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Letter from the Executive Board

Greetings!

At the outset, we would like to tell you that it gives us immense pleasure to serve on the Executive Board for the simulation of the United Nations Human Rights Council at JMI MUN 2023. To begin with, this paper, called the background guide, has been written with the thought that it will serve as a map for you to navigate through the mass of information which you may come across in your preparation for the conference. It will help you understand the different angles of the upcoming discussion, reflecting on what is in store for you. As the name "map" hints, it will not provide all the information or analysis on the agenda.

Unfortunately, you will have to work beyond just reading this paper. However, we assure you that the guide proffers the right amount of information required about the various facets of the agenda to begin your research.

The second issue we wish to address is how you should perceive this agenda. The agenda is multi-faceted and has the potential to steer the conversation towards various sub-agendas. We expect the delegates to make the right judgement call while working with nuances of this topic. We hope that we will be able to critically examine the agenda. Moreover, we must come up with solutions, or measures, which we can adopt to tackle not only the present problems but also avert any future crises. Remember that being a problem solver is one of your primary roles as a participant in this discussion, even when you have to speak from the perspective of the respective governments which you are going to represent.

The onus is on you, members, to formulate a resolution that gives a fair attempt and frames practical solutions for the impairment of treaties, failing and showing no progress, crippled by political interest pushing humanity towards the brim of war.

We sincerely hope that our committee at JMI Model United Nations will help you sharpen your skills. Looking forward to seeing all of you in action.

For any queries, feel free to contact the Executive Board.

Warm regards,

The Executive Board

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UNITED NATIONS HUMAN RIGHTS COUNCIL

The UN Human Rights Council promotes universal respect for human rights by addressing situations where human rights are violated, followed by positing crucial recommendations to the UN member states. The Human Rights Council was established in 2006 following a resolution by the General Assembly, at the same time when the UN closed the former Commission on Human Rights.

The HRC has retained certain parts of the regulatory framework from the Commission on Human Rights; for example, the ability to appoint independent special rapporteurs as well as the working groups of different countries and thematic human rights issues. At present, there are special rapporteurs for eight countries: Cambodia, Korea, Haiti, Iran, Myanmar, the Palestinian territories occupied since 1967, Somalia and Sudan.

STRUCTURE AND COMPOSITION

The Council comprises 47 Member-States elected from the UN General Assembly to staggered three-year terms, with a specified number of seats going to each major geographic region.

General Assembly Resolution 60/251 provides that Member States should be elected based on "the contribution of candidates to the promotion and protection of human rights" and "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights special rapporteurs as well as the working groups for different countries and thematic human rights issues".

MANDATE

The Office of the High Commissioner for Human Rights (UN Human Rights) is mandated by the UN General Assembly to promote and protect the enjoyment and full realisation, by all people, of all human rights. The Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights laws and treaties chiefly established those rights. UN Human Rights was created by the General Assembly in 1993 through its resolution 48/141, which also details its mandate.

INTRODUCTION TO THE AGENDA

Safeguarding the rights of children drafted into armies

Armed conflict is the fighting between two or more groups involving the use of weapons. Armed conflict can cause children to suffer serious physical injuries and psychologicaltrauma, lose family members, become displaced from their homes, or even die. In the past decade alone, over one million children in conflict zones were separated from their families or orphaned, and around four million children have undergone physical mutilation. In armed conflict, children suffer wounds from knives, bullets, bombs, and landmines, and more than two million children have already lost their lives.

Governments and military groups recruit children because they are cheaper to feed and clothe than adults. They are also more vulnerable to being exploited and manipulated by false promises, easier to abduct, and easier to recruit than adults. Children are often versatile enough to serve many roles in the military. Child soldiers are taken to the front lines of battle but also serve as spies, messengers, or decoys.

There are an estimated 200,000 to 300,000 child soldiers worldwide, according to Human Rights Watch. Children are being or have been recruited to be soldiers in many countries, including Sri Lanka, Colombia, Myanmar, Sierra Leone, the Democratic Republic of Congo, Uganda, and Sudan. According to Save the Children, roughly half of the child soldiers worldwide are girls. These girl soldiers can be forced to marry older soldiers.

When children are not forced into battle during the conflict, they are forced into refugee camps in neighbouring cities or bordering countries. Once in refugee camps, conditions are often poor for children, where they face exploitation, lack of food, denial of education, and cross-border attacks. If children are internally displaced, they do not fit the internationally accepted definition of a refugee and end up without the same protection as those who have crossed international borders.

The biggest danger is malnutrition; children are sent outside the camps to look for work, where they risk being abducted or murdered. Furthermore, drugs may be used on childl sodiers to curb their hunger which can lead to drug addiction and psychological and emotional problems.
When a conflict ends, soldiers need to be disarmed and demobilized. After that, the aim is to reintegrate children into society. This includes ensuring that they receive primary education again. Besides, children become desensitized to extreme violence and need assistance in separating their identity from their former violent one. Being in armed conflict also creates psychological pain, especially for children who lose family members and those who are forced to kill others. Finally, non-combatant girls fail to receive the same reintegration services from NGOs.

