569>.

“Mental Health and Development.” United Nations Enable. Web.  
<http://www.un.org/disabilities/default.asp?id=1545>.

“NGOs & UN Agencies Assisting Persons with Disabilities.” UN High Commissioner for Refugees, April 2008. Web.  
<http://www.refworld.org/docid/48297a4e2.html>

O'Reilly, Arthur. “A UN Convention on the Rights of Persons with Disabilities: The Next Steps.” *Disability World*, 8-9 March 2003. Web.  
[http://www.disabilityworld.org/01-03\\_03/news/unconvention.shtml](http://www.disabilityworld.org/01-03_03/news/unconvention.shtml).

“Priority Themes.” United Nations Enable. Web.

<http://www.un.org/disabilities/default.asp?id=33>

“Research and Data on Child Disability Are Scarce, Hindering the Development of Effective Policies and Programming.” UNICEF Data. Web. <http://data.unicef.org/child-disability/overview>.

“Some Facts about Persons with Disabilities.” Convention on the Rights of Persons with Disabilities, 2006. Web. <http://www.un.org/disabilities/convention/facts.shtml>.

“Special Rapporteur on Disability of the Commission for Social Development.” United Nations Enable. Web. <http://www.un.org/disabilities/default.asp?navid=8&pid=183>.

“Standard Rules on the Equalization of Opportunities for Persons with Disabilities.” United Nations Enable. Web. <http://www.un.org/disabilities/default.asp?id=26>.

“United Nations Expert Group Meeting on Accessibility: Innovative and Cost-Effective Approaches for Inclusive and Accessible Development.” United Nations Enable. Web. <http://www.un.org/disabilities/default.asp?id=1516>.

“United Nations Voluntary Fund on Disability.” United Nations Enable. Web. <http://www.un.org/disabilities/default.asp?navid=11&pid=29>.

“Women and Girls with Disabilities.” United Nations Enable. Web. <http://www.un.org/disabilities/default.asp?navid=13&pid=1514>.

## Topic B: Protecting Rights of Children in Conflict

### Setting the Stage

The fundamental principles of the Universal Declaration of Human Rights (UDHR) and the UN charter set out the fundamental rights afforded to every individual, including the “freedom from fear and want.” These are the basic tenets that guide the rules and expectations of how children are to be treated in conflict. As especially vulnerable populations, extra measures must be taken in times of conflict to ensure that children can grow up free from both fear and want. The international movement towards protecting the rights of children during conflict situations began in 1992 in a special discussion on children and armed conflict hosted by the Committee on the Rights of the Child.

The following year, the UN General Assembly adopted a resolution calling for the appointment of an independent expert to lead a study on the impact of armed conflict. Graca Machel, a Mozambican educator and international advocate for children, was chosen to lead the study and in 1996 her groundbreaking report, the “Impact of Armed Conflict on Children,” was presented to the world. The report provided a comprehensive assessment on the multiple ways in which children are abused during armed conflicts, setting the stage for the establishment of the “Office of the Special Representative of the Secretary-General for Children and Armed Conflict” (OSRSG-CAAC) in 1997. Since then, OSRSG-CAAC—along with prominent NGOs such as Child Soldiers International, Watchlist on Children and Armed Conflict, and the Romeo Dallaire Child Soldiers Initiative—has continued to move the world towards the effort of protecting all children in conflict situations.

### Relevant Treaties/ International Instruments

Following are relevant treaties and instruments which outline a government’s duty to protect the rights of children during armed conflict.

1. **Convention on the Rights of the Child (1989):** This treaty sets out the civil, political, economic, social, health and cultural rights of children. Currently, there are 140 signatories and 194 parties to this convention.
2. **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000):** The protocol sets as the minimum age of direct participation in hostilities, for recruitment into armed groups and for compulsory recruitment by governments. States may accept volunteers from the age of 16.
3. **Guidelines regarding initial reports of State Parties under article 8(1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2001):** This guideline mandates State Parties provide reports on the measures adopted to give effect to the rights set out in the Optional Protocol.
4. **Guide to the Optional Protocol on the Involvement of Children in Armed Conflict (UNICEF, 2003):** This publication describes the context surrounding the adoption of the protocol, efforts supporting its key objectives, key provisions and the processes involved for signature, ratification or accession.

