

A young child, possibly a girl, is shown from the chest up, holding a large number of spent bullet casing shells in their right hand. The child is wearing a light-colored, possibly yellow or orange, garment. The background is dark and out of focus. The child's face is partially visible but blurred. The bullet casings are dark and metallic, with some showing signs of use. The overall tone of the image is somber and concerning.

Children in armed conflicts



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Authors | *Vanessa Gomes, Asante Wiafe, Izaura Avdulaj, Astrid Iacona, Laetitia Vira, Inez Calcoen, Kanan Salimov*

Editor | Dóra Vető

Series Editor | András Lőrincz

Published by | Institute for Cultural Relations Policy

Institute for Cultural Relations Policy

1131 Budapest, Gyöngyösi u. 45.

<http://culturalrelations.org>

institute@culturalrelations.org

HU ISSN 2064-2202

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INTRODUCING THE GLOBAL CONTEXT OF THE PROTECTION OF WAR-AFFECTED CHILDREN

Since the adoption of the United Nations Convention on the Rights of the Child in 1989, positive progress has been made in several countries in terms of child protection legislation, policies and intervention (Lansdown, 2011). According to UNICEF, the Convention of the Rights of the Child (CRC) was the human rights treaty that changed the perception of children as passive objects of care to human beings with a set of rights of protection, participation, and the decision of subjects related to their own lives. As stated by Article 12 of the CRC, children are now able to participate in the opinions that affect their lives, according to their level of maturity.

Article 38 refers that the government must protect children affected by conflict and war, by not letting children under the age of 15 to join the armed forces. Furthermore, the reinforcement of the CRC was insured by the establishment of three optional protocols: the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC); the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC); and the Optional Protocol on a Communications Procedure (OPIC). OPAC represents a significant milestone in the context of the protection of children in armed conflict, in which all state parties agree on the prohibition of the recruitment of members to their armed forces in the ages below eighteen years old (United Nations, 2000).

Although OPAC represents a major development in terms of ending and condemning the recruitment of children and child exploitation in armed hostilities, research refers that the protocol itself does not cover the

indirect participation of children in hostilities (Coomaraswamy, 2010; UNICEF, 2003). According to Article 1 of the Protocol “state parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities” (United Nations, 2000, p.237). Although persons under 18 years old are not permitted to be recruited, the Protocol shows ambiguity in terms of the legal minimum age to voluntary enlisting and has given permission to voluntary enlisting with the consent of their legal representatives (Coomaraswamy, 2010). This fact remains a paradox in the age of contemporary armed conflicts: according to research, most child soldiers are recruited by non-state armed forces and groups (Coomaraswamy, 2010) because war-affected children are “often active against authoritarian regimes” (Vautravers, 2008, p.101). Besides, marginalised and displaced children are exposed to a greater risk of recruitment by armed forces due to discrimination, stigma or lack of social protection (Vautravers, 2008). The concept of voluntary participation and enlistment is also very complex since children are not always recruited because they are abducted or because they are forced to do so. Poverty, social exclusion, the separation of their families due to armed violence, home displacement, lack of community protection and the destruction of safe spaces for children (e.g. schools and play areas) are also important factors to analyse while considering the broad reasons of what the protocol refers to as “voluntary” (Shenoda et al., 2018; Coomaraswamy, 2010). Often, these children have no other option of survival

and protection but joining an armed group (Lee, 2009).

International humanitarian treaties also provide special child protection in terms of reintegration, rehabilitation and psychosocial support in situations of armed conflict (Wyness, 2016, Coomaraswamy, 2010). Besides the Optional Protocol, other international humanitarian treaties reinforced the advocacy in terms of protecting child soldiers such as: the Rome Statute of the International Criminal Court, which defines war crimes as “conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities” (ICC, 2002, article 8) and the International Labour Organisation Convention No. 182, which considers child labour as “all forms of slavery or practices similar to slavery, such as the slave or trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict” (ILO, 2000, article 3). The reintegration of child soldiers is also underlined in the Principles and Guidelines of Children Associated with Armed Forces and Armed Groups (UNICEF, 2007, principle 3.3) which recognises the importance of child participation and non-discrimination, that is stated in the CRC provisions. Furthermore, it refers to the imperative role of community programming and intervention, in order to reach the full reintegration of child soldiers in their local communities.

Violence against children can have long-term consequences in their psychosocial development, (e.g. as toxic stress, post-traumatic stress disorder, depression, anxiety) which can persist throughout their lives (Shenoda et al., 2018; UNICEF, 2017). Therefore, member states, policy-makers, local communities, non-governmental organisations, and civil society play an extremely important role in child protection.

UNICEF (2017) believes that multisectoral cooperation is the most effective measure in child protection, suggesting intervention based on the ecological model, where all sector-levels must interact with institutions, communities, families, caregivers and children and adolescents themselves.

Concerning that the poverty rates, social inequalities, violence, and armed conflict rates were growing worldwide, in 2000, the United Nations Millennium Summit established the Millennium Declaration, where state parties commit to encouraging “the ratification and full implementation of the CRC and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography” (UNICEF, 2008). The Millennium Development Goals (MDGs) report of 2015 presents the results of 15 years of the declaration, in which in terms of child protection, the enrolment of children in primary school increased from 83% in 2000 and to 91% in 2015; the number of out-of-school children decreased to 57 million; the number of girls attending school increased; child-mortality rates decreased by more than half (United Nations, 2015). Although the success in promoting global awareness and mobilisation of social and economic problems worldwide, social inequality and poverty rates remained. For instance, school attainment and mortality rates continued to be much higher for children who live in the poorest households (United Nations, 2015). In order to continue the implementation and intervention of the Millennium Development Goals, in 2016 the United Nations established the 2030 Agenda for Sustainable Development, containing 17 goals and 169 targets, integrated into three pillars: economic, social and developmental. Understanding that the sustainable future depends on how child protection is invested in today, the agenda adopted 44 child-related indicators including the 16.2 target, which

aims to end abuse, exploitation, trafficking and all forms of violence and torture against children (UNICEF, 2018).

Although the international community is now mobilised in ending all forms of violence against children, according to the Sustainable Development Goals Report of 2018, several regions in the world are still suffering from armed conflicts. Approximately 8 out of 10 children between 1 and 14 years old suffered some type of violence in 81 countries, according to data from 2005 to 2017 (United Nations, 2018). In terms of education, the report also announces that 58% of children are not achieving the minimum standards in reading and mathematics.

Nowadays, psychosocial support for children affected by the armed conflicts became a priority of intervention by the UN agencies and NGOs worldwide. In these environments, child protection means working for the prevention of sexual exploitation and separation of children from their families and recruitment into armed groups. Therefore, the intervention is mainly for the protection of these children's mental health and psychosocial well-being (Wessels, 2016).

According to UNICEF, child protection systems include the government legal frameworks (e.g. social work and welfare specialists, magistrates that lead the child protection system on a national level), non-formal actors (e.g. community, family, teachers and religious groups) and social actors (e.g. NGOs, civil society organisations, media and government leaders). Partnership and coordination between all these dimensions are extremely crucial in the advocacy and intervention of child protection (Wessels, 2016). Although, there are still some obstacles regarding the coordination of child protection and educational programmes in the context of armed conflicts. According to research, these programmes are often carried out by UN agencies and NGOs, with their own

operational structures and staff, which makes it difficult to engage and involve local communities in the capacity-building process and to create conditions for partnerships on a local and national level (Overseas Developmental Institute, 2018; The World Bank, 2005). Education is also one of the main pillars of child protection programmes in post-conflict environments. Research connects education and conflict on a macro-level analysis, showing that there are links between education and the causes of conflict, mainly involving poverty and fragility issues (INEE, 2010). Through education, it can be possible to rebuild societies and promote the values of respect and tolerance, while rebuilding the post-conflict society (Pheralli, 2016). However, the powerfulness of education can only be achieved by understanding the dynamics of conflicts and the connections between educational policies, planning, and programming (INEE, 2010). To draw attention to the importance of partnerships, UNESCO called policy-makers, NGOs and civil society for the Education 2030 Framework for Action. Believing that education is the main pillar of the 2030 Agenda, inspired by “a humanistic vision of education and development based on human rights and dignity, social justice, inclusion, protection, cultural, linguistic and ethnic diversity, and shared responsibility and accountability” (UNESCO, 2016, p.7). Furthermore, UNESCO recognises education as the main key to achieve violence eradication and calls for the crucial importance of a strong collaboration and coordination at the local, regional and national level, in order to improve the monitoring of the education agenda. The UN agency is also strongly committed to continuing to facilitate the dialogue between NGOs and civil society for the implementation of innovative educational approaches to facilitate the access of education to marginalised children (UNESCO, 2016).

Education is reaffirmed as a fundamental and

inalienable human right in the Universal Declaration of Human Rights (1948) and the UN Convention on the Rights of the Child. It is a fundamental human right that promotes children's empowerment, development and – according to UNICEF (2018) – is the most powerful tool for social transformations across generations, including in the context of humanitarian emergencies, armed conflicts, and war. Civil society, NGOs and several UN agencies like UNICEF are strongly committed to improving the future of war-affected children by implementing psychosocial and educational programmes and raise awareness

in local communities about human rights and peaceful settlement (Manuchehr, 2011). It is important to continue to strengthen policy-makers, state, and civil society actors in terms of capacity-building for coordination, implementation, and monitoring of such programmes. Their initiatives and commitment to empowering children who are suffering from war will continue to ensure that every child has the right to education, while not forgetting that there are many children in the world who still do not benefit from the CRC.

Bibliography

- Coomaraswamy, R., 2010. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict – Towards Universal Ratification. *The International Journal of Children's Rights*, 18(4), pp.535–549.
- Inter-Agency Network for Education in Emergencies, 2010. *The multiple faces of education in conflict-affected and fragile contexts* [pdf] Available at: <http://s3.amazonaws.com/inee-assets/resources/INEE_Multiple_faces_of_ed_in_conflict-affected__fragile_contexts_FINAL.pdf> [Accessed on 19 April 2019]
- International Criminal Court, 2002. *Rome Statute of the International Criminal Court* [pdf] Available at: <https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf> [Accessed on 19 April 2019]
- International Labour Organisation, 2000. *C182 – Worst Forms of Child Labour Convention, 1999 (No. 182): Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* [pdf] Available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182> [Accessed on 19 April 2019]
- Lansdown, G., 2011. *Every Child's Right to be Heard: A Resource Guide on the UN Committee on the Rights of the Child General Comment No. 12*. London, UK: Save the Children UK & UNICEF.
- Lee, A., 2009. Understanding and Addressing the Phenomenon of 'Child Soldiers': The Gap between the Global Humanitarian Discourse and the Local Understandings and Experiences of Young People's Military Recruitment. *Working Paper Series No. 52*. Refugee Studies Centre, University of Oxford.
- Manuchehr, T. N., 2011. Education right of children during war and armed conflicts. *Procedia – Social and Behavioural Sciences*, 15, pp.302–305.
- Overseas Development Institute, 2018. *Innovations and challenges in protecting children in armed conflict: new approaches to psychosocial support and education. Report from a roundtable discussion*, 20 November 2017. London, UK: ODI.
- Peralli, T., 2016. Education, Cultural Reproduction, Revolution and Spacebuilding in Conflict-Affected Societies. Richmond, O. P., Pogodda, S. and Ramović, J. (eds.) *The Palgrave Handbook of Disciplinary and Regional Approaches to Peace*. Basingstoke, UK: Palgrave Macmillan UK.

- UNESCO, 2016. *Education 2030: Incheon Declaration and framework for action for the implementation of sustainable development goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all* [pdf] Available at: <<https://unesdoc.unesco.org/ark:/48223/pf0000245656>> [Accessed on 19 April 2019]
- UNICEF, 2003. *Guide to the Optional Protocol on the Involvement of Children in Armed Conflict*. New York, USA: The United Nations Children's Fund.
- UNICEF, 2007. *The Paris Principles. Principles and Guidelines on Children Associated with Armed Forces or Armed Groups* [pdf] Available at: <<https://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>> [Accessed on 19 April 2019]
- UNICEF, 2008. *Child Protection Strategy Reference Document* [pdf] Available at: <https://www.unicef.org/about/execboard/files/CPS_RefDoc_27May08.pdf> [Accessed on 19 April 2019]
- UNICEF, 2017. *Preventing and Responding to Violence Against Children and Adolescents: Theory of Change*. New York, USA: United Nations Children's Fund.
- UNICEF, 2018. *Progress for Every Child in the SDG Era*. New York, USA: United Nations Children's Fund.
- United Nations, 2015. *The Millennium Development Goals Report 2015* [pdf] Available at: <[http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf)> [Accessed on 19 April 2019]
- United Nations, 2018. *The Sustainable Development Goals Report*. New York, USA: United Nations.
- Shenoda, S., Kadir, A., Pitterman, S. and Goldhagen, J., 2018. Section on International Child Health. The Effects of Armed Conflict on Children. *Pediatrics*, 142(6), pp.1–9.
- The World Bank, 2015. *Reshaping the future: education and post-conflict reconstruction*. Washington DC, USA: The International Bank for Reconstruction and Development.
- Vautravers, A. J., 2008. Why child soldiers are such a complex issue. *Refugee Survey Quarterly*, 27(4), pp.96–107.
- Wessels, M. G., 2016. Children in Armed Conflict: Introduction and Overview. *Peace and Conflict: Journal of Peace Psychology*, 22(3), pp.198–207.
- Wyness, M., 2016. Childhood, Human Rights and Adversity: The Case of Children and Military Conflict. *Children & Society*, 30(5), pp.345–355.