Past Actions

In 1989, the UN introduced the Convention on the Rights of the Child, which defined children as any individual under the age of 18 and stated that children have the right to be protected from physical and mental violence. However, it also mentioned that children over 15 could volunteer for positions in armies. Besides Somalia and the United States, all nations have ratified or agreed to follow. Several countries continue to violate the principles even after signing the convention.

In February 2002, the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict went into force. It stated that anyone under 18 cannot be involuntarily recruited or drafted into the military. It requested nations to do everything they can to raise the minimum age for volunteering for the military to 16. Many nations opposed it and insisted that 15 is not too young for people to serve as soldiers, while some countries and many human rights groups believed that even 16 is not old enough to be a volunteer in the military.

In 2005, the Security Council unanimously adopted Resolution 1612. This resolution strongly condemns the recruitment of child soldiers in armed conflict and calls for a method to monitor and report the use of child soldiers. It also provides specific mandates for the

protection of children by United Nations peacekeeping units and encourages regional organizations to take appropriate measures to prevent the exploitation of children.

UNICEF and many NGOs help set up refugee camps during armed conflict and participate in disarmament, demobilization, and reintegration services during post-conflict. This includes psychological services and re-establishing the children's educational attainment. However, children who are internally displaced usually do not qualify for refugee status and thus may not receive NGO services. Also, many NGOs tend to focus their efforts on combatants, and children who did not fight would not receive the services from such NGOs.

Finally, UNICEF and NGOs need to provide adoption services for children who lost their families and special reintegration services for those who were exploited or were permanently injured. One particularly active but controversial NGO is Invisible Children. This NGO produced films about children in armed conflict in Uganda and asked the international community to take action against the leader of the Lord's Resistance Army, Joseph Kony, for recruiting child soldiers. However, action is complicated, as many countries do not want to intervene in internal armed conflicts.

BREAKDOWN OF THE AGENDA

Child soldiering and child capabilities

In many conflicts, children take a direct part in combat. However, their role is not limited to fighting. Many girls and boys support functions that also entail great risk and hardship. Their tasks can vary, from combatants to cooks, spies, messengers and even sex slaves.

Moreover, the use of children for acts of terror, including suicide bombers, has emerged as a phenomenon of modern warfare. Each year, the UN receives reports of children as young as 8 or 9 years old associated with armed groups. No matter their role, child soldiers are exposed to acute levels of violence – as witnesses, direct victims, and forced participants. Some are injured and have to live with disabilities for the rest of their lives.

Girls are also recruited by armed forces and groups. They have vulnerabilities unique to their gender and place in society and suffer specific consequences including, but not limited to, rape and sexual violence, pregnancy and pregnancy-related complications, stigma and rejection by families and communities

The context of children in armed conflict

Thousands of children are recruited in armed conflicts across the world. Between 2005 and 2020, more than 93,000 children were verified as recruited and used by parties to the conflict. The actual number of cases is believed to be much higher.

Often referred to as “child soldiers,” these boys and girls suffer extensive exploitation and abuse. Warring parties use children not only as fighters but as scouts, cooks, porters, guards, messengers and more. Many, especially girls, are subjected to gender-based violence.

Children become part of an armed force for various reasons. Some are abducted, threatened, coerced or manipulated by armed actors. Others are driven by poverty, compelled to generate income for their families. Still, others work for survival or to protect their communities. No

matter their involvement, the recruitment and use of children by armed forces is a grave violation of child rights and international humanitarian law.
While living among armed actors, children experience unconscionable forms of violence. They may be required to participate in harrowing training or initiation ceremonies, undergo hazardous labour or engage in combat – with great risk of death, chronic injury and disability. They may also witness, suffer or be forced to take part in torture and killings. Girl, especially, can be subjected to gender-based violence.

Warring parties also deprive children of nutrition and healthy living conditions and subject them to substance abuse, with significant consequences for their physical and mental well being. These experiences take a toll on children's relationships with their families and communities.

Whether or not children are accepted back into society depends on various factors, including their reason for association with armed actors and the perceptions of their families and communities. Some children who attempt to reintegrate are viewed with suspicion or outright rejected, while others may struggle to fit in. Psychological distress can make it difficult for children to process and verbalize their experiences, especially when they fear stigma or how people will react.

Violent organizations and their demand for children

The guiding aims of a violent organization (not necessarily its professed ones) in many ways define the behaviour of the group, including its reasons for recruiting children and its way of treating them. Since every organization operates under some form of financial constraint, such organizations should only substitute children for adults if they are cost-effective. A key assumption here is that children and adults are substitutes. The only formal theoretical discussions of the recruitment of child soldiers of which we are aware are Gates and Blattman. Gates develops his ideas about child recruitment by means of a principal-agent model.

Put simply, agents of a military organization (soldiers), when recruited voluntarily, have to receive sufficient utility by joining so that they don't run away (the participation constraint).

Furthermore, the leadership (the principal) must be able to find a way to reward the soldiers so that they choose to act in a way that will produce the maximum increase in the probability of winning (or sustaining a "profitable" conflict) with the lowest financial costs (incentive compatibility constraint). Hence, the leadership may employ children if they are sufficiently cheap to compensate for their (potentially) lower military efficiency.

