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ENDING THE USE OF CHILD SOLDIERS

Forum: Human Rights Council

INTRODUCTION

Tens of thousands of children are serving as soldiers in conflicts around the world, most prevalingly in Africa and the Middle East. Fighting for government armies and opposition militias alike, children as young as 7 years old battle on the frontlines, conduct suicide missions or act as messengers and spies, putting their life to the risk, being stripped of their freedom and human rights. And while the military recruitment of children is being gradually outlawed worldwide, 50 countries still allow children to serve in their military, and many other lack any framework set to prosecute those responsible for recruiting children, implement preventative measures and assure the re-integration of children finally released from forced service.

DEFINITION OF KEY TERMS

Children

Individuals under the age of 18

Convention on the Rights of the Child (CRC)

Human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children (effective since 1990)

(https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child)

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)

The 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 criminalise the recruitment of children under 18 and involve them in hostilities.

- States will demobilise 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.

(<https://childrenandarmedconflict.un.org/tools-for-action/opac/>)

A Straight-18 Standard

When a country does not at all recruit any children under the age of 18 and/or send them to wars. Example of countries that do not apply the Straight-18 Standard are Australia, China, France, Germany, Saudi Arabia, the USA, Brazil, Canada, and the UK.

GENERAL OVERVIEW

Child soldiers have been widely used in the past by every nation. Times have changed, however. These days, we do realise that children are not an instrument of war. Recruiting underage children by any non-governmental organisation is considered a war crime. Any governmental military conscripting children under 15 years old can therefore be prosecuted for war crimes and face harsh sanctions. Individuals convicted for underage recruitment can face life sentence or even capital punishment in some countries. Prosecution of the children themselves for participation in committing war crimes is still a subject to debate. The last children to stand trial and be convicted for war crimes were members of the Hitler Youth after WWII.

Alarmingly, even children under the age of 10 were used in thousands of conflicts especially in Africa. The recruiters were both rebel/terrorist groups and government run militaries, mostly in Afghanistan, Central African Republic, Colombia, Democratic Republic of Congo, Iraq, Mali, Myanmar, Nigeria, Philippines, Somalia, South Sudan, Sudan, Syria and Yemen.

A general myth about child soldiers is that they are mostly boys. There are no exact numbers due to the nature of the issue, but generally, about one third (between 30% and 40%) of child soldiers consists of girls.

The reason why gender is not that important to parties that recruit child soldiers is that they use these children not only for fighting - killing and/or committing acts of violence. A significant part is used for other purposes, such as cooks, porters, messengers, informants, spies or sexual slaves.

The problem is, however, that even if children get to return back to their families after they are released from the armed forces, the consequences can still be fatal. We will use the example of a girl who used to be sexually exploited within a rebel group. Without contraception, she got pregnant at the age of 16 and gave birth to a baby. So although she is free now, it is her responsibility to look not only after her mother and six siblings but after her newborn child, who was born out of marriage and causes social stigma, as well. And this girl would definitely not be the only one. There are thousands of cases like that in Democratic Republic of the Congo, South Sudan and other countries.

Furthermore, such abused girls have much higher chance of anxiety and lower self-confidence than males. Child soldiers, who have been under influence of drugs or now carry sexual diseases also require higher attention.

Prevention is, in this particularly serious issue, fundamental, yet very difficult to actually implement. The United Nations as an organisation has, unfortunately, very limited powers when it comes to interfering on a country's territory. Therefore, the country itself should be supposed to find measures how to lower the number of child soldiers and put them in practise. These measures will probably be different for every single country, but can generally include better monitoring of the "trouble" areas as well as education of the common people about their rights.

MAJOR PARTIES AND THEIR VIEWS

As was mentioned above, child soldiers are recruited by both government-run armies and non-state organisations (rebel/terrorist groups such as Al Qaeda, Al-Shabaab, Boko Haram, Lord's Resistance Army, Islamic State). These organisations choose to recruit child soldiers mostly because children in general are considered to be much easier to manipulate than adults.