INTERNATIONAL LEGAL FRAMEWORK ON THE PROTECTION OF CHILDREN IN ARMED CONFLICT

“Of all the concerns before the international community, no other issues pierce the veil of state sovereignty as much as the issues concerning women and children”. (Radhika Coomaraswamy)

Recent scholarship in the human rights discourse has highlighted the gravity with which the rights of children are violated in times of armed conflict. The demonstration of the international community's commitment to set forth childhood as a space not only in need of special protection but also free from violence finds expression in the evolution of international legal instruments which address the phenomenon of children in armed conflict. (Kononenko, 2016, pp.89–103) Thus, the international legal community is awash with legal documents – both soft and hard – which pay attention to the issue. From the recruitment and use of children by armed forces or armed groups, the killing and maiming of children, rape and sexual violence, abduction, attacks on schools and hospitals and the denial of humanitarian access by parties to the conflict, the issue has attracted international response to the effect that the United Nations Security Council (UNSC) has established a special working group which addresses the most serious violations of children's rights in armed conflict. (Doek, 2011, p.7) At the broader UN level, the Secretary-General has a special representative (SRSG) the duties of whom are exclusively tied to children in armed conflicts.

The international legal framework on the protection of children in armed conflict finds expression primarily (but not exclusively) in three legal regimes: international humanitarian law, international human rights law, and international criminal law. Beyond these, international labour law and several soft law instruments – which draw upon all the relevant sources of law – have also shaped the international legal framework. (Nylund, 2011, p.101) Considered the most general of the

three regimes in terms of its scope and objects, the application of international human rights law (IHRL) spans all situations of both peace and war. IHRL protects the rights to which all individuals are entitled, irrespective of one's sex, race, religion, language, political or other opinions, national or social origin, property, birth or other status. Its application spans all situations and at all times – prior to, during and after war or armed conflict. It covers every individual on the territory of the particular state, be it internally displaced, non-national or refugee. Despite its all-situational application, it must be emphasised that IHRL can be derogated from. This happens in a specific situation of a state of emergency when some form of human rights, particularly of movement, is curtailed. The generality and broader scope of IHRL also mean that some of its provisions may not be specific enough when it comes to addressing issues underpinned by armed conflict.

International humanitarian law (IHL) on the other hand, encompasses a body of law that regulates the conduct of parties to an armed conflict in times of war. Its application is therefore limited to a situation of armed conflict, as it applies to all parties to a conflict, including both state and non-state armed groups. Distinct from the two regimes is international criminal law (ICL). Given the atrocities that parties to armed conflict commit against civilians and their gross disregard for international law in times of armed conflict, ICL comes in to identify the circumstances that attract individual criminal responsibility and process perpetrators for prosecution. Not only does ICL establish a process for the determination of criminal liability, but it does also set out a self-contained procedural system to reach its objectives. The strength of ICL lies in the fact that it “addresses the relevant rules directly to those individuals responsible for the prohibited conduct” during armed conflict. (Happold, 2011, p.100)

Relationship between international human rights law and international humanitarian law

Public international law regarding war and armed conflict makes a distinction between international humanitarian law and international human rights law. The relationship between the two legal regimes is considered theoretically complex and can be difficult to apply in practice. International humanitarian law is awash with fundamental human rights which are enshrined to be applied during war or armed conflict. (Doek, 2011, p.7) Much as IHL is applied alongside IHRL, the two areas may not necessarily overlap in their substance and many areas of the latter, such as anti-discrimination provisions, tend to remain unaffected by the former. In other instances, however, international human rights law may overlap with and complement international humanitarian law. (Vité, 2011, p.38) Given their long-held traditional distinction, the recognition of their concurrent application has been a recent phenomenon.

The complexity of their relationship becomes more pronounced when the two overlap, with international and regional human rights bodies making attempts to bring about some form of convergence. As a human rights law instrument, the Convention on the Rights of the Child (CRC) for example, affirms affinity with humanitarian law, with one of its provisions underscoring the obligation to respect and to ensure respect for the rules of IHL which are relevant to the child. Thus, “States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child”. (United Nations, 1989, Art.38 [1]) Here, we see for the first time, explicit incorporation of international humanitarian law into international human rights law. (Hanson, 2011, p.45) What is indisputable, however, is that within these two regimes of international law have facilitated the development of legal responses to the phenomenon of children in armed conflict. (Kononenko, 2016, pp.89–103) Much as these three traditional legal regimes have their point of divergence, their point of convergence finds expression in the provisions that set out to protect children in all circumstances.

International law and children in armed conflict

Threats posed to children caught up and trapped in armed conflict span every aspect of life and shake the very foundations of their survival. Despite the evolution of the international legal framework to protect them in time of hostilities, a significant reduction in their suffering and involvement in armed conflict seems far from being attained.

The Machel Report

Following a recommendation by the Committee on the Rights of the Child, the UN General Assembly, in December 1993, expressed its concern “about the grievous deterioration in the situation of children in many parts of the world as a result of armed conflicts.” (Graça Machel, n.d.) Both the General Assembly and the Committee made a proposal to the Secretary-General to name an expert to conduct a thorough study on the impact of armed conflict on children, including their participation in wars as child soldiers. Subsequently, Graça Machel – former Minister of Education of the Republic of Mozambique – was appointed in 1994 as an expert to conduct the study. This marked a great milestone in addressing the phenomenon of children in armed conflict. Her task was to discover a means by which children may be protected from armed conflict. Thus, the proposed recommendations at the end of the study were to be focused on five areas: the participation of children in armed conflict; the reinforcement of preventive measures; the relevance and adequacy of existing standards; the measures required to improve the protection of children affected by armed conflict; and the actions needed to promote the physical and psychological recovery and social reintegration of children affected by armed conflict. (United Nations, 1996)

The ground-breaking report – *The Impact of Armed Conflict on Children* – was presented to the General Assembly in 1996. It highlighted the disproportionate impact of war on children and identified them as the primary victims of armed conflict. The report led to the adoption of General Assembly resolution 51/77. The resolution, among other things, “welcome[d] the report of the expert of the Secretary-General on the impact of armed

conflict on children.” (United Nations, 1997) Further, it took “note with appreciation of the recommendations included therein which address the prevention of the involvement of children in armed conflict, the reinforcement of preventive measures, the relevance and adequacy of existing standards, the measures required to improve the protection of children affected by armed conflict and the actions needed to promote the physical and psychological recovery and social reintegration of children affected by armed conflict.” (United Nations, 1997) Revelations in the report had a great effect on the international community consequent upon which the then Secretary-General Kofi Annan appointed a special representative following which the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC) was established. Subsequently, Child Protection Advisers were deployed to UN Peacekeeping Missions. The report provided the first comprehensive assessment of the various instances in which atrocities were committed against children during armed conflicts. Calling on the attention of the international community, it reiterated the need for the better protection of children affected by armed conflict. Underpinned by the Convention on the Rights of the Child as a guiding framework of operative principles and standards, it provided the first comprehensive human rights assessment of war-affected children. (Machel, 2000) As far as the issue of children in armed conflict is concerned, the Machel Report remains a point of reference and shapes international action in addressing the phenomenon. (Happold, 2005, p.37) Moreover, particular attention was drawn to the situation of child soldiers and highlighted internally displaced and refugee children, child victims of landmines and sanctions and the physical and psychological consequences of conflict.

Historical development of international legal protection of children in armed conflict

Recorded history indicates that one of the earliest concerns of international law on the rights of the child was the protection of children in armed conflict, despite the negligibility of the standard

protection. (van Bueren, 1994, p.810) For example, the 1907 Hague Convention Respecting the Laws and Customs of War on Land somehow showed concern to child protection in time of war. It, however – without considering whether children with or separated from their families were entitled to additional protection – only incorporated the principle of respect for family life. (International Committee of the Red Cross, 1907, Art.46) Another development found expression in the promulgation of the Declaration of the Rights of the Child. Drafted by Eglantyne Jebb and adopted by the League of Nations in 1924, it was adopted in an extended form by the United Nations in 1959, which was to form the core of the CRC a generation later. The underpinning of the declaration was the concern for children affected by armed conflicts in the Balkans. (van Bueren, 1994, p.810) It was the first human rights document to be approved and adopted by an inter-governmental organisation. Composed of ten principles, the League of Nations General Assembly, on 26 November 1924, endorsed the text of the Declaration as the World Child Welfare Charter, and the League reaffirmed it in 1934. However, it only provided that in times of distress children should be the first to receive relief. (United Nations, 1959) At the Sixteenth International Conference of the Red Cross – held in London from 20-24 June 1938 (ICRC, 1938) – a proposal was made for a joint study between the International Union for Child Welfare and the International Committee of the Red Cross to come up with an international legal framework for protecting the form of a convention. A year later, a draft Convention for the Protection of Children in Emergency and Armed Conflict was produced and accepted on 12 January 1939, but its adoption could not see the light of day. (van Bueren, 1994, p.810)

That did not put the matter to rest. Its re-emergence was occasioned by the Bolivian Red Cross’ submission of a draft Convention for the Protection of Children in the Event of International Conflict or Civil War to the Preliminary Conference of Red Cross Societies for the Study of Geneva Conventions in 1946. (van Bueren, 1994, p.810) In its resolution, the Preliminary Conference recommended the incorporation of the draft Convention’s provisions into the future Geneva

Convention on the Protection of Civilians in preference to an additional fifth treaty. Consequently, the Geneva Convention on the Protection of Civilians of 1949 (Geneva Convention IV) incorporated 17 articles of specific concern to children, where general protection, as well as special protection for children, were enshrined. Much as the Conference marked a great milestone in child protection and was hailed for reaching a consensus to codify and regulate the conduct of armed conflicts, the sophisticated nature of warfare, with changes that came with it in the years that followed the Convention's adoption, revealed some loopholes that warranted the need for a re-appraisal. For example, the inability of the Convention to enshrine a minimum age for child participation in hostilities became a matter of concern. Such loopholes attracted the attention of the UN General Assembly so that the Declaration on the Protection of Women and Children in Emergency and Armed Conflict was occasioned. Proclaimed by General Assembly resolution 3318 (XXIX) of 14 December 1974, the six-article declaration was adopted, "bearing in mind the need to provide special protection of women and children belonging to the civilian population". (United Nations, 1974) Three years later, when two Additional Protocols to the Geneva Conventions were adopted by the Diplomatic Conference, it became evident that the Declaration helped shape the provisions in the Protocols relating to the special protection of children. (van Bueren, 1994, p.811) An evaluation of the two Protocols revealed much greater protection for children against the effects of hostilities and, for the first time, came up with regulations for the participation of children in conflict. In 1989, the Convention on the Rights of the Child (CRC) was adopted and became not only a standard-bearer and mother of all international children's rights laws but also the most widely ratified human rights treaty.

Relevant international legal instruments for the protection of children in armed conflict

The international legal framework on the protection of children in armed conflict is vast, all of which cannot be digested in this series. Thus, rather than presenting all the relevant international

instruments, this series is limited to the most important, including the following:

- Conventions on the Rights of the Child (CRC) of 1989
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) of 2000
- African Charter on the Rights and Welfare of the Child (ACRWC) of 1990
- Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles) of 2007
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention 182) of 1999
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV) of 1949
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) of 1977
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) of 1977
- Rome Statute of the International Criminal Court (Rome Statute) of 1998

International Human Rights Law (IHRL)

The enshrinement of human rights in various international covenants and conventions underscores its universality and applicability to all. International human rights law, as explained above, is a body of international law designed to protect the inherent rights of all human beings. Applied in times of peace and war, it obliges states to respect, protect and fulfil those rights.

Convention on the Rights of the Child (CRC)

The adoption of the Convention of the Rights of the Child followed the 30th anniversary of UN's adoption of an extended version of the Declaration of the Rights of the Child. Signed on 20 November 1989, the CRC entered into effect on 2 September 1990 in accordance with Article 49. Currently

ratified by 196 states – including every member of the United Nations except the United States – the Convention has become the most rapidly and widely ratified human rights treaty in history. (United Nations, n.d.) Considered the core foundation of the international legal framework for the protection of all children affected by armed conflict, of particular importance is Article 38 the standards of which have been upgraded in the Optional Protocols. (Doek, 2011, p.10) Article 38 holds that:

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by armed conflict. (United Nations, 1989)

The primary human rights imperative for the protection of children in armed conflict concerns the full and effective prohibition of their recruitment and involvement in armed forces or armed groups. As a result, the Convention's setting of fifteen years as the minimum age for children's recruitment into armed forces and participation in hostilities became contentious and attracted criticisms. Permitting children from fifteen years to take a direct part in hostilities was identified as one of the most contentious issues in the entire convention. (Hanson, 2011.p.41) For example, while hailing the CRC as a whole to be “a landmark in the struggle for children”, Thomas Hammarberg considered the provisions dealing with children in armed conflict as “[t]he most disappointing part of the Convention”. (Hammarberg, 1990, pp.97–105) In reference to

Article 38, his criticism was that it was “weak on the issue of child soldiers” (Hammarberg, 1990, pp.97–105)

The issue of too low an age of fifteen years for the participation of children in armed conflict and their recruitment into the national forces also led to concerns aired by interest bodies such as Non-Governmental Organisation (NGOs), specialized agencies and humanitarian organisations as well as some state parties to the Convention. This is evidenced, for instance, by the Spanish Declaration in reference to Article 38 issued upon ratification of the Convention.