In another article, Gates points out the non-pecuniary benefits which can be used to meet the compatibility and participatory constraints. Indeed, all groups distribute benefits that exhibit a mixture of pecuniary and non-pecuniary rewards. Pecuniary rewards consist of wages, one shot monetary rewards (often associated with loot), and other tangible rewards such as drugs or alcohol. Drugs have played a large role in several civil wars (e.g. Liberia and Sierra Leone). A non-pecuniary reward is a satisfaction associated with performing a given task. In a military organization, functional rewards come with participating in the "good fight."

At the other end of the moral spectrum, groups may appeal to the sadistic tendencies of any population (thugs and hooligans) by giving them the license to commit acts of extreme violence. But it is also a reality that military fighting might be perceived as exciting, particularly when the most likely alternatives are idleness or drudgery. When asked why they became soldiers, 15% of the children selected for interviews in DRC, Congo, and Rwanda, who had joined a violent organization, explained that fascination with the military was their main reason.

Non-pecuniary benefits can also be seen in the comradeship shared by members of an armed group. Spending day and night together in life-threatening situations creates strong bonds between fellow soldiers. Identity-based groups (based on ethnicity or religion) also tend to be characterized by high solidarity preferences. Religious mystical groups such as the LRA in Uganda and expressive violent organizations employ mixes of functional and solidarity benefits.

The extent to which a group can rely on pecuniary benefits depends on the group's resource base. Non-pecuniary benefits, alternatively, can be created by the group and can be used to motivate members instead of material benefits. Leaders have the incentive to inculcate a sense of membership and solidarity and thereby construct an identity for their organization.

All effective militaries depend on such non-pecuniary rewards. Indirect evidence from child psychology indicates that such non-pecuniary benefits may be more influential for children than adults. It may take less effort on the part of the organization to create solidarity norms for children due to their greater tendency towards altruism and bonding with a group.

If children's outside options are sufficiently bad such that they will accept a lower compensation to join (and stay) or they are easier to supervise so fewer resources are needed (including the positive economic rewards) for them not to shirk in contrast to adults, this model would predict that a group would focus its recruitment energy on children. The model is easier to interpret if we assume the children to be decision-makers themselves, although it is possible to let them be family-controlled when determining their participation constraints. It is, however, difficult to see how the model may handle recruitment by force. Participation of children is often forced at gunpoint or at least through coercion.

This sets up an interesting situation for a rebel group that requires forced recruits; how does such a group induce compliance when the members never wanted to participate in the first place? In such a situation, it becomes imperative for the group to either maintain compliance through the threat of violent punishment or to make participation in the group attractive through the distribution of pecuniary and non-pecuniary benefits.

Members of a military group are kept attached to the organization through three forms of incentives: force; non-pecuniary benefits (often linked to ideology, religion or ethnicity), and economic incentives. Incentives may in principle be present at the soldier level whatever the forms of leadership motivation. When force is applied in recruitment, the force will, of course, be one of the incentives for staying, but both non-pecuniary and pecuniary incentives may be applied in order to reduce the desertion rate. Here children and adults may possibly differ.

From experimental evidence, we know that children bond more tightly with a group. As a result of this reframing, children "forget" more quickly that they were recruited by force. Hence, they have relatively lower desertion rates than adults recruited by force.

Military activities are decentralized activities where both the final killing and the organizational infrastructure around it need to be improvised. No pre-constructed assembly lines exist. Centralized monitoring is difficult because of classical asymmetric information issues. The risks of death and molestation in battles make it rational for the individual to exit before the battle begins. If many do so, the organization will lose, and the remaining members will be exposed to larger risks of death. The incentive to exit for an individual will increase with the number of others exiting; hence, the sudden switch from collective fighting to collective exiting when it becomes clear that one's side is losing the battle.

The use of economic incentives to manage a violent organization in any precise way is hampered by strong versions of the classical problems of asymmetric information, collective action and adverse selection: if recruiting soldiers on the basis of expected economic gain, the organization has a higher risk of getting a mix of members who will tend to run away before a battle or during it with any set-back of winning prospects; asymmetric information makes it difficult to reward efforts. Result-oriented selective rewards that may avoid battle desertion imply looting, a risky strategy since the organization will lose local support.

To prevent severe collective action problems, the use of force to prevent desertion remains necessary even when most soldiers are recruited on an ideological, ethnic, or religious basis and possess a strong sense of solidarity. When combined with a corresponding intrinsic motivation, political conviction mitigates this classical incentive problem of military action. In general, non-pecuniary rewards motivate actions when motivation is needed, and they are relatively inexpensive to distribute once an organization is endowed with social factors that promote solidarity and functional benefits. By reducing the severe collective action problems involved in actual fighting, functional rewards and solidarity norms can substantially reduce the need for harsh physical punishment.

Motivations, group endowments, and the demand for child soldiers

A dominant theme in conflict research during the last decade has been the role of economic factors in causing violent conflicts. For some time, this led to a fruitless debate over whether greed or grievances served as the chief motivation for groups to take up arms against the state. The general problem is that professed motivations (and alleged motivations) do not necessarily coincide with "real" or ultimate motivations. This is a Hermeneutic problem. Can we ever know whether politics or religion provides the fundamental motivation for groups in Chechnya or the Middle East? Equally difficult is deciding whether money or politics provides the fundamental motivation for other groups, which finance their operations through lootable resources such as opium, cocaine or diamonds. Also difficult to determine is whether professed goals are for a broad public who are not members of the military group or for the group members themselves.