5. **Security Council Resolutions related to children affected by armed conflict:** 1261, S/RES/1261 (1999), 1296, S/R/1296 (2000), 1314, S/R/1314 (2000), 1379, S/R/1379 (2001), 1460, S/R/1460 (2003), 1539 S/R/1539 (2004), 1612, S/R/1612 (2005).
6. **Secretary-General's Annual Report on Children and Armed Conflict/ Annual Report on the activities of the Security Council Working Group on Children and Armed Conflict:** The Secretary General and the Security Council Working Group submit annual reports through which they document the progress violator countries have made in regards to children's rights in conflict situations.

### Current Status

Children are especially vulnerable populations in areas of conflict. The 2014 annual report of the Secretary General on children and armed conflict notes that grave violations continue to be committed against children in 23 countries. These countries are: Colombia, Mali, Cote d'Ivoire, Libya, Chad, Nigeria, Sudan, South Sudan, Central African Republic, Democratic Republic of Congo, Somalia, Syrian Arab Republic, Iraq, Israel and State of Palestine, Yemen, Afghanistan, Pakistan, India, Myanmar, Thailand and Philippines. The report further documented that children continue to be recruited by seven national armies and 50 armed groups around the world. While it is hard to get a precise number, various NGOs have reported that there is an estimated 250,000 child soldiers in the world today. 40% of all child soldiers are known to be girls who are often used as sex slaves ("wives") of male combatants.

### Six Core Areas

The OSRSG-CAAC has defined "six grave violations" as the categories of children's rights violations in armed conflict

#### 1. Killing and Maiming

The changing nature of conflict and the use of landmines and unexploded ordnances continue to pose a grave threat to children in conflict areas. Despite the humanitarian principles of distinction and proportionality that requires fighters to distinguish between combatants and civilians, children are often killed and injured in course of military operations. Recent conflicts have shown worrisome civilian casualty tallies, and that even the most advanced militaries cannot avoid making children casualties of war. Other children who are not directly injured through military operations are killed through landmines and unexploded ordnance. Moreover, it is difficult to prosecute alleged war crimes such as the violation of proportionality, and it is very difficult to hold groups or governments responsible for killing or maiming children. The Right to Life, as set out in the UDHR is fundamental to the establishment of this first grave violation.

#### 2. Child Recruitment

Hundreds and thousands of underage children are used as soldiers in armed conflicts around the world. By international law, children under the age of 15 are strictly prohibited from participating in armed conflict and 18 has been defined as the minimum age for recruitment. However, many children are abducted and beaten into submission while others "voluntarily" join to escape poverty, to defend their communities or sometimes even out of a feeling of revenge. In many cases, children take direct part in combat. Other common tasks of child soldiers include porters, lookouts, messengers and cooks. In some instances, child soldiers are forced to participate in executions, torture, assassinations, kidnapping, and armed attacks against civilian targets. In a particular gruesome case, it was reported that a ten year old boy was tricked by FARC guerillas into



riding a bicycle packed with explosives into a military checkpoint where it was detonated by remote control. Regardless of how children are recruited and of their roles, child soldiers are victims and the participation in conflict has serious implications on their physical and emotional well-being. The re-integration of these children into society is a complex process. There is dire need to focus resources on expanding and improving Disarmament, Demobilization and Reintegration (DDR0 programs). Furthermore, guidelines on the treatment of children soldier prisoners of war have called for humane treatment with special treatment provisions. However, these guidelines are only tenuously enforced.