Declarations

...Spain, wishing to make common cause with those States and humanitarian organisations which have manifested their disagreement with the contents of Article 38, paragraphs 2 and 3, of the Convention, also wishes to express its disagreement with the age limit fixed therein and to declare that the said limit appears insufficient, by permitting the recruitment and participation in armed conflict of children having attained the age of fifteen years. (United Nations – Spain, 1989)

Similar to the Spanish declaration, concerns were raised by states such as Andorra, Argentina, Austria, Colombia, Ecuador, Germany, The Netherlands, and Uruguay. (Hammarberg, 1990, pp.97–105) Notwithstanding the concerns raised in connection with Article 38, the Convention remains indispensable in the struggle for the protection of the rights of children. The Committee on the Rights of the Child – whose composition, terms of reference and rules of procedure are set forth in Article 43 – is the implementing body of the Convention. Details about the Committee will be elaborated on under “Implementation”.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) of 2000

Against the backdrop of Article 38 CRC and the contentions that the fifteen-year minimal age raised, OPAC was occasioned to expand on both Articles 38 and 39 CRC. Drafted after the Rome Statute of the International Criminal Court, OPAC provisions barred under fifteens and under eighteens from being recruited and participating in hostilities, respectively. Another protocol, on the

sale of children, child prostitution and child pornography, was also adopted but not relevant to the subject under discussion. On 19 December 2011, the UN General Assembly approved a third Optional Protocol – on a communications procedure – which allows individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols. The Protocol entered into force in April 2014.

OPAC further developed rules on Articles 38 and 39 CRC to deal with State Parties' obligations in connection with the direct participation in hostilities of the members of their armed forces who have not attained the age of eighteen, as enshrined in Article 1: "States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities." Article 2 concerns compulsory recruitment into the armed force of the State of persons who have not attained the age of eighteen years. Article 3 enjoins the setting of a minimum age of sixteen years and the provision of special safeguards in relation to the voluntary recruitment of persons into their national armed forces. The obligation of the State to prevent the recruitment and use in hostilities of persons under the age of eighteen years by armed groups distinct from the armed forces of a State is the subject of Article 4. (United Nations – OPAC, 2000)

The issue of demobilization and reintegration relevant to post-conflict situations is articulated in other provisions of the OPAC. As a further expansion of CRC particularly Articles 38 and 39, both OPAC and CRC contain instruments of flexibility, so that the application of any provisions of national or international law which are more conducive to the realisation of the rights of the child is permitted. (Hanson, 2011, p.46) CRC enshrines that, "Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in (a) The law of a State party; or (b) International law in force for that State." (United Nations, 1989) OPAC, on the other hand, has this provision: "Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international

humanitarian law that are more conducive to the realization of the rights of the child". (United Nations – OPAC, 2000)

Implementation

In translating into action, the international legal instruments for the protection of children in armed conflict, the role of member states is indispensable. State parties to international humanitarian and international human rights conventions owe a responsibility to ensure full and effective implementation of those provisions to which they have consented on paper. Beyond the member states, three specialized expert bodies and their role in ensuring child protection in armed conflict are worth mentioning: The Committee on the Rights of the Child (CRC), the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC) and the United Nations Security Council. The monitoring of the implementation of the CRC by member states has been vested in the Committee of the Rights of the Child – a body of eighteen independent experts established in accordance with Article 43 of the CRC. The Committee also monitors the implementation of the optional protocols to the CRC. Membership to the Committee is elective, where members are elected through a secret ballot from a list of persons nominated by member states to serve for a period of two years.

As indicated above, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC) was established following the publication of the Machel report. Its mandate – created by the General Assembly resolution 51/77 (United Nations, 1997) – is to strengthen the protection of children affected by armed conflict, raise awareness, promote the collection of information about the plight of children affected by war and foster international cooperation to improve their protection. (United Nations mandate, n.d.)

Since 1999, the UN Security Council has also demonstrated a keen interest in issues related to conflict-affected children. Although the Security Council has not become involved in setting standards that define the violation of children's rights in armed conflict, it has engaged in

translating existing standards into action and in pushing for the implementation of those standards. Between 1999 and 2009 the Security Council adopted seven resolutions on children and armed conflict, which have led to the setting up of a mechanism that addresses grave violations against children's rights.

The African Charter on the Rights and Welfare of the Child (ACRWC) of 1990

At the regional level, the African Charter on the Rights and Welfare of the Child remains the only regional legally binding instrument which also explicitly articulates provisions to deal with children in armed conflict. (Hanson, 2011, p.46) Adopted by the then Organisation of African Unity (OAU, now African Union) in 1990, the Charter entered into force on 29 November 1999. It resonates with the CRC in that it sets forth a comprehensive legal instrument that sets out rights and defines universal principles and norms that concern the status of children. Of particular importance, as far as the subject under discussion is concerned, is Article 22, which espouses on children in armed conflict:

- 1. States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable to armed conflicts which affect the child.*
- 2. States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.*
- 3. States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measure to ensure the protection and care of children who are affected by armed conflict. Such rules shall also apply to children in situations of internal armed conflicts, tension, and strife. (African Union, 1990)*

The ACRWC, alongside the CRC, remains the only regional and international human rights legal documents that cover the whole facet of children's rights – civil, political, economic, social and cultural rights. In the promotion and protection of the rights articulated by the Charter, the Committee

of Experts on the Rights and Welfare of the Child was established in accordance with Chapter Two (Articles 32-46) of the Charter.

International humanitarian law

Traditionally understood as the legal regime that regulates the conduct of warfare, international humanitarian law (IHL) ensures protection for persons who do not engage in hostilities, or those who are no longer doing so – civilians, wounded, sick, shipwrecked and captured combatants. (UNGEI, n.d.) Its application spans both international and non-international armed conflicts. Its binding force is not only on States but also armed opposition groups and troops participating in multilateral peacekeeping and peace enforcement operations if they take part in hostilities. (UNGEI, n.d.) Prototypically, the four Geneva Conventions of 1949 and their two Additional Protocols of 1977, and the Protocol of 2005, as well as numerous conventions barring or restricting the use of specific weapons, constitute international humanitarian law.

The Geneva Conventions and their Additional Protocols

The Geneva Conventions and their Additional Protocols constitute the core of the international humanitarian law regime. They contain the most important legal instruments “limiting the barbarity of war”. (ICRC, 2010) The Conventions protect two categories of people in times of war: those who are not engaged in the hostilities – civilians, medics and aid workers and those who can no longer take part – the sick, wounded, shipwrecked and prisoners of war. Four international treaties constitute the Geneva Conventions: The First, “for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field”, was first adopted in 1864, revised in 1906, 1929 and finally in 1949; the Second, “for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea” succeeded the Hague Convention (X) of 1907 and adopted in 1949; the Third, “relative to the Treatment of Prisoners of War”, was first adopted in 1929 and revised in 1949; and the Fourth, “relative to the

Protection of Civilian Persons in Time of War” was first adopted in 1949 based on parts of the Hague Convention (II) of 1899 and the Hague Convention (IV) of 1907.

The Protocols are Protocol I of 1977, relating to the Protection of Victims of International Armed Conflicts; Protocol II of 1977, relating to the Protection of Victims of Non-International Armed Conflicts; and Protocol III of 2005, relating to the Adoption of an Additional Distinctive Emblem. (ICRC, 2010) For the subject under discussion, attention will only be paid to the Fourth Geneva Convention and Additional Protocols I and II.

Geneva Convention IV

The Fourth Geneva Convention, following the end of the Second World War, became the first international legal instrument which, in its explicit form, enshrined provisions for the protection of children in armed conflict. (Doek, 2011, p.8) Its point of divergence from the first three Conventions was the fact that it dealt with humanitarian protection for civilians in the war zone, whereas the others only dealt with the protection of combatants. The significance of the Convention in relation to the protection of children in armed conflict finds expression in Articles 24, 50, 82, 89 and a host of other provisions in the document. It enjoins parties to the conflict to “take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources”. (ICRC, 1949, Art.24) It further enjoins parties to facilitate “their [children’s] maintenance, the exercise of their religion and their education ... in all circumstances”. (ICRC, 1949, Art.24) As regards children in occupied territories, Article 50 frowns upon changing their personal status or enlisting them in organisations of the occupying power.

Additional Protocols I and II

The adoption of two Additional Protocols to the Geneva Conventions sought to, among others, bring about innovations and to further enhance the protection of civilians. Both Protocols further

enshrine protection for children in armed conflict, with Protocol II extending to non-international armed conflicts. Of particular importance to the subject under discussion is Article 77 Protocol I which addresses the issue of protection of children:

- 1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.*
- 2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.*
- 3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and all into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.*
- 4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.*
- 5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time the offence was committed. (ICRC, 1977a)*

The most significant innovations brought about by Protocol I finds expression in Article 1(4), Part II (Articles 8-34), Part III and several chapters of Part IV (Articles 35-60), as well as Part V (Articles 80-91). (ICRC, 1977a) Prior to the adoption of Protocol II, Article 3 which is common to all the four Geneva Conventions of 1949, was the only provision applicable to non-international armed conflict. Given that far more than half of the victims of armed conflicts in the post-World War II era have been victims of non-international

conflicts, the common Article proved inadequate. Additional Protocol II, therefore, came in to fill the void, with the aim of extending the essential rules of the law of armed conflict to internal wars. (ICRC, 1977b) In sum, with Geneva Convention IV and Additional Protocol I and II, more than twenty provisions award special protection to children, both as civilians and as a vulnerable category. Underpinned by the need to make international humanitarian law more complete and more universal, both protocols were adopted to adapt them to modern conflicts. Rules set forth in the two Protocols are designed to ensure protection for both civilians and combatants. They, therefore, prohibit and bar combatants from posing as civilians and using civilians as human shields, as well as forbidding indiscriminate attacks. Civilian targets or objects indispensable to the survival of communities are also prohibited from being attacked or destroyed.

The Paris Principles and Paris Commitments

The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, otherwise called Paris Principles, alongside the Paris Commitment to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups (Paris Commitments) became a product of the international conference, “Free Children from War” held in Paris in February 2007. Both were adopted as soft law instruments to consolidate global humanitarian knowledge and experience in striving to “prevent recruitment, protect children, support their release from armed forces or armed groups and reintegrate them into civilian life”. (UNICEF, n.d.) The background to the Principles and the Commitment was the seminal Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers (Cape Town Principles) which were adopted in 1997 and upon which both Principles and Commitments build. Despite their non-binding force, they serve as important documents for the protection of children in armed conflict.

International Criminal Law

Summarily, international criminal law encompasses the regime of international law which deals with the criminal responsibility of individuals for international crimes. Much as a generally accepted definition of international crimes has eluded the international community, ICL provides for the establishment of international tribunals and courts to prosecute perpetrators guilty of the gravest crimes of concern to the international community. (United Nations, n.d.) It seeks to end impunity for all international crimes, including crimes against children. The principal international legal instrument which constitutes international criminal law is the Rome Statute which established the International Criminal Court.

The Rome Statute of the International Criminal Court

The Rome Statute constitutes an international treaty which was adopted at a diplomatic conference in Rome on 17 July 1998 and established the International Criminal Court (ICC). The Statute entered into force on 1 July 2002 and currently has 124 State Parties. As well as establishing four core international crimes – genocide, crimes against humanity, war crimes and the crime of aggression – the Statute also establishes the functions, structure, and jurisdiction of the court. In the event of states’ inability or unwillingness, the Statute enjoins the ICC to investigate and prosecute the four core international crimes. As regards child protection in armed conflict, the Rome Statute enshrined provisions specifically aimed at the criminalization of the recruitment and use of child soldiers. Article 8(2) of the Rome Statute includes in its list of war crimes within the jurisdiction of the Court:

(b) ... serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely the following acts:

(xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

(e) ... serious violations of the laws and customs

applicable in armed conflicts not of an international character, within the established framework of international law, namely any of the following acts:

(vii) Conscripting or enlisting children under the age of fifteen into armed forces or groups or using them to participate actively in hostilities. (ICC, 2011)

Of matters relating to children in armed conflict, as far as the Rome Statute is concerned, the recruitment or use to participate actively in hostilities of children under the age of fifteen attracts international criminal responsibility under international law. Thus, some of the charges preferred against individuals brought before the ICC have been the recruitment of children for use in hostilities. For example, in the summary judgement of the landmark case, *The Prosecutor v. Thomas Lubanga Dyilo*, sufficient evidence was gathered to confirm Lubanga's criminal responsibility for the charges of enlisting and conscripting children under the age of fifteen years into his armed group and using them to participate actively in hostilities, within the meaning of Articles 8 (2) (b)(xxvi) and 25 (3) (a) of the Statute. Dyilo was therefore found guilty. The same goes for Charles Taylor, a former president of Liberia who was convicted by the Special Court for Sierra Leone of war crimes committed against children by an armed group.