As in other contexts, the actors may have good reasons for trying to misrepresent their goals (and those of their adversaries). Religion may be a pretext for politics and politics a pretext for money. The hermeneutic issue is how to impute motivations when statements about motivation may themselves be motivated.

While we may not be able to uncover the ultimate motivation for a group (or at least its leadership), groups do exhibit behavioural tendencies. We can make assumptions about such motivations based on the resource endowment of a group, which will affect the ability and the form of rewards a group allocates to its subordinates.

Weinstein examines two types of leadership motivation and asks how they may arise and sustain. He points out that if a rebel movement initially has access to large economic endowments (easy looting, control of diamonds) compared to social endowments (shared identities, ideology, and social networks), it may drive out political altruism in the organization, a kind of rebellion's natural resource curse. It is not ambition here to explain the motivational dynamics of violent organizations as such but to explore whether such dynamics may cause a systematic change in the share and method of recruitment of child soldiers and their treatment over time.

Selective economic incentives are expensive and most rebel organizations are poor, even when their violent activities are the most individually remunerative in the neighbourhood. Hence, their leaders try to restrict the number of members allowed to share in the net income. Physical punishment is useful to restrict access, but there are also reasons to expect that children are more easily kept away from sharing. Organizations that rely on economic incentives have more to gain financially by employing children.

Both economically and socially endowed organizations apply force to recruit members, but on average one would expect that voluntary recruits of socially-endowed organizations will be motivated by non-pecuniary benefits and voluntary recruits of economically-endowed organizations will be motivated by material rewards. Indeed, these two types of groups, “greed” and “grievance” organizations, are likely to demand children for different reasons and treat them differently once they have joined.

In the preceding discussion, we have presented the possibilities in dichotomies. There is no inherent reason that a group must distribute material rewards at the expense of non-material benefits. Often pecuniary and non-pecuniary benefits are jointly evident, as when a child defends his right to his homestead as part of his tribe’s control right of the land to which his homestead is a part.

If economic endowments serve to crowd out non-pecuniary social benefits as proposed by Weinstein, after a while “greed”-based organizations may reveal themselves as such and will receive fewer ideologically committed recruits. The fraction that has to be recruited by force will tend to increase over time. While not empirically well documented, we will expect that children who are recruited by force may have lower desertion rates than adults recruited the same way. This applies more clearly for younger children. It is more difficult for them to desert. Hence, we expect that the fraction of child soldiers in small-scale, economically endowed violent organizations to increase over time.

Whether we should expect the fraction of child soldiers in economically-endowed groups to be higher than in socially-endowed organizations is not obvious. In some African countries the main grievances are actually held by the older children and youth who may have lost traditional access to land and marriage. Hence we may expect a large share of children among the grievance- motivated recruits and even among the commanders. In the extreme case of Mindanao where whole families are actively engaged, the share of children may also be quite high (but not in command), reflecting the demographic state of the area, but presumably the younger children will be kept away from the most risky tasks.

In either case, the scale of the fighting is also likely to be important for the share of children to be recruited. If heavy, expensive and complex weapons or the disciplined coordination of large units of soldiers are necessary, children are less useful. Research on child labor in general suggests that children have rarely been given responsibility for technically complex and expensive equipment. There is no reason to believe it will be otherwise in child soldiering. Furthermore, if the violent competition is a low-scale one, it is easier to organize consumption in the military units in the same way as in ordinary households, so they will include many tasks that are ordinarily performed by children, and will demand more children for non combatant tasks.

Socially-endowed organizations are likely to handle collective actions better and therefore to rely less on force as long as the members stay strongly motivated. That motivation embraces not only direct military task solving, but also the motivation to monitor and discipline the other members. Decentralized monitoring is essential in many military situations that are uncontrollable from the command center. The resulting discipline appears to be essential for the welfare of the child soldiers (and women soldiers). Children and youth tend to be at least as strongly motivated as the communities from where they have joined.

The leadership would on average need to treat their members at an acceptable level, including the children. In addition to internal reasons for it, some of the political costs of bad treatment and forced recruitment of children will be internalized. The strength of political motivation is fickle, however, and may quickly decline. As pointed out already these organizations would also need to apply extensive force in order to keep its collective action problems within bounds and to recruit new manpower.

Progress and challenges in addressing grave violations against children in armed conflict

Detention: At least 3,243 children were deprived of liberty for their actual or alleged association with armed parties to conflict, including groups designated as terrorist by the United Nations. The detention of children for alleged or actual association with parties to conflict made them particularly vulnerable to the COVID-19 pandemic and related control measures as well as to physical violence and sexual violence, with less protection available to this already highly vulnerable population. The detention of children should only be used as a last resort and for the shortest period, alternative to detention should be actively sought and reintegration support provided. Situations with the highest numbers of children in detention: Iraq, Syria, Israel and Occupied Palestinian Territory, and Afghanistan.