When it comes to countries and governments, we can determine differences between countries that:

- a) have the Straight-18 Policy, recruit only individuals over 18 years of age, do not use children in hostilities *[Portugal, Italy, Japan...]*
- b) do not have the Straight-18 Policy, recruit individuals over 16 or 17 years of age, do not use children in hostilities *[UK, USA, France, Germany...]*
- c) have or do not have the Straight-18 Policy, but, in practice, recruit children and use them in hostilities *[Afghanistan, Syria, Yemen, Mali, Sudan...]*

Nevertheless, unfortunately, it is also quite common that some countries have signed or even ratified the OPAC treaty but they still continue to use children in hostilities, such as but not limited to Democratic Republic of the Congo, Central African Republic, Sudan, Afghanistan. It is instrumental for the HRC to find a way for all OPAC treaty signatories to honour their commitment to it.

TIMELINE OF KEY EVENTS

1977 - The Additional Protocols to the 1949 Geneva Conventions

Prohibition of the military recruitment and use of children under the age of 15

1990 - Convention on the Rights of the Child (CRC)

The prohibition of the use of children under 15 was reaffirmed, a child was for the first time defined as any person under the age of 18

2000 - Optional Protocol to the Convention on the Rights of the Child (OPAC)

The world's first international treaty wholly focused on ending the military exploitation of children

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Military use of children is prohibited by many UN resolutions, treaties and conventions and also NGOs such as Coalition to Stop the Use of Child Soldiers.

The Cape Town Principles and Best Practices, adopted by the NGO Working Group on the Convention on the Rights of Children and UNICEF at a symposium on the prevention of recruitment of children into the armed forces and on demobilisation and social regeneration of child soldiers in Africa in April 1997, proposed that African Governments should adopt and ratify the Optional protocol on the Involvement of Children in Armed Conflict raising the minimum age from 15 to 18, and that African Governments should ratify and implement other pertinent treaties and incorporate them into national law.

Child soldiers, who are saved or leave the various militaries/militias/terrorist groups often have difficulties in reintegrating into the society. UN and many other NGOs run reintegration

programs but these are not always successful. Programs often emphasise three components: family reunification/community network, psychological support, and education/economic opportunity. The programs take up to 5 years to have any major impact. Reintegration seeks to reunite the child with its family and restore the family relationships. All these efforts can become very questionable if the child has committed war crimes. In this situation, the reintegration must be balanced with justice.

QUESTIONS A RESOLUTION SHOULD ANSWER

Human Rights Council must now determine, whether current forms of prevention, prosecution and trial are up to date, if children should or should not be judged for war crimes, if there is any further way to prevent usage of child soldiers and how to reunite the children with their family and reintroduce and reintegrate them in a peaceful society.

- What kind of prevention can we implement in order to lower the number of child soldiers?
- What should be the minimum age for recruiting individuals in the army?
- Is the Straight-18 Standard something that should be implemented worldwide?
- Is it right to judge child soldiers for the crimes they commit?
- Can we minimise the consequences by providing the former child soldiers with medical and psychological help?
- How can we help reintegrate former child soldiers back in the society?

APPENDIX AND BIBLIOGRAPHY

Since there have been many conventions and treaties created, approved by different countries. It is vital for the delegates to further research this particular topic whether their country was involved in, supports or has created any of these treaties/conventions.

<https://www.child-soldiers.org/>

https://en.wikipedia.org/wiki/Military_use_of_children

<https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/child-soldiers/>

<https://www.dosomething.org/facts/11-facts-about-child-soldiers>

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (CRC)

<https://childrenandarmedconflict.un.org/tools-for-action/optional-protocol/> (OPAC)

<http://undocs.org/s/2018/465> (Annual report of the Secretary-General on children and armed conflict)