Standards within the international legal framework on the recruitment and use of children in armed conflicts

There is a growing demand for actors within the international system to take action to help stem the tide of the increasing number of children being affected by armed conflicts. The impact of war on children is very grave as it affects the totality of the child. Grave child rights violations – killing, maiming, sexual violence, abduction, recruitment into combat, attacks on schools and hospitals, and denial of humanitarian access – have the highest propensity to mar and frustrate the development process of the child. One of the challenges in international efforts to protect children, indisputably, is the recruitment and use of children in armed conflicts. (Doek, 2011, p.8) The five

standards within the international legal framework on the recruitment and use of children in armed conflicts are therefore critical in tackling the issue.

Standard I

The first identified standard encapsulates the prohibition of recruiting children under 15 and their subsequent direct participation in hostilities. Forbidden by the International Labour Organisation (ILO, 1999) and the UN Security Council (United Nations, 2009) which consider it as one of the Worst Forms of Child Labour and Six Grave Violations respectively, this prohibition is articulated in international legal standards, the introduction of which took place in 1977 following the adoption of two additional protocols to the Geneva Conventions. Thus, Articles 77 and 4 of Protocols I and II respectively were subsumed in Article 38 of the Convention on the Rights of the Child, following which action was taken to address the canker.

Standard II

The prohibition and elimination of forced or compulsory recruitment of children in armed conflicts, espoused in ILO Convention 182, is the second standard. Some scholars (for example, Jaap Doek) opine that Standard 2 can be considered as the first international measure to strengthen Standard 1. The second standard finds expression in ILO's Worst Forms of Child Labour. (ILO, 1999) Given that nearly all states parties to the ILO Convention 182 are also parties to the CRC, their commitment underscores their resolve to ensure the prohibition and eliminations of the forced and compulsory recruitment of all persons under the age of 18, without a distinction between armed forces and armed groups.

Standard III

The third standard manifests a key element of the international legal framework as it articulates the forbidding of direct participation of children in hostilities and their compulsory recruitment, be it by armed forces or armed groups. Standard 3 is espoused in the Optional Protocol to the CRC on the Rights of the Child on the Involvement of

Children in Armed Conflicts (OPAC).

Standard IV

The forbidding of voluntary recruitment of children by armed groups, as well as children under 16 by armed forces, encapsulates the fourth standard. Similar to 3, Standard 4 is also espoused in OPAC and the body monitoring implementation is the Committee on the Rights of the Child which issues guidelines and receives reports from States Parties on their implementation of OPAC. It must be emphasized that the interpretation of “direct part in hostilities”, enshrined Article 1 of OPAC, extends beyond active participation in combat. It is extended to encompass other military activities and functions spanning espionage, sabotage, acting as decoys, couriers, and porters as well as assisting in military checkpoints. (Doek, 2011, p.8)

Standard V

Peculiar to the African continent is Standard 5, which re-echoes the forbidding of recruitment and direct participation of children in hostilities. Articulated in the African Charter on the Rights and Welfare of the Child (African Union, 1990), it is considered the most radical standard as it provides no exception to the forbidding of the recruitment – voluntary or compulsory – and use of children in armed conflicts. Straightforwardly, Article 2 of the Charter defines a child as “every human being below the age of 18 years.” (African Union, 1990, Art.2) Considered “straight-18 standard”, Standard V has been regarded as the highest, given that it gives no exception.

The International Labour Organisation and the Worst Form of Child Labour

Commonly referred to as the Worst Form of Child Labour Convention, the Convention concerning the Prohibition and Immediate Action for the Elimination of Worst Forms of Child Labour, was adopted by the ILO as ILO Convention 182. Adopted by its General Conference at its 87th Session on 1 June 1999, it is one of the eight ILO fundamental conventions. Given that the focal point of the previous conventions was on the setting of minimum age for employment, this

Convention marked a new approach by the Organisation as far as the issue of child labour was concerned. (Cullen, 2011, pp.63–81) It was underpinned by the need to eliminate the most abusive and exploitative forms of child labour. Summarily, the Convention identifies the worst forms of child labour as follows:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. (ILO, 1999)

Brief as the provisions on child soldiers may be, the Convention links the prohibition to the general obligations it places on states through its inclusion of child soldiers. Consequently, it makes manifest the interest the Organisation has shown in addressing the phenomenon of child soldiers. The work of its implementing bodies, particularly the Committee of Experts and through its technical assistance programme on child labour, the International Programme on the Elimination of Child Labour (IPEC), demonstrate the Organisation’s commitment in that direction. For example, many projects undertaken under the umbrella of IPEC have been directed towards the prevention of the recruitment of children into armed forces and groups, and the reintegration of former child soldiers. (Cullen, 2011, pp.63–81)

Conclusion

The preceding pages have dwelt heavily on the international legal framework for the protection of children in armed conflict. As indicated above, the international legal framework is vast, all of which cannot be digested in this series. As a result, the most relevant to the subject under discussion has been singled out and dealt with. There are other

equally relevant legal instruments, such as the European Union Guidelines on Children and Armed Conflicts, and the Ottawa Convention which also shape the international legal response to the phenomenon but have not been discussed. As far matters of law can go, they are not enough to stem the tide, if not translated into action. During armed conflicts around the world, children are killed and maimed, raped and sexually exploited, abducted and recruited to fight at an alarming rate. Worse, their schools and hospitals are bombed, their homes are attacked and families separated, while their access to humanitarian aid is denied. This challenges the thinking of the international community and recognises as a moral and legal imperative as well as an essential element to break the cycle of violence and protect children when hostilities occur.

Implementation of this framework is, therefore, necessary to translate the legal instruments into action. In this regard, the role of member states is indispensable. It is about time a huge investment was made to reflect national legislation and allocation of resources as well as the involvement of interest bodies to address the issue. Furthermore, the international community cannot stand aloof while perpetrators of child rights violation are let off the hook and carry on their heinous crimes with impunity. They must be made to face the full rigours of the law in order to serve as a deterrence. Canadian Jesuit priest and philosopher Bernard Lonergan once said of the church that it “always arrives on the scene a little breathless and a little late.” (Lonergan, n.d.) In much the same way, could it be argued that “international law arrives at the place of action a little late and somewhat out of breath”? (van Bueren, 1994, p.811)

Bibliography

Primary sources

African Union, 1990. *The African Charter on the Right and Welfare of the Child*, [pdf] Available at: <<https://au.int/en/documents-45>>

Graça Machel (n.d.) Graça Machel and the Impact of Armed Conflict on Children. Children and armed conflict [online] Available at: <<https://childrenandarmedconflict.un.org/about-us/mandate/the-machel-reports>>

International Committee of the Red Cross, 1907. *Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land*. The Hague, 18 October 1907.

ICRC, 1938. International Committee of the Red Cross, [XVI] Sixteenth international Red Cross Conference, London, June 1938 [report] Available at: <https://library.icrc.org/library/docs/CDDH/CI_1938/CI_1938_RAPPORT_ENG.pdf>

ICRC, 1977a. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 [online] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/470?OpenDocument>>

ICRC, 1977b, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977 [online] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/475?OpenDocument>>

ICRC, 2010. The Geneva Conventions and their Additional Protocol, an Overview [online] Available at: <<https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>>

ICRC, 1949. The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 [online] Available at: <<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380?OpenDocument>>

ICC, 2011. Rome Statute of the International Criminal Court [pdf] Available at: <<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>>

- ILO, 1999. Worst Forms of Child Labour Convention 1999 (No. 182). International Labour Organisation [pdf] Available at: <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf>
- UNICEF, (n.d.) *Child Protection from Violence and Abuse, Paris Principles and Paris Commitments* [online] Available at: <https://www.unicef.org/protection/57929_58012.html>
- United Nations – Spain, 1989. *Convention of the Rights of the Child*. Declarations: Spain [online] Available at: <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en#EndDec>
- United Nations, 1989. *Convention on the Rights of the Child* [pdf] Available at: <https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf>
- United Nations, 1959. *Declaration of the Rights of the Child*, Proclaimed by General Assembly Resolution 1386 (XIV) of 20 November 1959 [pdf] Available at <<https://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf>>
- United Nations, 1974. *Declaration on the Protection of Women and Children in Emergency and Armed Conflict* [pdf] Available at: <https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.19_declaration%20protection%20women%20armed%20conflict.pdf>
- United Nations, 2009. The Six Grave Violations. Working Paper No 1 [pdf] Available at: <https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf>
- United Nations (n.d.), *Legal Framework Module 2* [pdf] Available at: <<http://dag.un.org/bitstream/handle/11176/400706/RTP%20CPOC%20Military%20-%20M2%20Legal.pdf?sequence=2&isAllowed=y>>
- United Nations – OPAC, 2000. *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)* [online] Available at: <<https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>>
- United Nations, 1996. *Promotion and Protection of the Rights of Children: Impact of Armed Conflict on Children, Note by the Secretary-General* [pdf] Available at: <https://www.unicef.org/graca/a51-306_en.pdf>
- United Nations, 1997. Resolution adopted by the General Assembly on the report of the Third Committee 51/77. The rights of the child [pdf] Available at: <<https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20ARES51%2077.pdf>>
- United Nations mandate (n.d.) *The mandate of the Special Representative* [online] Available at: <<https://childrenandarmedconflict.un.org/about-us>>
- UNGEI, (n.d.) *The International Legal Framework for Protection* [pdf] Available at: <<http://www.ungei.org/02.pdf>>

Secondary sources

- Coomaraswamy, R., 2015. Sixteenth Annual Grotius Lecture 2014, Women and Children: The Cutting Edge of International Law. *American University International Law Review*, 30, no.1, pp.1–41.
- Cullen, H., 2011. Does the ILO have a Distinctive Role in the International Legal Protection of Child Soldiers? *Human Rights and International Legal Discourse*, No. 1, pp.63–81.
- Doek, J., 2011. The International Legal Framework for the Protection of Children in Armed Conflict. *Disarmament Forum*, pp.7–21.
- Hammarberg, T., 1990. The UN Convention on the Rights of the Child – And How to Make it Work. *Human Rights Quarterly*, 12 no. 1, pp.97–105.
- Happold, M., 2005. *Child Soldiers in International Law*. Manchester: Manchester University Press.

- Happold, M., Children Participating in Armed Conflict and International Criminal Law. *Human Rights and International Legal Discourse*, 5 no. 2, pp.82–100.
- Hanson, K., 2011. International Children's Rights and Armed Conflict. *Human Rights and International Legal Discourse*, 5 no.1, pp.40–62.
- Kononenko, I., 2016. Prohibiting the Use of Child Soldiers: Contested Norm in Contemporary Human Rights Discourse. *Nordic Journal of Human Rights*, 34 no. 2, pp.89–103.
- Lonergan, B., (n.d.) Wisdom for the Way. Notable Quotes [online] Available at: <http://www.notable-quotes.com/1/lonergan_bernard.html>
- Machel, G., 2000. *The Impact of Armed Conflict on Children*. International Conference on War-Affected Children, September 2000. Winnipeg, Canada [pdf] Available at: <<https://reliefweb.int/sites/reliefweb.int/files/resources/INTERNATIONAL%20CONFERENCE%20ON%20WAR.pdf>>
- Nylund, B.V., 2011. From Standard-Setting to Implementation: The Security Council's Thematic Focus on Children and Armed Conflict. *Human Rights and International Legal Discourse*, 5 no.2, pp.101–119.
- van Bueren, G., 1994. The International Legal Protection of Children in Armed Conflicts. *The International and Comparative Law Quarterly*, 43 no. 4, pp.809–826.
- Vité, S., Protecting Children During Armed Conflict: International Humanitarian Law. *Human Rights and International Legal Discourse*, 5 no. 2, pp.14–39.



THE FORGOTTEN CHILDREN OF THE WAR:

HOW THE YEMENI HUMANITARIAN DISASTER IS THREATENING CHILDREN'S RIGHTS

This case study aims to explore the evolution of Yemen's civil war, which is considered the world's "forgotten war" (Sommerland, 2018) and the worst "entirely man-made" humanitarian disaster (NRC, 2019), and the conflict's subsequent consequences on child protection, especially in terms of the recruitment and use of child soldiers by state and non-state armed groups. According to the United Nations (UN), since 2015 three quarters of the entire Yemeni population is dependent on humanitarian aid to survive (UN, 2018) and Save the Children (2018) estimated that famine and disease are killing an average of 100 children per day.

Yemen's civil war did not start as an isolated episode in 2015. Orkaby (2019) points out that "the original conflicts that precipitated the country's first civil war during the 1960s remain at the core of the current conflict between the Houthi movement and the Republic of Yemen". Therefore, it is important to analyse the progression and consequences of the civil war in a wide and multidisciplinary perspective, while not forgetting that such conflict is robbing childhood from thousands of Yemeni children who are chronically malnourished, with no access to humanitarian aid or education and who are being recruited for the civil war's battlefield.