Military use of schools and hospitals: The widespread military use of schools by both armed forces and armed groups was in 2020 again a worrying trend, although the military use of hospitals remained marginal. Most cases of military use of schools were verified in Syria, Yemen, Myanmar, Iraq and Cameroon. Overall, 127million children were out of school in conflict situations because of insecurity, attacks on schools or related personnel or the military use of schools. Children's right to education must be protected, especially girls' right as they are often the last ones to resume their education after schools' closure.

DISARMAMENT, DEMOBILIZATION, REINTEGRATION (DDR) FOR CHILD SOLDIERS

"Child soldiers" participate in many armed conflicts and wars worldwide. They make up 10 to 15 per cent of the troop strength of armed forces and groups that participate in armed fighting. Even though the goal of most disarmament, demobilisation and reintegration (DDR) programmes for child soldiers is their reintegration into civilian life, the DDR process for children and youth is fundamentally different to that for adults. The demobilisation of children often starts much earlier; even before armed conflict or wars have ended and peace agreements have been signed, or even before a DDR programme for adults is initiated. In parallel to the demobilisation of child soldiers and according to the Optional Protocol to the UN Convention on the Rights of the Child, DDR programmes strive to prevent the recruitment of children into armed conflicts. To achieve this, combatants, former combatants, commanders and communities need to be sensitised, families and security sector reform efforts need to be supported and the use of child soldiers documented.

DDR exercises for children take very long, are complex and, like regular DDR processes for adults, depend on the respective country-context. In general, however, they follow a similar pattern.

Demobilisation of child soldiers

The first step in a DDR process for children is the disarmament and demobilisation during which the children are separated from the armed force they are associated with Often, negotiations with the armed groups and armed forces are necessary; sometimes children manage to flee or are freed by government troops. Generally, members of staff of child protection agencies (UNICEF) or their partner organisations welcome the children and accompany them to special admission camps where they are disarmed (when they have a weapon) and where they officially leave the army or armed groups. It is important that children (particularly girls) who have not been actively involved in the fighting but who have ‘only’ been engaged in logistical, domestic or other such activities also profit from DDR programmes. These children also belong to the category of child soldiers and have a right to reintegration assistance.

The children are identified in the admission camps. They usually receive an ID or a registration card that confirms that they no longer are part of the military or any other armed group. They are dressed in new clothes and receive medical care. Some of the illnesses and medical problems child soldiers frequently suffer from are malnutrition, infected wounds, sexually transmitted diseases and mental illnesses. Drug addiction is also a common feature in child soldiers.

Most children spend no more than 48 hours in these camps. It is important that the children are immediately taken away from the military structures so that existing structures of authority and power are broken up. When children lose their connection to their former commanders, it is their first step back into civilian life.

According to international standards, the children must be reunited with their family as quickly as possible and have to return to their home villages. Before this can happen, the children will often stay in interim care centres or reception centres while the DDR officials try to find their families. This often takes a lot of time, is cost intensive and becomes extremely difficult when armed conflict or wars are still going on. As soon as the child's family is found, the child is prepared for his/ her return. Relatives are informed of the child's past and condition. Only then does the reintegration process begin.

Return into civilian life

While reintegration activities for adults focus on leading ex-combatants back to civilian and social life and to show them income and job opportunities, the reintegration of children has a different focus: their reintegration into existing family structures and psychological support. Due to their experiences with violence and their military past, children often find it difficult to adjust to the norms and rules of the family. They often feel estranged, guilty or blame the family for not having protected them enough in the past.

Very young children in particular (it has been reported that children as young as seven or eight years old have been recruited into armed groups) who have supported armed groups for a long time identify with the role they played in armed fighting. Often they have been led by the armed groups and armed forces to believe that life in the military is the best for them.

Back in their communities, these children are often stigmatised as child soldiers. Sometimes, even family members have strong reservations about the return of the children, for instance when they were forced to use violence against their own family or community. Some cultures therefore perform traditional reconciliation rituals with the children before they are finally reintegrated into their community.

When children cannot be received by their relatives, be it because their family cannot be found, their relatives have died or they simply refuse to have them, DDR programmes provide children with care. When the children have been integrated into a new community, social workers continue to visit them to make sure that they are well looked after. They will also try to solve problems that occur as a result of a child's high potential for aggression and violence, disputes between family members, post-traumatic stress disorders or psychological symptoms. Medical and psychological care will also continue.

Another major task of a DDR programme is to provide schooling for the children and to offer them vocational training or customised training courses. The socio-economic reintegration of children has often been underestimated; but it is just as necessary for children as it is for adults.

SITUATION CONCERNING CHILD SOLDIERS IN MYANMAR

20% of Myanmar's army was made up of children younger than 18. Although Myanmar's legislation does not establish compulsory military service laws, it does require each district to meet a recruitment quota. District authorities that fail to meet the quota receive fines. Hence, to meet the quota, many underage children are coaxed into joining the army through financial rewards or prestige. Other times, the army abducts children from public areas, forcing them to become soldiers. The highest number of recruited child soldiers in Myanmar occurred between 1990 and 2005 when the military junta was in power.

During this time, Myanmar received several on-ground assessments from the Committee of Experts of the ILO, followed by recommendations to revise the Village Act and the Towns Act. The Committee requested that the government amend these Acts to comply with the Forced Labour Convention of 1930. Hence, the Convention on the Rights of the Child was ratified by Myanmar in 1991.