### **3. Sexual Violence**

Sexual violence is one of the most prevalent human rights violations in conflict situations. It is perpetrated against girls and boys, often in an environment where traditional support structures have broken down. In some cases, sexual violence is used as a tactic designed to humiliate a population or force displacement. More commonly, many children subject to sexual violence are sold to wealthy or powerful men including military and political leaders for entertainment and sexual activities. Children who experience sexual violence suffer from long-term psychological trauma, health consequences including transmitted infections such as HIV/AIDs. Some girls who have the misfortune of becoming pregnant during her sexual enslavement are subject to forced abortions or induced labor before full term, after which the baby is left to die. In cases in which they do keep their babies, they often stay with armed group due to the dependency they have developed over time. These girls and their children are especially vulnerable to all forms of sexual exploitation. Even when the conflict has officially ended, these children (especially girls) have hard time being reintegrated as they are stigmatized for having been associated with armed conflicts or having been raped. Though the Rome Statute of the ICC calls sexual violence as a crime against humanity as well as a war crime, as

with other violations, the enforcement of these laws is weak and lacking.

### **4. Attacks on Schools and Hospitals**

Schools and hospitals are supposed to be recognized and respected as zones of peace, and afforded extra protection. However, there has been an increase in trend of schools and hospitals being attacked, which have detrimental effects on children. Apart from causing direct and physical damage, conflicts often lead to forced closure or disrupted functioning of these institutions. Schools are often used as recruitment grounds or polling stations by the military. In some cases, armed groups are opposed to girl's education or to girls being treated by male medical personnel and subsequently block access to these vital services. Additionally bombing and shelling will often miss their targets and can hit schools and hospitals with tragic loss of life. It is often difficult to make rockets and missiles to respect the proportionality established for the conduct of war.

### **5. Denial of Humanitarian Access**

Humanitarian access is crucial in situations of armed conflict where children are in desperate need of assistance. Denial of humanitarian access entails blocking free passage or timely delivery of assistance to persons of need as well as deliberate attacks against humanitarian workers. It is estimated that 80 million children are denied humanitarian assistance around the world.

### **6. Abductions**

In times of conflict, children are often abducted from their homes, schools and refugee camps. Abducted children are often subject to forced labor, sexual slavery and recruitment. Many of these children are often trafficked across borders, making it difficult for them to come back to their families post-conflict. The breakdown of law during conflicts makes children especially vulnerable as local institutions fail and chaos disrupts order.

## Past Actions

### 1. National Action Plans

An action plan is a written and signed commitment between the United Nations and parties who have been listed as having committed grave violations against children in the Secretary General's annual report. Each action addresses the specific party's situation and outlines concrete steps to lead to compliance with the law. To date 23 countries have signed action plans including 11 government forces and 12 non-State armed groups. Of those, 9 parties have worked with the UN to fully implement its action plan, subsequently being de-listed.

### 2. Security Council Working Group on Children and Armed Conflict

The Working Group on Children and Armed Conflict was established the Council resolution 1612 in 2005 and regularly reviews reports on violations against children affected by armed conflict committed by parties listed in the Secretary General's report. It reviews progress and implementation of national action plans. On the basis of these analyses, the working group make recommendations to the council on possible measures to promote the protection of children and addresses requests to other bodies within the United Nations system for action with their respective mandates.

### 3. "Children, Not Soldiers" Campaign

The campaign Children, Not Soldiers, jointly initiated by Leila Zerrougui, the Special Representative of the Secretary General for Children and Armed Conflict, and UNCIEF, seeks to galvanize support to end and prevent the recruitment and use of children by national security forces by 2016. The campaign supports eight countries: Afghanistan, Chad, Democratic Republic of Congo, Myanmar, Sudan,

South Sudan, Somalia and Yemen. NGO partners are planning to work with the UN to redouble their efforts to support and strengthen their engagement with the eight governments to ensure they reach their goal of ending and preventing recruitment and use of children in their security forces.

## Recent Instances of Violations

The following represents a partial list of the most notable children's rights violations and violators in recent years. The global scope and the scale of children's rights violations makes it a pressing issue for all countries.