Context

Historical overview of the conflict

Until the early 1960s, Yemen was ruled by the Mutawakkilite Kingdom of Yemen – a monarchy in the north – and by the British in the south (Schuster, 2018). After decades of violence, the

modern state of Yemen arose in 1990 with the unification of the US and the Saudi-backed Yemeni Arab Republic, and the USSR-backed People's Democratic Republic of Yemen (Laub, 2015).

Yemen's civil war resulted in the failure of political transition that would bring stability to Yemen after a revolt following the so-called Arab Spring in 2011, which forced the exile of the former President Ali Abdullah Saleh after 33 years in power and passed the country's command to his then vice-president, Abdrabbuh Mansur Hadi.

Many obstacles were faced during Saleh's government to bring Yemen to become a unit. At the peak of the Arab Spring, Yemen's development index became quite low and it was even compared to many countries of sub-Saharan Africa (Hill, 2017). Yemen was becoming paralysed with political corruption, high rates of child mortality, famine, and youth unemployment.

This political transition also faced innumerable challenges, including Al-Qaeda attacks, corruption, food insecurity and the fact that many military forces remained loyal to Saleh. In 2014, many Yemenis entered the country's capital, Sanaa, and set up camps on the streets. In 2015, the Houthis¹ – who follow the Shi'ite Islam called Zaidism – took advantage of the new president's weakness and placed "Hadi and several members of the government under house arrest" (Laub, 2015, p.3). Then, Houthis tried to take control of the entire country and forced Hadi to leave Yemen (Hill 2017).

The absence of effective governance "has created a fertile ground for non-state actors to exert their influence" (Al-Awlaqi & Al-Madhaji, 2018, p.1), especially for the Houthis. Abdul Malik al-Ajri – a senior Houthi leader – referred that the rebels "did not agree to the government's three main points of

¹ The Houthi movement emerged in the 2000s when the former president of Yemen began to develop autocratic tendencies (Salisbury, 2015).



reference to resolve the crisis, suggesting UN Security Council resolution 2216², the outcomes of the GCC initiative³ and the outcome of a National Dialogue⁴” (Edroos, 2018).

Convinced that the Houthis were militarily supported by Iran’s local Shiite power, in 2015 Saudi Arabia and the other Sunni Arab states began a series of airstrikes against the Houthis in order to restore Hadi’s government. Such coalition received logistical and intelligence support from the United States, United Kingdom and France (Schuster, 2018).

After intensive years of war, in December 2018 parties to the Yemeni conflict gathered in Stockholm in order to reach an agreement on the demilitarisation of the ports of Hodeida, Salif and Ras Issa, in order to facilitate the movement of humanitarian aid, and to create a mechanism of the prisoner change agreement and a statement of understanding on the city of Taiz (OESGY, 2018). The implementation of the agreement has been marked by positive developments but followed by several setbacks and criticism (Dijkstal, 2019). According to Munassar (2019), the Stockholm Agreement gave the Houthis extra time to strengthen their defences across the country and to employ “tactics to provoke international

outrage against their opponents and attract humanitarian aid, while bringing peace efforts to a halt in order to stockpile arms and manipulate public opinion in their favour”. However, the critiques of the Stockholm agreement refer that the humanitarian deal focused only in certain cities and has neglected other hostile areas of Yemen (Munassar, 2019).

General consequences of the conflict

Armed conflict, displacement of families, famine and the increasing spread of illness has created the worst man-made humanitarian crisis in Yemen so far (OCHA, 2019). With 22.2 million citizens in need of humanitarian aid and more than half of the Yemeni population without access to drinking water, thousands of children are suffering severe malnutrition. Research shows that the collapse of institutions responsible for the provision of basic services led to an average of 60 people killed or injured every day in the past two and a half years (OCHA, 2019). With only 50% of health facilities fully functional, 9.3 million Yemenis are in urgent need of healthcare assistance (OCHA, 2019), such as patients with kidney failure and persons affected by the epidemic of cholera, counting with approximately 10,000 new cases reported every week (The Lancet Haematology, 2018).

Since the armed conflict began, Yemen’s population has needed urgent and quick humanitarian aid mostly in terms of having access to food and health care. However, such access to international humanitarian aid has been hampered by the blockade of the radical forces in Al Hudaydah port, where 70-80% of humanitarian and commercial imports arrive (Seligman, 2018), which resulted in an exponential increase of cholera outbreak in 2017, due to the low vaccination coverage and healthcare assistance (OCHA, 2019). Despite the announcement of a 30-day opening of Al Hudaydah and Salif ports by the Saudi-led Coalition (SLC) on 20 December 2017, it only sustained a few imports of basic goods (OCHA, 2019).

² UN Security Council 2216 demanded all parties involved in the Yemeni war (in particular the Houthis) to end immediately the violence and hand over heavy weapons seized from military and security institutions (UN, 2015).

³ The Gulf Cooperation Council (GCC) initiative aimed to address the political transition in Yemen (GCC, 2011).

⁴ The National Dialogue Conference (NDC) was a transnational dialogue that considered the construction of the New Federal State of Yemen, divided into 6 federal regions (NDC, 2014).

Adding the collapse of Yemen's minimum services, the socioeconomic decline was equally catastrophic. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Yemen's Gross Domestic Product (GDP) declined by 41,8 per cent between 2015 and 2017 – equivalent to a loss of US\$32.5 billion, or US\$1,180 per capita" (OCHA, 2019, p.5) – , resulting in high levels of financial instability of Yemeni families, due to the lack of salaries and financial income.

However, it's important to emphasise that Yemen was already one of the poorest countries in the Arab world before the war started (Langendorf, 2019). According to the Corruption Perceptions Index (CPI), released by Transparency International (2019), Yemen is ranked in 176 out of 180 countries, with an index of 14 points out of 100. Such a position means that Yemen is the fifth country with higher scores in corruption in the world. Fatafta (2018) explains that all the Arab countries who are facing ongoing wars (e.g. Yemen, Iraq, Libya, Somalia, and Sudan) have weak public institutions, suffer from bad governance and face deep instability, allowing the rise of the corruption index.

Impact of the conflict on children

UNICEF (2019) states that Yemen is facing the biggest humanitarian crisis in the world, with more than 12 million children in need of humanitarian assistance. One of the main violations faced by children in the Yemen war is the recruitment and use of children in the conduct of hostilities. Although Yemeni law refers that 18 years is the minimum age for military service, the UN Human Rights Council reported children under the age of 10 who were armed and uniformed in the Houthi and Saleh's military checkpoints (Embassy of the Republic of Yemen, 2018). According to the Minister of Information Moammar Al-Eryani, approximately 50,000 child soldiers were recruited by the Houthis to fight in Yemen's war from March to June 2019 (Varfolomeeva, 2019). Furthermore, it was found that Houthis give to child soldiers *qat*,

a legal narcotic in Yemen that contains alkaloid cathinone, in order to keep them awake at the war's frontline (Varfolomeeva, 2019; Middle East Eye, 2017). However, it is not only the Houthis that are taking advantage of the humanitarian crisis (Adrian, 2019). Several reports indicate that child soldiers from poor families are also being recruited from the Saudi-UAE-led coalition fighting in Yemen, in order to fight along the Saudi border (Al Jaazera, 2019). Recruiters often promise good-paying jobs for adolescents, but they end up in training camps so that they can later fight in the war (Uqba, 2019).

Although the endorsement of the Safe Schools Declaration⁵ in 2017 aiming to protect schools, students and teachers during the conflict in Yemen, including the implementation of the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict in order to reduce the military use of schools and universities (ICRC, 2018), the Houthis "have not demonstrated any real commitment to desist in their contemptible practice of recruiting children (...) to serve as soldiers in armed conflict" (Embassy of the Republic of Yemen, 2018, p. 28). The latest data provided by OCHA (2019) shows that 4.1 million need help children to continue their education and 9.1 million children remain out of school. In areas controlled by Houthis, even the few children who still have access to education are not getting the quality education they need and deserve, due to the lack of teacher payment, inadequate basic resources for class provision and the fear of families to let children go to school in such conditions (War Child UK, 2019).

Impact of the conflict on children: human rights violations affecting child protection

In 2018, the Group of Regional and International Eminent Experts on Yemen reported that several parties from the country have been perpetrated and committed several war crimes, according to an OCHA report covering the period of September 2014 to June 2018. Such document enounces that "individuals in the Government of Yemen and the coalition, including Saudi Arabia and the United

⁵ It is an inter-governmental political commitment launched in Oslo in 2015, aiming to outline a set of principles to protect attacks to educational systems in situations of armed conflict.

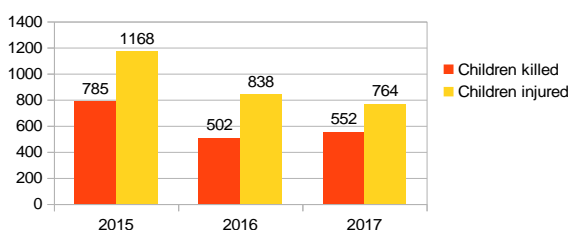
Arab Emirates, and the de facto authorities have committed acts that may, subject to determination by an independent and competent court, amount to international crimes (OCHA, 2018) and there is evidence of “pervasive aggressive behaviour, including sexual violence perpetrated by the Security Belt Forces and United Arab Emirates personnel. Examples include rape, of men and women, and sexual violence against displaced persons, migrants and other vulnerable groups (OCHA, 2018). The latest reports of the UN Secretary-General (2018) on children and armed conflicts has been increasingly showing evidence of child’s rights violations and lack of child protection that should be guaranteed by Yemen (UN, 2016; 2017; 2018). Several reports also indicate the violation of international treaties regarding child rights, such as the Convention of the Rights of the Child (CRC), the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and Additional Protocol II of the Geneva Conventions.

The inherent right to life

According to the CRC (1989) “every child has the inherent right to life”⁶ and “State parties shall ensure to the maximum extent possible the survival and development of the child”.⁷ However, since the Yemen civil war started in 2016, the UN (2018) has been reporting several human rights violations in terms of child mortality.

Children killed and maimed due to armed conflict in Yemen

Source: United Nations, 2016, 2017, 2018



Graphic 1: Children killed and maimed due to armed conflict, 2015-2017 according to UN reports

Graphic 1 reports the number of child deaths and injuries verified by the UN in Yemen in recent years. Although there has been a decrease in the number of children injured since 2015, the number of deaths has not accompanied a significant decline. In fact, between 2015 and 2016 there was only a decrease of 283 deaths and in 2017 the number of child deaths only decreased to 52 cases verified.

Furthermore, the UN states that child mortality and maiming were caused by airstrikes, fighting (e.g. shelling and shooting) following by remnants of war and mines. Such causalities were attributed to the coalition, the Houthis, the Popular Resistance, other international forces fighting for the Government of Yemen, among others (UN, 2016; 2017; 2018).

Right to freedom and expression

UN (2018) reported the “deprivation of liberty of 23 boys (aged between 13 and 17) by armed forces and groups for their alleged association with opposing parties” (p.28). Such evidence suggests the violations of Article 13 and 14 of the CRC, enouncing that “the child shall have the right of freedom of expression”⁸ and that “State parties shall respect the right of the child to freedom of thought, conscience, and religion”⁹. Such deprivation also violates the Universal Declaration of Human Rights (UDHR, 1948), stating that “everyone has the right to life, liberty, and security of person”¹⁰ and “no one shall be subjected to arbitrary arrest, detention or exile.”¹¹

Right to education

Throughout almost 4 years of intense war, UNICEF has been referring that the educational system in Yemen is “on the brink to collapse” due to conflict, political divisions and chronic development (Schlein, 2018). To ensure the prosperity of generations and the respect of human rights values, the right of quality education is one

⁶ Art. 6(1) of the CRC

⁷ Art. 6(2) of the CRC

⁸ Art. 13(1) of the CRC

⁹ Art. 14(1) of the CRC

¹⁰ Art. 3 of the UDHR

¹¹ Art. 9 of the UDHR

of the main pillars of several international legal frameworks, such as CRC (1989) and ICESCR (1976). In fact, according to the CRC (1989), State Parties shall recognise the right to education of all children and shall take measures to “encourage regular attendance at schools and the reduction of drop-out rates”¹² and to promote “the development of respect for human rights and fundamental freedoms”.¹³ However, Yemen’s war evidence refers that although there was a decrease on school attacks, the UN (2018) verified 20 attacks on schools and 8 incidents of the military use of schools in several regions of Yemen in 2017, resulting in almost 9.1 million children out of school (OCHA, 2019). The UN findings report that over 2,000 schools can no longer function due to the physical damages of the armed conflict and the presence of armed groups (War Child UK, 2019). The respect for tolerance, dignity and fundamental human rights was also violated. Houthi rebels were accused of imposing an extremist educational curriculum with anti-Semitic ideologies (Embassy of the Republic of Yemen, 2018; Gahlan, 2018) thus influencing the personal, social and educational development of Yemeni children. Such promotion of radical ideologies of cultural intolerance and polarization of children goes against Article 27 of the CRC (1989), stating that “State Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development”.¹⁴

The CRC (1989) states that education shall be directed to “the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples”¹⁵ but while analysing the educational status on Yemen, it is possible to point out that there are inequalities in terms of education access based on gender. In fact, “36% of girls are currently out of school compared to 24% of boys” (War Children UK, 2019, p.4) mainly because of the fear of families that girls

suffer from sexual harassment while going to school (GCPEA, 2019). Such findings are in line with data from the Global Gender Gap Report of 2018, in which Yemen was classified as the country with more gender inequalities among 149 countries (WEF, 2018).