After several concerns raised by the United Nations, Human Rights Watch verified that Myanmar had approximately 70,000 child soldiers in 2001. Myanmar's government responded to international concerns in a letter to the U.N. Security Council in 2004. In the letter, the government demonstrated no interest in making any legislative amendments nor any intention to prosecute local authorities for forced labour and child abuse by stating that "the Myanmar Armed Forces is an all-volunteer force and those entering military services do so of their own free will."

GRADUAL MEASURES TO REDUCE CHILD RECRUITMENT

Finally, in 2005, four local officials received prison sentences for the illegal imposition of forced labour after supposedly recruiting child soldiers. In 2009, several rebel groups such as the Chin National Front signed unilateral deeds pledging to stop recruiting child soldiers.

In 2012, Myanmar signed the **Joint Action Plan.** This committed the government to work alongside the U.N. to prevent child recruitment. Following the Plan's implementation in 2012, which established stronger age assessment procedures and the adoption of military directives prohibiting the recruitment of minors, 956 children and young people were released from the army. Further improvements occurred in 2015 when Myanmar signed the Optional Protocol to the Convention on the Rights of the Child regarding the use of minors in armed conflict.

THE NEED FOR MORE ACTION

Despite Myanmar's recent efforts to decrease the number of child soldiers, in 2021, the United Nations verified the recruitment and **use of 790 children** in the previous year. With 56 children dead and 17 children abducted, the U.N. believes Myanmar will return to the "list of shame" unless the government follows U.N. recommendations, including:

- Release children using the framework of the Joint Action Plan.
- Make the 156 pending cases of suspected minors a priority among national courts.
- Prosecute those who are guilty of 10 armed attacks in national schools in 2020.
- United Nations also strongly recommends that Myanmar endorses the Safe Schools Declaration, which requires states to commit to safeguarding schools and universities from armed hostilities.

PROGRESS IN THE DEVELOPMENT OF INTERNATIONAL LAW

Children under the age of fifteen may not be recruited into armed forces (API Art. 77.2, CRC Art. 38.3). If parties to the conflict do incorporate juveniles between the ages of fifteen and eighteen into their armed forces, they must give priority to the oldest.

The prohibition on recruitment of children under the age of fifteen has by now acquired a customary international law status (see, for example, Report of the Secretary-General on the Establishment of a Special Court for Sierra Leone, S/2000/915, 4 October 2000, para. 17). Rule 136 of the ICRC customary IHL study prescribes that in international and non international armed conflicts, "children must not be recruited into armed forces or armed groups." The use of "must" creates an obligation for armed forces, both regular forces and organized armed groups, not to recruit children in their forces, whereas the Additional Protocols only prescribe that parties to the conflict shall take "all possible measures" not to recruit child soldiers. Besides, Rule 137 of the ICRC customary IHL study states that "children must not be allowed to take part in hostilities."

In 2000, the UN General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to protect children from recruitment and use in hostilities.

The Optional protocol is a commitment that:

- States will not recruit children under the age of 18 to send them to the battlefield.
- States will not conscript soldiers below the age of 18.
- States should take all possible measures to prevent such recruitment –including legislation to prohibit and criminalize the recruitment of children under 18 and involve them in hostilities.

- States will demobilize anyone under 18 conscripted or used in hostilities and will provide physical, psychological recovery services and help their social reintegration.
- Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18.

The Protocol entered into force in 2002 and has now been ratified by a majority of the world's countries.

Prohibition under International Law

Human rights law declares 18 as the minimum legal age for recruitment and use of children in hostilities. Recruiting and using children under the age of 15 as soldiers is prohibited under international humanitarian law – treaty and custom – and is defined as a war crime by the International Criminal Court. Parties to conflict that recruit and use children are listed by the Secretary-General in the annexes of his annual report on children and armed conflict.

PROGRESS IN ACHIEVING ACCOUNTABILITY FOR VIOLATIONS OF CHILDREN'S RIGHTS

Unprecedented challenges for the protection of tens of millions of children growing up in countries affected by conflict materialized in 2014. In particular, children in six countries affected by major crises, namely, the Central African Republic, the State of Palestine, Iraq, Nigeria, South Sudan and the Syrian Arab Republic, were exposed to the most egregious violations. In most of those countries, conflict was characterized by extremist ideology, sectarian, ethnic or religious divisions that challenged the response capacity of national authorities and the international community. Those conflicts added to existing challenges from protracted conflicts, such as in Afghanistan, the Democratic Republic of the Congo, Somalia and Yemen, where grave violations against children continued.

Among the events that shocked the world's conscience were the abduction and/or killing by Boko Haram of hundreds of girls and boys from their schools in north-eastern Nigeria. The group's brutal tactics, total disregard for basic human rights and targeted attacks against schools have had regional repercussions on the education of children. In Iraq and the Syrian Arab Republic, the Islamic State in Iraq and the Levant (ISIL) and other groups espousing extremist ideologies also used extreme violence that directly or indirectly targeted children. Moreover, some of ISIL propaganda materials broadcast through web and social media featured sexual exploitation of Yazidi girls, religious indoctrination of children and the use of child soldiers. Efforts to counter extremist groups have also posed serious issues for the safety and well-being of children, with State-allied militias engaging in uncontrolled or loosely-controlled mobilization, resulting in many boys, and sometimes girls, being used in support roles and even as combatants.