### 1. Colombia

Colombia, as the world's largest producer of cocaine, has multiple cartel-cum-militias operating within its borders. The most notable is perhaps the Revolutionary Armed Forces of Colombia (FARC), which was initially launched as a leftist, Marxist, peasant movement. It evolved into a militant organization which committed notable killings, kidnappings, and controlled a good portion of the Colombian drug trade. In late 2012, the Colombian government began to hold peace talks with FARC, which led to a successive series of agreements which deescalated violence that had peaked in 2011. Throughout the 21<sup>st</sup> century, the FARC represented an inexcusable violator of the rights of children, for a plurality of reasons. Anywhere from a quarter to a third of FARC's irregular military outfit was comprised of children. These children were treated much like adults, forced to execute peers and they faced execution themselves if they deserted. From as young as 11, they are trained to use explosives and assault weapons. Moreover, this is not unique to the FARC, but other groups, most notably the National Liberation Army (ELN), another Marxist-turned-drug militia group, also employ children. These groups are in blatant violation of a United Nations Decree which stipulates that no child under the age of 15 may be recruited as a combatant. Additionally, during the peak of the conflict, multiple scores of children were injured, maimed or outright

killed in fighting and crossfire. Even when children were not killed, fighting often displaced families and forced schools to close down, violating other basic rights of children. A report of the Secretary General issued on the 15<sup>th</sup> of May, 2014 is optimistic about the chances of improvements, though the FARC, the ELN and other drug groups remain active in the country.

## **2. Israel and Palestine**

The ongoing tensions in this region are felt especially strongly by children. In this complicated and controversial conflict, there is no single party to blame, but rather the status quo is extremely detrimental to the healthy and happy development of youth. Occasional incursions by Israel into the Gaza Strip as well as West Bank settlements have displaced many Palestinian families, making it very difficult for children to enjoy stable households and pursue education or even enjoy the days of their lives. Moreover the blockade of Gaza by Israel to prevent the flow of arms into the region has created a humanitarian situation of some severity, creating hardships for children, and may be considered denial of humanitarian access. Additionally, a large number of Palestinian children have been detained by Israeli forces, ostensibly for rule of law purposes, but accusations of mistreatment of detained children have arisen. Recent conflicts in the summer of 2014 have caused many civilian casualties, and on multiple occasions, Israeli bombardment struck schools. These represent an intolerable violation of children's rights, but also a reality of war. Additionally, Hamas, the ruling faction in Gaza must take some blame for blurring the line between civilian and military targets by placing military assets in proximity to civilian ones. Hamas is also responsible for disrupting the schooling of children through its barrage of rockets, and should be especially condemned for its indiscriminate firing of rockets without any attention to targets.

## **3. Other Conflicts in Middle East**

Major violations exist in Syria and Iraq, as part of ongoing conflicts. The majority of children's rights violations occur either when

combatants maim or kill children, or when they recruit children for their operations. The civil war in Syria has spawned innumerable violations of children's rights, including having minors who are combatants. In Syria, the conflict is harsh and brutal, with both President Bashar Al-Assad and rebels accused of violating human rights. The large number of refugees as well as number of civilian casualties means that the children not directly maimed or injured have had their lives upended. Children can also be found on the frontlines fighting, in violation of international protocol. Moreover, the growth of the new Islamic State have caused new concerns to arise, as their brutal methods ignore the conventions that govern the treatment of children, with entire families buried alive. Children of minority, non-Islamic groups are especially hard hit. Other children displaced and forced into a situation of dire humanitarian need, only to have their avenues of escape or aid blocked off. Protections are almost non-existent in northern Iraq and Syria.

## **4. Central Africa**

The tenuous rule of law in many regions of Central Africa leads to a troubling series of children's rights violations. The most pervasive violation is the recruitment of minors into armed groups, often by force or threat of death. Paramilitary groups and militias often employ children, who are trained with assault weapons before their twelfth birthday. Additionally, sexual abuse is widespread.