Right to protection of all forms of abuse and exploitation

According to the CRC (1989), “States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare”¹⁶ and no child shall “be subjected to torture or other cruel, inhuman or degrading treatment or punishment”¹⁷ or “be deprived of his or her liberty unlawfully or arbitrarily”¹⁸ (Art.

37(b)). However, Yemeni human rights groups and advocates “have documented hundreds of cases of arbitrary detention and enforced disappearance” (Human Rights Watch, 2019) and refer that the Houthis, the Yemeni government and the UAE have arbitrarily detained children. Human Rights Watch (2019) also reported that in Aden, guards were tortured, and migrants were raped and executed, including children.

With the destruction of the educational system, the exploitation and marriage of girls have been increasing. According to data from UNICEF quoted by Schlein (2018), almost three-quarters of women in Yemen have been married before the age of 18 and 44.5% before the age of 15. Due to the lack of minimum age for marriage and legal protection in such issue, violence against women and girls has also increased, with an estimate of 3 million women and girls who are at risk of gender violence in 2018 (Human Rights Watch, 2019).

Furthermore, child labour and exploitation are also affecting Yemeni children across the country. Sexual exploitation of children has been increasing in the past years and girls have been “subjected to human trafficking for commercial sexual

¹² Art. 38(1) of the CRC

¹³ Art. 39(1) of the CRC

¹⁴ Art. 27(2) of the CRC

¹⁵ Art. 29(1) of the CRC

¹⁶ Art. 36 of the CRC

¹⁷ Art. 37(a) of the CRC

¹⁸ Art. 37(b) of the CRC

exploitation within Yemen in hotels and clubs located in Aden, Sana'a, Ta'iz, and other cities" (ILAB, 2017, p.2). There is evidence that Yemeni children (mostly boys) are being forced for domestic work and begging for money in the streets (ILAB, 2017).

Right to the highest attainable standard of healthcare

In terms of the right of quality healthcare, the CRC (1989) provides that "States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health"¹⁹ and shall take appropriate measures to "ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care"²⁰ and also ensure "appropriate pre-natal and post-natal health care for mothers".²¹

However, such important rights were violated since the Yemen war started in 2015. In 2016, the UN (2017) "verified 19 incidents of attacks on hospitals affecting 16 facilities, with hospitals being subjected to multiple attacks in Ta'izz and Marib, 10 of which were attributed to air strikes by the coalition" (p.28) and "52 incidents of attacks on schools and hospitals, resulting in the partial or complete destruction of facilities (46), attacks on protected personnel (3) and looting (3)" (idem, ibidem).

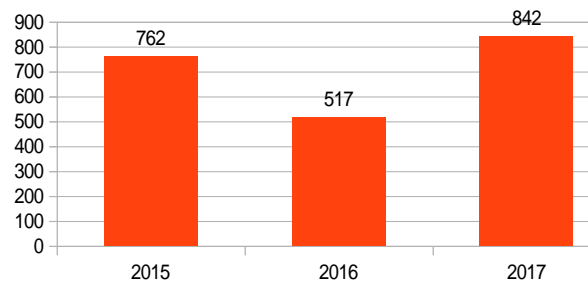
In addition to cholera, other diseases like diphtheria are spreading throughout the country and there is not enough medical resources and assistance to cover all the diseased population. Due to the war, in 2017 only 45% of the hospitals were operational and only 30% of the needed medicines were getting inside Yemen (ICRC, 2017). Such lack of medical assistance is affecting children's wellbeing across the country, since studies found that between 2013 and 2016, vaccine coverage decreased in children among 12-23 months old and the prevalence of severe child anemia ranged from

50.9% in Sana'a to 97.8% in Shabwah in 2016 (El Bcheraoui et al., 2018). It was not only the risk of spreading diseases that increased but also the risk of famine. As reported by the UN (2018), in the end of 2017 130 children were dying every day from famine and "1.8 million children and 1.1 million pregnant or lactating women are acutely malnourished, including 400,000 children under the age of five who are suffering from severe acute malnutrition" (OCHA, 2019, p.7).

Prohibition of recruitment and participation in armed conflicts

Child soldiers recruitment in Yemen

Source: United Nations, 2016, 2017 2018



Graphic 2: Child soldiers' recruitment in Yemen 2015-2017, according to UN reports

According to the OPAC (2002), "State parties shall take all feasible measures that members of their armed forces who have attained the age of 18 years do not take a direct part in hostilities"²² and shall ensure that "persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces".²³ However, Yemen has been violating OPAC since the war started. UN reports show that in 2017, there were at least "842 cases of the recruitment and use of boys as young as 11 years old" (UN, 2018, p.28), such evidence that also violates the Protocol II of the Geneva Conventions (1977), which refers that "children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities".²⁴ UNICEF also states approximately 30 percent of fighters are under 18 (Rodrigues and Al-Qalisi, 2015) and there

¹⁹ Art. 24(1) of the CRC

²⁰ Art. 24(2) of the CRC

²¹ Art. 24(2) of the CRC

²² Art. 1 of the OPAC

²³ Art. 2 of the OPAC

²⁴ Art. 3(c) of the II Protocol of the Geneva Conventions

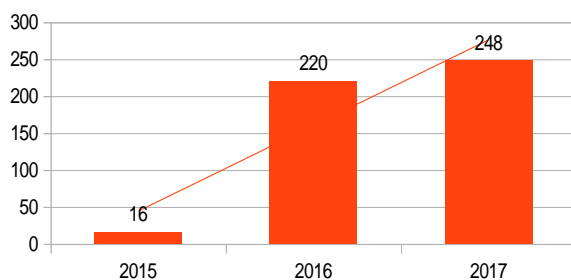
are several reports and literature that confirm the recruitment of children under 18 years old to battle in the Yemen war (Human Rights Watch, 2019; Gamba, 2019; Kirkpatrick, 2019; Varfolomeeva, 2019; OHCHR, 2018; Michael, 2018; Amnesty International, 2017; Gupta, 2015; Human Rights Watch, 2015).

Respect for the international humanitarian law

According to the CRC (1989), “State Parties undertake to respect and to ensure respect for the rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child”²⁵ and “in accordance under the international humanitarian law to protect the civilian population in armed conflicts, State Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict”.²⁶

Denials of humanitarian access

Source: United Nations, 2016, 2017 2018



Graphic 3: Denials of humanitarian access 2015-2015, according to UN reports

As stated by several UN reports (2016, 2017, 2018), there have been incidents in terms of denial of humanitarian access, including restrictions of movement, violence against humanitarian personnel, assets and facilities, and the interference in the delivery of humanitarian assistance. OCHA (2019) also reported that during the blockade of Yemeni seaports and airports since 2016 were deprived of “life-saving medical equipment and vaccines, food and fuel” (p. 26). Such evidence has been increasing exponentially since 2015, as shown in Graphic 3.

General conclusions

Yemen’s civil war produced the worst humanitarian crisis in the world, making it “a living hell” for the country’s children. However, this situation brings extremely complex problems for children, when analysed in a multidisciplinary perspective. First, the international legal framework regarding child soldiers is based on the humanitarian concept of childhood and “inevitably clashes with many local understandings of the involvement of young people at war” (Rosen, 2007, p. 297). The contemporary understanding of a child soldier was not created through the results of research and empirical analysis but rather built by humanitarian organisations and political authorities in order to secure a set of normative procedures (Rosen, 2019).

It is interesting to analyse the contemporary concept of child soldiers because it is not contextualised in a socioeconomic, historic and cultural phenomenon. (Seymour, 2011). In fact, according to the international legal framework on child protection in armed conflicts, it is quite uniform: any person who is under 18 years old is considered a child, therefore it cannot be recruited for military purposes. However, it is important to reflect on the global findings from child soldiers, although forced recruitment is subtle in some conflicts. Children who grow up in war might feel oppressed and – if there is little or no access to education – they can be more easily alienated. The feeling of powerless can lead children and adolescents to join armed groups without any type of direct coercion. According to Rosen (2007), voluntary enlistment can be the only that children may feel safer than unarmed civilians. The literature clearly reveals that in some societies, military life may be the most attractive option to pursue, because often young people often associate weapons with power. Such feeling can act as a strong motivation in countries affected by war, where people usually are unable to acquire basic life resources. In fact, there are several findings on voluntary of child soldiers in countries as Liberia

²⁵ Art. 38(1) of the CRC

²⁶ Art. 38(4) of the CRC

(Rosen, 2005; Fontana, 1997) and Uganda (Johnson, 2006; Survey of War Affected Youth, 2006).

The second main issue is the recruitment of child soldiers by non-state actors (Rosen, 2019) and the attempt to comply with the international standards on child recruitment. According to Labbé & Meyer (2012), the main challenge in terms of compliance of non-state armed groups is the inconsistency of some norms that concern the protection of the recruitment of children into armed conflicts. For instance, OPAC prohibits state parties to recruit children for direct participation in hostilities, but for non-state groups, the prohibition is wide and unclear and does not create direct legal obligations to comply with such norms (Labbé & Meyer, 2012).

Literature presents several suggestions to better comply with international legal standards on the use and recruitment of child soldiers, including development of a protocol to raise the minimum age for voluntary enlistment to 18 years, and unilateral declarations to clarify what amounts for feasible measures to prevent children from taking a direct part in the hostilities (Druba, 2002).

This dichotomy of perspectives on the concept of a child soldier is complex and it needs further evaluation from the international legal

frameworks, humanitarian organisations, and policymakers because such recruitment is a vicious cycle of violence. In fact, these children spend their most important developmental years (e.g. cognitive, physical, emotional and social) in an extreme conflict of violence that will influence their identity building. Furthermore, these will not only affect the development of the child's personality but also Yemen's socio-economic progression, since child soldiering destroys and fragments societies and threatens regional and international stability. The UN agencies and international community actors must continue to persist into peacebuilding efforts with governments and non-state forces to immediately demobilise child soldiers and provide legal advice and social services programs for the integration of child soldiers in society. Such measures should address the economic support of their families and include access to education and vocational opportunities.

It becomes quite clear that the most evident argument in all literature findings used for this analysis is that war violates all children's rights and many of today's conflicts continue throughout childhood, which means that from birth to early adulthood the child will suffer multiple and accumulated attacks.

Bibliography

- Adrian, A., 2019. *Child Soldiers in Yemen: One Element of a Humanitarian Disaster* [online] Available at: <arabcenterdc.org/policy_analyses/child-soldiers-in-yemen-one-element-of-a-humanitarian-disaster> [Accessed on 10 July 2019]
- Al-Awlaqi, W. and Al-Madhaji, M., 2018. Challenges for Yemen's Local Governance Amid Conflict. *Rethinking Yemen's Economy*, 6, pp.1–12.
- Al Jazeera, 2019. Exclusive: Yemeni child soldiers recruited by Saudi-UAE coalition. *Al Jazeera* [online] Available at: <<https://www.aljazeera.com/news/middleeast/2019/03/exclusive-yemeni-child-soldiers-recruited-saudi-uae-coalition-190329132329547.html>> [Accessed on 10 July 2019]
- Amnesty International, 2017. Yemen: Huthi forces recruiting child soldiers for front-line combat [online] Available at: <<https://www.amnesty.org/en/latest/news/2017/02/yemen-huthi-forces-recruiting-child-soldiers-for-front-line-combat>> [Accessed on 23 June 2019]
- Bayoumy, Y., Browning, N. and Ghobari, M., 2016. How Saudi Arabia's war in Yemen has made al Qaeda stronger – and richer. *Reuters*, 8 April [online] Available at: <<https://www.reuters.com/investigates/special-report/yemen-aqap>> [Accessed on 20 June 2019]
- Bureau of International Labour Affairs, 2017. *Findings on the worst forms of child labour – Yemen*. Washington DC: ILAB.