The recruitment and use of children became endemic in the conflicts in South Sudan and the Central African Republic. In both cases, ethnic and/or religious divisions, fuelled by power struggles, resulted in killing and maiming, sexual violence and other grave violations against thousands of children. The right to education and health, already weak in both countries, has been seriously compromised.

There remained no end in sight for the conflict in the Syrian Arab Republic, and children continued to bear the brunt of the violence. In the State of Palestine, at least 539 children were reportedly killed during the Israeli military operations launched in Gaza between 8 July and 26 August 2014. Thousands more were injured and suffered life-long disabilities or lost family members, homes, schools and hospitals in the bombings. The situation in Libya and Yemen is equally alarming.

In all of those countries, children were killed, maimed, abducted, sexually abused, and recruited and used by armed forces or groups. Their schools and hospitals came under attack and they were too often denied access to vital humanitarian assistance. We have seen the highest number of displaced persons since the Second World War, including millions of children. Whether displaced within or outside of their home countries, children are particularly vulnerable and face additional challenges in relation to access to health care and education. In some cases, Government response to conflict, through their own armed forces or militias, created additional risks for children.

The proliferation of crises, coupled with the imperative to provide adequate assistance to children in countries affected by protracted conflict, has put the United Nations response mechanisms to the test. Despite all our efforts, hundreds of thousands of children have dire protection needs. Responding to the long-term psychological impact and reintegrating children formerly associated with armed forces and groups will require more resources than are available today. The needs of children exposed to the violence carried out by extremist groups will pose even greater challenges to which we must prepare a structured and coordinated response. At the end of this difficult year, the Special Representative concluded that, more than ever, children — often the majority of the population in countries affected by conflict — continue to be the most vulnerable to the impact of war.

To contribute to the system-wide response, the Special Representative strengthened her collaboration with United Nations partners to foster accountability for perpetrators of human rights violations by improving the monitoring and reporting of grave violations against children. She used every opportunity and fora to bring the plight of children to the forefront and to provide information on human rights violations committed against them.

In reaction to the increase in attacks against schools and hospitals, she launched a guidance note on the topic to strengthen United Nations response through effective use of the tools provided by the Security Council.

Addressing grave violations of children's rights is imperative and all parties to conflict who commit crimes must be held to account. In 2014, progress in ensuring that appropriate judicial responses were in place to address grave violations against children during conflicts was observed at national and international levels. However, the wave of violence that has occurred against children, particularly as perpetrated by extremist groups, has compounded the challenge of addressing accountability comprehensively, due to the breakdown of law and order in the areas under their control.

Despite the daunting challenges that lay ahead, years of constructive engagement with parties to conflict to end the recruitment and use of children are starting to bear fruit. The Special Representative welcomes the emergence of a consensus among the governments of the world that children do not belong in armed forces, especially in conflict. The Special Representative seized the opportunity to turn the page on the recruitment and use of children by government forces and launched, jointly with the United Nations Children's Fund (UNICEF), the campaign "Children, Not Soldiers". The campaign aims to end and prevent the recruitment of children by government forces, by the end of 2016.

OBSERVATIONS AND RECOMMENDATIONS

Though many considerable steps has been taken in order to restrict children participation during armend conflicts and in order to protect their rights. International law has been shaped multiple times for the same as well. But still their exists a long way in order to fully eliminate such practices such as recruiting child soldiers

Recommendations

1. Stresses that the implementation of the monitoring and reporting mechanism by the Secretary-General will be undertaken only in the context of and for the specific purpose of ensuring the protection of children affected by armed conflict and shall not thereby prejudge or imply a decision by the Security Council as to whether or not to include a situation on its agenda.
2. Initiatives taken by UNICEF and other United Nations entities to gather information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children in situations of armed conflict and invites the Secretary-General to take due account of these initiatives during the initial phase of implementation of the mechanism.
3. Information compiled by this mechanism, for reporting by the Secretary-General to the General Assembly and the Security Council, may be considered by other international, regional and national bodies, within their mandates and the scope of their work, in order to ensure the protection, rights and well-being of children affected by armed conflict.
4. Moreover, lack of progress in development and implementation of the action plans called for in paragraph 5 (a) of its resolution 1539 (2004) and, pursuant to this, calls on the parties concerned to develop and implement action plans without further delay, in close collaboration with United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates and within their capabilities; and requests the Secretary General to provide criteria to assist in the development of such action plans.