## **5. South Asia**

In Afghanistan, Pakistan, and India, various militant groups are accused of using and recruiting children as combatants. In the former two, Islamic extremists are the culprits, whereas in India, Maoist groups are largely to blame. Particularly reprehensible is the use of children in suicide attacks, as has been seen in Afghanistan. It is particularly hard to enforce international regulations when the organizations are elusive and already enemies of the established government. The Naxalites are an especially nasty group that operates in India and often forces the

conscription of Indian children by coercive force or threats, and are accused of perpetrating sexual violence against girls. They have also been documented using children as human shields in conflicts and firefights between Indian security forces and Naxalites have caused scores of civilian casualties. Though Pakistan recently reaffirmed their commitment to challenging children's rights abuses, bombs continue to kill and maim children. Additionally, in more rural, tribal areas, customs such as honor killing abridge the rights of children, especially young women.

## **6. Southeast Asia**

Though governments in this area have taken steps to protect the rights of children, numerous instances of violations still exist. The continued presence of armed groups in southern Thailand and their willingness both to target schools as well as to recruit children as fighters pose a threat to children. In Myanmar, the Tatmadaw are the primary culprits of employing child soldiers and killing civilians, including children, and disrupting schools. Additionally, the presence of sex trafficking throughout Southeast Asia impinges on many children's wellbeing.

### **Necessary Actions**

Going forward, you must consider the multifaceted issue of children's rights in conflict. One major challenge is the enforcement of existing regulations. No entity has more than a tenuous sovereignty over a war zone, and weapons do not respect many of the boundaries set out by combatants. Moreover, many of the conflicts that affect children take place far away from developed countries. Costs must be borne, and resolutions must be backed with teeth should any resolution hope to make change. As weapons become more powerful, and conflicts proliferate, the future of children is in *your* hands.



**Bibliography**

"UNICEF in Emergencies." UNICEF. UNICEF, 2 June 2003. Web. 04 Aug. 2014. [http://www.unicef.org/emerg/index\\_childsoldiers.html](http://www.unicef.org/emerg/index_childsoldiers.html).

UNICEF. "CHILDREN AND CONFLICT IN A CHANGING WORLD." Children and Armed Conflict UN. UNICEF, OSRSG-CAAC, Oct. 2007. Web. [http://childrenandarmedconflict.un.org/publications/MachelStudy-10YearStrategicReview\\_en.pdf](http://childrenandarmedconflict.un.org/publications/MachelStudy-10YearStrategicReview_en.pdf).

UN Security Council. "Children and Armed Conflict, Report of the Secretary-General." 15 May 2014. Web. 4 Aug. 2014. [http://www.protectingeducation.org/sites/default/files/documents/a\\_68\\_878\\_-\\_s\\_2014\\_339.pdf](http://www.protectingeducation.org/sites/default/files/documents/a_68_878_-_s_2014_339.pdf).

"Children and Armed Conflict." United Nations Office of the Special Representative for Children and Armed Conflict. United Nations. Web. 13 Aug. 2014. <http://childrenandarmedconflict.un.org/>. <http://www.un.org/sc/committees/WGCAAC/>.

OSRSG-CAAC. "The Six Grave Violations Against Children During Armed Conflict." Working Papers 1 Children's Rights International Network. United Nations, Oct. 2009. Web. 4 Aug. 2014. <https://www.crin.org/docs/SixGraveViolationspaper.pdf>.

"Rome Statute of the International Criminal Court." International Criminal Court. United Nations, 16 Jan. 2002. Web. 10 Aug. 2014. [http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_engl](http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_engl)

sh.pdf> <http://www.un.org/en/documents/udhr/>.

"'You'll Learn Not To Cry': Child Combatants in Colombia." "You'll Learn Not To Cry": Child Combatants in Colombia (Human Rights Watch Report, September 2003). Human Rights Watch, 1 Sept. 2003. Web. 13 Aug. 2014. <http://www.hrw.org/reports/2003/colombia0903/colombia0903.pdf>.