- Dijkstal, H., 2019. Yemen and the Stockholm Agreement: Background, Context, and the Significance of the Agreement. *Insights*, 23(5).
- Druba, V., 2012. The problem of child soldiers. *International Review of Education*, 48(3-4), pp.271–277.
- Edroos, F. 2018. Removing President Hadi will not solve Yemen's problems: official. *Al Jazeera*, 8 December [online] Available at: <<https://www.aljazeera.com/news/2018/12/removing-president-hadi-solve-yemen-problems-official-181208125425870.html>> [Accessed on 1 July 2019]
- El Bcheraoui, C., Jumaan, A. O., Collison, M. L., Daoud, F. and Mokdad, A. H., 2018. Health in Yemen: losing ground in wartime. *Global health*, 14(1), pp.1–12.
- Embassy of the Republic of Yemen, 2018. *The Houthis Legacy in Yemen: Lasting Damage Internally and Looming Danger Internationally*. Washington D.C.: Embassy of the Republic of Yemen.
- Fatafta, M., 2018. Rampant corruption in Arab States. *Transparency International*, 21 February [online] Available at: <https://www.transparency.org/news/feature/rampant_corruption_in_arab_states> [Accessed on 13 June 2019]
- Feierstein, G. M., 2019. *Yemen: The 60-Year War*. Washington D. C.: The Middle East Institute.
- Fontana, B., 2007. Child Soldiers and International Law. *African Security Review*, 16(3), pp.51–57.
- Gahlan, M. Y., 2018. Yemen war leaves harsh impact on education [online] Available at: <<http://www.protectingeducation.org/news/yemen-war-leaves-harsh-impact-education>> [Accessed on 13 June 2019]
- Gamba, V., 2019. Briefing to the United Nations Security Council on the situation of children in Yemen. Statement by Ms. Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict [online] Available at: <<https://childrenandarmedconflict.un.org/briefing-to-the-un-security-council-on-yemen>> [Accessed on 5 July 2019]
- Global Coalition to Protect Education from Attack, 2019. *Safeguard Yemen's Future: Protect Education from Attack*. NY: GCPEA.
- Gressman, W., 2016. *From the Ground Up: Gender and conflict analysis in Yemen*. Oxford: Oxfam, CARE International and IASC.
- Gulf Cooperation Council, 2011. Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the Gulf Cooperation Council (GCC) [online] Available at: <<https://peacemaker.un.org/yemen-transition-mechanism2011>> [Accessed on July 5 2019]
- Gupta, P., 2015. The child soldiers of Yemen: Lured by money and a sense of purpose, a growing number of young boys are being recruited by Yemen's warring factions. *Al Jazeera* [online] 4 March, Available at: <<https://www.aljazeera.com/indepth/features/2015/03/child-soldiers-yemen-150302081855823.html>> [Accessed on 13 June 2019]
- Hill, G., 2017. *Yemen Endures: Civil War, Saudi Adventurism and the Future of Arabia*. Oxford: Oxford University Press.
- Human Rights Watch, 2015. Yemen: Houthis Send Children into Battle: Using Child Fighters Violates International Law [online] Available at: <<https://www.hrw.org/news/2015/05/12/yemen-houthis-send-children-battle>> [Accessed on 10 June 2019]
- Human Rights Watch, 2019. *World Report 2019*. New York: HRW.
- International Committee of the Red Cross, 2017. Yemen: War in the time of cholera [online] Available at: <<https://www.icrc.org/en/document/yemen-war-time-cholera>> [Accessed on 29 May 2019]
- Johnson, J. C., 2006. Deliver Us from Joseph Kony: why the children of Uganda are killing one another in the name of the Lord. *Christianity Today*, 50(1).
- Kirkpatrick, D., 2019. For Yemen Child Soldiers, a Refuge Mixes Play With Saudi Propaganda. *The New York Times* [online] Available at: <<https://www.nytimes.com/2019/02/22/world/middleeast/yemen-saudi-arabia-child-soldiers.html>> [Accessed on 10 July 2019]
- Labbé, J., and Meyer, 2012. *Engaging Nonstate Armed Groups on the Protection of Children: Towards Strategic Complementarity*. New York: International Peace Institute.

- Langendorf, M., 2019. Beyond the war: The deep roots of Yemen's economic crisis. *The New Arab* [online] 8 February. Available at: <<https://www.alaraby.co.uk/english/indepth/2019/2/8/the-deep-roots-of-yemens-economic-crisis>> [Accessed on 10 July 2019]
- Laub, Z., 2015. *Yemen in crisis*. New York: Council on Foreign Relations.
- Michael, M., 2018. These child soldiers are 'firewood' for the war in Yemen. *Global News* [online] 19 December. Available at: <<https://globalnews.ca/news/4776490/yemen-child-soldiers>> [Accessed on 30 June 2019]
- Middle East Eye, 2017. Meet the child soldiers of Yemen, sent into battle by adults [online] Available at: <<https://www.middleeasteye.net/news/meet-child-soldiers-yemen-sent-battle-adults>> [Accessed on 30 June 2019]
- Munassar, O., 2019. Yemen's Stockholm Agreement: One Step Forward, One Step Back? [online] Available at: <<https://blogs.lse.ac.uk/mec/2019/04/15/yemens-stockholm-agreement-one-step-forward-one-step-back>> [Accessed on 10 July 2019]
- National Dialogue Conference, 2014. *National Dialogue Conference: Outcomes Document*. Sana'a: NDC.
- Norwegian Refugee Council, 2019. Yemen: The man-made disaster must end [online] Available at: <<https://www.nrc.no/news/2019/february/yementhe-man-made-disaster-must-end>> [Accessed on 17 July 2019]
- Office of the Special Envoy of the Secretary-General for Yemen, 2018. *Stockholm Agreement*. Stockholm: OSESGY.
- Orkaby, A., 2019. Yemen: A Civil War Centuries in the Making. *Origins*, 12(8).
- Rodrigues, C. and Al-Qalisi, M., 2015. Yemen crisis: Meet the child soldiers who have forsaken books for Kalashnikovs. *The Independent*, 19 April [online] Available at: <<https://www.independent.co.uk/news/world/middle-east/yemen-crisis-meet-the-child-soldiers-who-have-forsaken-books-for-kalashnikovs-10187235.html>> [Accessed on 5 July 2019]
- Rosen, D. M., 2005. *Armies of the Young: Child Soldiers in War and Terrorism*. New Brunswick: Rutgers University Press.
- Rosen, D. M., 2007. Child Soldiers, International Humanitarian Law and the Globalization of Childhood. *American Anthropologist*, 109(2), pp.296–306.
- Rosen, D. M., 2019. Child Soldiers in Historical and Comparative Perspective: Creating a Space for Data-Driven Analysis. In: Drumbl, M. A. and Barrett J. C. (eds.) *Research Handbook on Child Soldiers*. Cheltenham: Edward Elgar Publishing.
- Salisbury, P., 2015. *Yemen and the Saudi Iranian 'Cold War'*. London: The Royal Institute of International Affairs.
- Save the Children, 2018. *Yemen: 85,000 Children May Have Died from Starvation Since Start of War* [online] Available at: <<https://www.savethechildren.org/us/about-us/media-and-news/2018-press-releases/yemen-85000-children-may-have-died-from-starvation>> [Accessed on 1 July 2019]
- Save the Children, 2019. *Yemen cholera outbreak: 100,000 children infected since start of 2019* [online] Available at: <<https://yemen.savethechildren.net/news/yemen-cholera-outbreak-100000-children-infected-start-2019>> [Accessed on 12 June 2019]
- Schlein, L., 2018. UNICEF: Education a Major Casualty of Yemen's War. *VOA News* [online] 16 September. Available at: <<https://www.voanews.com/world-news/middle-east-dont-use/unicef-education-major-casualty-yemens-war>> [Accessed on 12 June 2019]
- Schuster, K., 2018. Yemen's war explained in 4 key points. *Deutsche Welle* [online] Available at: <<https://www.dw.com/en/yemens-war-explained-in-4-key-points/a-40056866>> [Accessed on 30 June 2019]
- Seligman, L., 2018. Starvation and child soldiers: on the ground in Yemen. *Foreign Policy*, 9 October [online] Available at: <<https://foreignpolicy.com/2018/10/09/starvation-and-child-soldiers-in-yemen/>> [Accessed on 10 June 2019]
- Sharp, J. M., 2017. *Yemen: Civil War and Regional Intervention*. Washington DC: CRS.

- Seymour, C., 2011. Reconceptualising Child Protection Interventions in Situations of Chronic Conflict: North Kivu, DRC. In: Evers, S., Notermans, C. and Van Ommering, E. (eds.) *Not Just a Victim: The Child as Catalyst and Witness of Contemporary Africa*. Leiden: Brill.
- Sommerland, J., 2018. Yemen civil war: The facts about the world's 'forgotten war'. *The Independent*, 15 October [online] Available at: <<https://www.independent.co.uk/news/world/middle-east/yemen-civil-war-explained-facts-saudi-arabia-bombing-uk-forgotten-war-deaths-refugees-a8584356.html>> [Accessed on 30 June 2019]
- Summers, H., 2018. Yemen on brink of 'world's worst famine in 100 years' if war continues. *The Guardian*, 15 October [online] Available at: <<https://www.theguardian.com/global-development/2018/oct/15/yemen-on-brink-worst-famine-100-years-un>> [Accessed on 10 June 2019]
- The Lancet Haematology, 2018. The humanitarian cost of Yemen's crumbling health system. *The Lancet Haematology*, 5(12), p.599.
- The Survey of War Affected Youth, 2006. *SWAY Research Brief 1: The abduction and return experiences of youth* [online] Available at: <<https://chrisblattman.com/projects/sway>> [Accessed on 18 July 2019]
- Transparency International, 2019. *Corruption Perceptions Index 2018*. Berlin: TI.
- United Nations, 2018. Yemen: UN chief hails 'signs of hope' in world's worst man-made humanitarian disaster [online] Available at: <<https://news.un.org/en/story/2018/11/1024782>> [Accessed on 5 July 2019]
- United Nations, 2015. Security Council Demands End to Yemen Violence, Adopting Resolution 2216 (2015), with Russian Federation Abstaining [online] Available at: <<https://www.un.org/press/en/2015/sc11859.doc.htm>> [Accessed on 25 June 2019]
- United Nations Children's Fund, 2018. In Yemen, children's education devastated after three years of escalating conflict [online] Available at: <<https://www.unicef.org/press-releases/yemen-children-education-devastated-three-years-conflict>> [Accessed on 11 June 2019]
- United Nations Children's Fund. 2018. Conflict shuts a third of schools in Yemen's port city of Hudaydah [online] Available at: <<https://www.unicef.org/press-releases/conflict-shuts-third-schools-yemens-port-city-hudaydah>> [Accessed on 11 June 2019]
- United Nations General Assembly, 1948. *The Universal Declaration of Human Rights*. Paris: UN.
- United Nations General Assembly Security Council, 2016. *Children and armed conflict: Report of the Secretary-General A/70/836-S/2016/360*. New York: UNSC.
- United Nations General Assembly Security Council, 2017. *Children and armed conflict: Report of the Secretary-General A/72/361-S/2017/821*. New York: UNSC.
- United Nations General Assembly Security Council, 2018. *Children and armed conflict: Report of the Secretary-General A/72/865-S/2018/465*. New York: UNSC.
- United Nations Human Rights Council, 2018. *Situation of human rights in Yemen, including violations and abuses since September 2014: Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Independent Eminent International and Regional Experts and a summary of technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry*. New York: OHCHR.
- United Nations Human Rights Council, 2018. UN Child Rights Committee presses Saudi Arabia to protect children in armed conflict [online] Available at: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23478&LangID=E>> [Accessed on 11 June 2019]
- United Nations News, 2018. Half the population of Yemen at risk of famine: UN emergency relief chief [online] Available at: <<https://news.un.org/en/story/2018/10/1023962>> [Accessed on 5 June 2019]
- United Nations News, 2019. Yemen: maternal and new-born health 'on the brink of total collapse', UNICEF alerts [online] Available at: <<https://news.un.org/en/story/2019/06/1040531>> [Accessed on 14 June 2019]
- United Nations Office for the Coordination of Humanitarian Affairs, 2019. *Yemen: Humanitarian Response Plan January-December 2018*. New York and Geneva: OCHA.

Uqba, S., 2019. Yemen in Focus: Saudi-coalition recruits child soldiers for border protection. *The New Arab* [online] Available at: <<https://www.alaraby.co.uk/english/indepth/2019/4/5/yemen-in-focus-saudi-coalition-recruits-child-soldiers-along-border>> [Accessed on 22 June 2019]

Varfolomeeva, A., 2019. Houthis recruit 50,000 Yemen child soldiers in 3 months, minister says. *The Defense Post*, 20 June [online] Available at: <<https://thedefensepost.com/2019/06/20/yemen-houti-child-soldiers-noammar-al-eryani>> [Accessed on 10 July 2019]

War Child UK, 2019. Being Kept Behind. *The impact of conflict on the education of Yemen Children*. London: War Child UK.

Wessels, M., 2002. *Child Soldiers: From Violence to Protection*. Cambridge: Harvard University Press.

Wintour, P., 2019. Yemen civil war: the conflict explained. *The Guardian*, 20 June [online] Available at: <<https://www.theguardian.com/world/2019/jun/20/yemen-civil-war-the-conflict-explained>> [Accessed on 15 July 2019]

World Economic Forum, 2018. *The Global Gender Gap Report 2018*. Cologne: WEF.