CONCLUSION

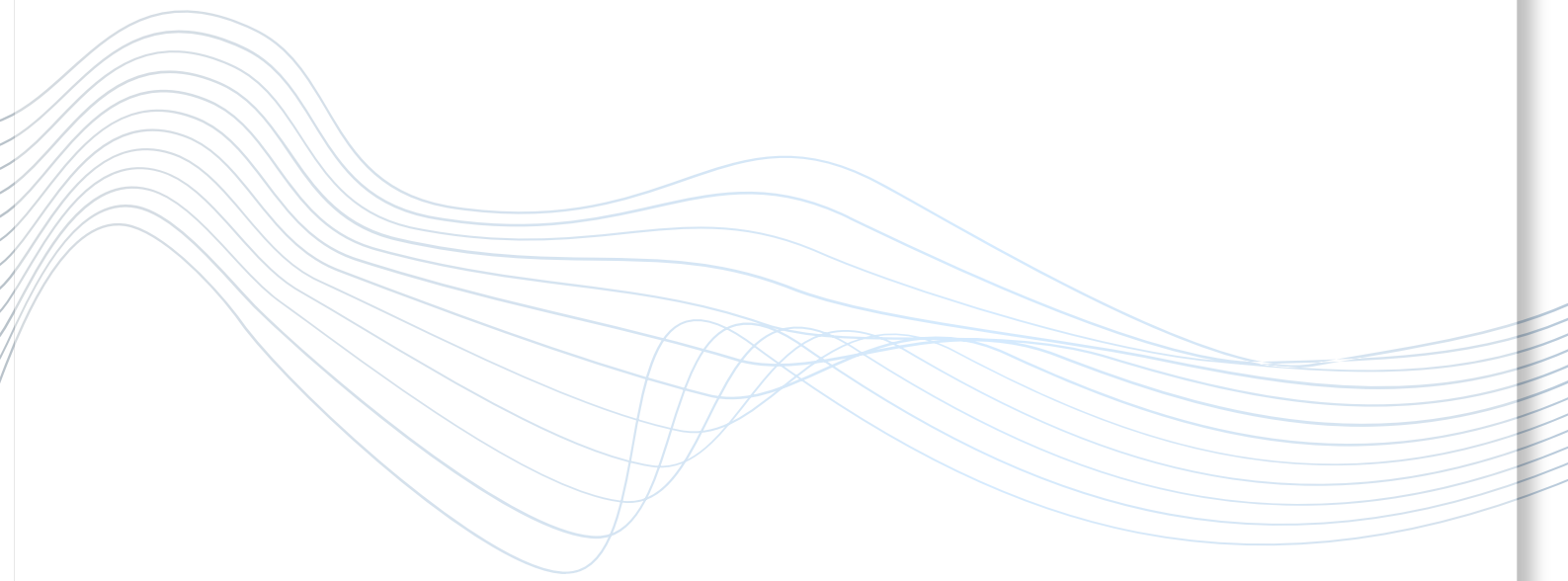
Drawing from the diverse fields of child labour economics, child psychology, and conflict studies, we have attempted to explain why a military organization would recruit a child as a soldier. We have compared the physical and psychological characteristics that distinguish children from adults and shown that aside from normative constraints, child labour in military organizations can be viewed as a substitute. The implication is that in order to understand the phenomenon of child soldiers we also must understand the nature of the market for soldiers in general for both governmental forces and for groups fighting against the state.

Most research on the phenomenon of child soldiers has focused on factors that affect the supply of child soldiers (i.e. the number of children available for recruitment). The main argument of this paper is to understand the great variation in the child/adult ratios across military organizations; we must look at the demand for child soldiers in addition to supply factors. This point is echoed in the chapters by Gutierrez and Pugel. Several variables play a key role in determining violent groups' demand for child soldiers.

The organizational structure of the military group is especially important. Groups based on personal leadership are more likely to have a higher child/adult soldier ratio. The nature of a group's resource endowment is also an important factor, especially under conditions of equilibrium and excess supply. If a military group is unlikely to engage another army militarily, the physical differences between adults and children are minimized and they become substitutes for one another.

We do not mean to imply that contextual factors are irrelevant, but we are saying that such variables may not impact the child/adult soldier ratio directly. As described by Fearon, the long-lasting low-intensity conflicts fought by violent organizations operating in rural neighborhoods are explained by a variety of political and economic variables. Moreover, these contextual factors, such as the orphan rate and the level of poverty in the area, dictate the supply of child that can be recruited voluntarily by a military group.

These conditions, however, do not vary much from one war-zone to another. Indeed, supply factors alone cannot explain the big variance in child-soldier ratios across violent organizations operating in similar areas. Moreover, the fluctuations in the fortunes of war can cause strong shifts in supply and demand (when losing, the demand goes up and supply down). Ultimately though, the child-soldier ratio is determined mainly by the policies and characteristics of the organizations themselves, not by the characteristics of the areas in which they operate.



LINKS FOR FURTHER RESEARCH

http://www.unicef.org/emerg/index_childsoldiers.html

http://www.unicef.org/crc/ http://www.un.org/africa/osaa/ddr2.htm

http://invisiblechildren.com/ https://www.refworld.org/pdfid/4cb55feb2.pdf

https://factsforlife.org/pdf/option_protocol_conflict.pdf

QUESTIONS TO PONDER UPON

1)Has your country signed the Convention on the Rights of the Child?

2) What does it think about child soldiers?

3) What programs and services, such as DDR, are needed to address children in armed conflict?

4) How can children be better protected from the physical and psychological effects of armed conflict, including being recruited as child soldiers?

5) What is the role of international law in protecting children during armed conflicts?

6) How can the current plan of action by un be made more effective in current scenario?

7) How can be the currency recruited child soldiers be identified and further actions could be taken?