“War violates every right of a child - the right to life, the right to be with family and community, the right to health, the right to development of a personality and the right to be nurtured and protected.” (United Nations, 1996)

“Security matters”, Paul Williams has opined. Why would it not matter? We wake up to horrific news of thousands being killed or maimed under horrific circumstances. Continuously, the international media landscape has been awash with devastating news and features that challenge our thinking – starvation, pandemics, migration crisis, terrorism, natural disasters, homelessness/displacement, armed conflicts...the list goes on until I lose count all threatening our very existence. Against this backdrop, conceiving of contemporary world politics without reference to security would be grossly inadequate, if not impossible, and that would amount to paying lip service to the prominence security has assumed on the international scene. (Williams, 2013)

Warfare has been part of human society from time immemorial. At every point in times of war, children – for reasons of their vulnerability and immaturity – have always suffered a great deal of catastrophe. Children in the Syrian Arab Republic are no exception. Following nearly a decade of continuous warfare, the people of Syria have been facing the largest humanitarian crisis in the world, with grave protection and human rights violations occurring each passing day. In all these, the worst affected in the ongoing armed conflict have been children who have had to pay the heaviest price, with their suffering hitting rock bottom in a drastic escalation of violence. For over six years, no week passes without news of renewed violence, both government and rebel forces have reneged their pledges to allow a cease-fire and, time and again, have gone back on their words to be on the offensive. Against this backdrop, this piece dwells on the child protection situation assessment in Syria and highlights the gross violations children

suffer daily as they are trapped in conflict zones with little or no access to humanitarian aid.

In the numerical calculations of the number of children affected by the Syrian armed conflict, nearly all international reports are unanimous, with an estimated 470,000 people dead, including 12,000 children. (Sinha, n.d.) These figures speak volumes of the heavy toll the conflict has had on children and the refusal of both parties to observe a cease-fire undermines any international effort aimed at resolving the conflict. The report of the United Nations Secretary-General on Children and Armed Conflict identifies 851 verified cases “attributed to armed groups self-affiliated with the Free Syrian Army (507), ISIL (133), pro-government militias (54), People’s Protection Units (46), government forces (29), Army of Islam (28), Ahrar al-Sham (17), the Nusrah Front (also known as Jabhat Fath al-Sham) (10), Nur al-Din al-Zanki (3) and unidentified armed groups (24); 20 percent of verified cases involved children under the age of fifteen”. (CIAC, 2017) A further verification of the killing of 652 children (297 boys, 125 girls, 230 sex unknown) and the maiming of 647 (223 boys, 133 girls, 291 sex unknown) during 2016 was also recorded, with casualties attributed to government and pro-government forces (708), ISIL (235), People’s Protection Units (8), groups affiliated with the Free Syrian Army (5), other armed groups (10) and unidentified armed groups (145). (CIAC, 2017)

To understand the gravity with which children have been affected by the war, mention needs to be made of an estimated 8.4 million children who are affected by the conflict either in Syria or as refugees in other parts of the world. More than 6 million children are in need of humanitarian aid and, of this number, more than 2 million have no access to aid at all, either they live in areas unreachable by aid workers or they live in territories being under siege. (Sinha, n.d.) With no imminent end to the war in sight, an estimated 7.5 million children are growing up knowing nothing



but war. Across the Middle East, Eurasia and Europe, nearly 2.4 million Syrian girls and boys are experiencing the stress, adversity, and uncertainty of life as a refugee. Syria has been a living nightmare for children and families tormented by more than seven years of war and unimaginable hardship. It underscores how critical the situation is – and how desperately help is needed. (Save the Children, n.d.) Every day, Syria's children are seeing horrors no child should see and suffering emotional wounds that may never heal.

Recurring challenges faced by children in Syria

After what began as one of those anti-government protests that sparked the Arab region in the spring of 2011, Syria has degenerated to become the most dangerous country in the world to be a child. (Save the Children, 2018) Grave child rights violations – killing, maiming, sexual violence, abduction, recruitment into combat, attacks on schools and hospitals, and denial of humanitarian access – continue to be a recurrent nightmare which Syrian children have had to face head-on. (Save the Children, n.d.) The ongoing conflict in Syria challenges human thinking in every aspect. All facets of the life of children have been gravely affected due to their exposure to horrific experiences. Given that children are immature, can make no express distinction of right from wrong, are in the stage of development, are vulnerable and need special protection from harm, with the priority of their education requiring special attention, their continuous exposure to warfare mar and frustrate their development process.

War

The effect of war on children is very grave. It affects the totality of the child. In their own words, Syrian children cry out: “There is no food and we can’t go outside...the planes are bombing”; “One of my friends died in front of me – and I saw the blood”; “It feels like the end of the world”. (Save the Children, n.d.) Every day, numerous violations of children's rights take place in areas such as health, education, protection and Syrian children's regular exposure to escalating violence and explosive weapon attacks heavily impoverish their childhood development and shut the door of opportunities on them.

For the past six years, children in Syria have been bombed and starved. They have seen their friends and families die before their eyes or buried under the rubble of their homes. They have watched their schools and hospitals destroyed, been denied food, medicine, and vital aid, and been torn apart from their families and friends as they flee the fighting. Every year that the war goes on plumbs new, previously unimaginable depths of violence against children, and violations of international law by all sides. (Brophy, 2017)

Some children are forced to become child soldiers; others are pushed into the workforce to provide for their families; several thousands have lost their members and have been forced to flee, only to become displaced within Syria itself or in neighbouring countries. Worse, others have had to embark on the perilous journey – often alone – across the Mediterranean to make their way to Europe. (Sinha, n.d.)

Atrocities

The killing and maiming of children in the ongoing conflict have reached unprecedented levels. Both government forces and rebels have perpetrated such heinous crimes with impunity, denying children their rights to life and protection. Children's right to life encapsulate their right to be able to live their own life and not to be killed. They have the right to survive and to grow up in proper conditions. (CRC, 1989, Art.6) The killing and

maiming of children must, therefore, be condemned with no uncertain terms and perpetrators made to face the full rigours of the law. Children's right to protection enshrines their right to live in a secure and protective environment which preserves their well-being. It is, therefore, the responsibility of the Syrian government to ensure that children grow up in an enabling environment free from war. The government has done a great disservice to its children for not only exposing them to danger but also subjecting them to killings and maimings. There have been reported cases of government detaining and torturing children with rebel links – an act that spells doom for the safety of the children. Not only that, it goes ultra vires to the principles of the Convention on the Rights of the Child. (CRC, 1989, Art.2)

Humanitarian access denial

Denial of humanitarian access has featured prominently in the ongoing conflict. Rebel-held territories have been consistently surrounded by government forces and trapped children in need of emergency care. Such territories have been cut from food and medical supplies and children trapped in those government besieged territories face starvation, malnutrition, and death. What is more worrying has been the refusal of the government to distinguish between military and civilian target, and the deliberate attempt to frustrate efforts by volunteers to provide humanitarian assistance has had a heavy toll on suffering children. While the UN Security Council's 2 October 2012 Presidential Statement, in reiterating the need for humanitarian access, stressed the “obligation to distinguish between civilian populations and combatants, and the prohibition against indiscriminate attacks”, (United Nations, 2013) humanitarian access denial remains a major challenge for volunteers to reach trapped children in government-besieged territories.

Mental health

“The children are psychologically crushed and tired. When we do activities like singing with them,

they don't respond at all. They don't laugh like they would normally. They draw images of children being butchered in the war, or tanks, or the siege and the lack of food.”¹ The enduring pain that Syrian children have had to live with for the past seven years has been nightmarish and unbearable, with enormous psychological pain becoming worse by day. It has been established that an estimated 3 million Syrian children under six years know nothing but war, and the growing up of millions in fear, under the shadows of the conflict is as startling as is worrying. A research into the mental health of Syrian refugee children by Save the Children has made worrying revelations that challenge our thinking: staggering level of trauma and emotional distress identified with the children, with heartbreaking accounts of children terrified by the shelling and continuous airstrikes, anxiety about their future and distraught by their inability to go to school. (Brophy, 2017)

Poverty

“Nearly 7 million children in Syria live in poverty”. (UNOCHA, 2017) The Syrian Arab Republic is on record to have about 7 million people living in conditions of poverty, according to UNICEF estimates. Following the repression that met the anti-establishment protests since 2011, in the wake of the Arab Spring, international trade sanctions and Syrian boycotts have had a heavy toll on the economy, negatively affecting the socio-economic life of the civilian population. The continuous shelling and airstrikes have frustrated economic activities and have placed many families at the receiving end, as the sanctions have limited the revenues of the state and shrank its budget, making its ability to pay salaries in the public sector very slim.

Education

“One-third of school-age children in Syria are not in school, with one-third of schools out of service”. (UNOCHA, 2017) Given the inviolability of the rights of children to education, (CRC, 1989, Art.28) the shattered educational sector in Syria has become a cause for worry. The once effective

¹ A teacher in the besieged town of Madaya to Save the Children, (n.d.) op. cit.

educational sector in Syria is now on the brink of collapse due to the war, as bombings and airstrikes have destroyed school buildings and denied children access to education. Prior to the war, Syria was on record to have had an effective system of education with a near 100% primary school enrolment and 70% in secondary school. Five years into the war, in 2016, reports indicated that 700,000 Syrian children did not have access to education. (Sinha, n.d.) The deliberate targeting of educational facilities and wanton destruction of school buildings have featured prominently in the war, and attacks have also been extended to students and teachers with targeted killings and abductions, making the future of some of the children very blur with uncertainties in all their forms. There have been verified attacks of consecutive pro-government airstrikes hitting school complexes, killing teachers, school children and wounding many others. (CIAC, 2017)

Child soldiering

One of the many despicable spectacles of the Syrian nuisance is the recruitment of children into fighting, especially by the rebel forces. The government has failed on its responsibility to protect the children consequent upon which rebels have, on a large scale, recruited and used children in support roles and in combat. Available figures indicate that “the number of children maimed, killed or recruited to fight ... has increased dramatically” over the years, “with children as young as seven forced to act as frontline fighters, prison guards, suicide bombers and executioners”. (Hodal, 2017) The phenomenon of child soldiers has become a global canker which has attracted international attention in recent past. Recruitment or use of children as soldiers is one of the six grave violations identified by the UN Security Council. (CIAC, n.d.)

Child labour

The Syrian legal system criminalises the employment of minors before reaching age 15 or completion of their basic education.² The issue of

child labour predated the war. However, following the humanitarian crisis that plagued the country, the matter has been more worrying than it was prior to the war. In Syria and neighbouring countries, children have not only been forced out of school but also compelled under prevailing circumstances to engage in hazardous work under conditions that are mentally, socially, and physically threatening. The impact of the war on the economic life of Syrian children has been very disturbing and, with no end to the war in sight, their situation is becoming worse each passing day.

Healthcare

One of the sectors of Syrian society heavily affected by the war has been healthcare. There have been deliberate attempts by both sides to bring hospital buildings down and attack health workers. “The United Nations verified 81 attacks on medical facilities and 30 incidents of attacks on medical personnel resulting in 29 child casualties and 94 casualties among medical personnel, a nearly threefold increase compared with 2015”. (CIAC, 2017, Para.181) Prior to the commencement of the war, the infant mortality rate in Syria was akin to that of middle-income countries. Now, seven years into continuous fighting, unrelenting violence has shattered the healthcare system, leaving millions of children suffering. Lack of access to health is a contributory factor to the death toll on children. The WHO has classified Syria as a grade 3 emergency – the highest level according to WHO’s Emergency Response Framework (ERF). The duration and severity of the conflict make Syria the longest major emergency the Organisation has had to tackle since the ERF was introduced in 2013. (WHO Report, 2018) The right to health is a fundamental right to which children are entitled, (CRC, 1989, Art.24) and every effort needs to be made to ensure that Syrian children, especially those trapped in the besieged territories, are not denied access to healthcare. Continuous bombing and airstrikes targeting hospitals and health workers are inimical to the full realisation of the health of children.

² Section (a) of Article (113) of the Labour Law of Syria, 2010.

Sexual violence

The repugnant phenomenon of sexual violence has become a major talking point within the international system. Sexual violence against children takes place both in times of peace and war, and it is frowned upon as one of the UN Security Council's Six Grave Violations³ and ILO's Worst Forms of Child Labour. (ILO, n.d.) The Convention on the Rights of the Child enshrines the protection of children from sexual violence, under Article 34. (CRC, 1989) Sexual violence against children in Syria has been on the increase and this presents a worrying trend.

Child marriage

Much as child marriage existed in Syria prior to the war, there has been an upsurge since the outbreak of the war. (Bartels et. al., 2018) In some cases, such as in Syrian refugee communities in Jordan, the rate of child marriage has doubled since 2011, where we see an upsurge of marriages arranged by families for minors, against the wishes of the girls. Reported cases included "accounts...received of ISIL fighters demanding marriage of girls living in ISIL-held areas". In a "verified case, a fourteen-year-old girl was abducted and gang-raped by 6 ISIL fighters after her family refused marriage". (CIAC, 2017, p.27, para.179)

Key issues and underpinning factors

The impunity with which actors in the Syrian conflict commit atrocities against children can be traceable to a multiplicity of factors. It could be argued that in spite of UN Security Council resolutions that led to the destruction of Syria's chemical weapons, the Syrian government has continued to launch chemical attacks on civilian populations, including children, to this day. While the government denied using chemical weapons, the symptoms suffered by hundreds of civilians were verified as being consistent with reaction to a nerve agent following government airstrikes. (BBC News, 2017) Such attacks have prevailed because of the impunity with which the government has

attacked its own people in violation of international law.

Another contributory factor, it could be argued, is attributable to the political divisions and partisan interests within the UN Security Council which have been an insurmountable obstacle. (Adams, 2015) "In particular", writes Adams (2015), "Russia and China have on ... separate occasions employed their vetoes to block action in response to mass atrocity crimes in Syria, including...a draft resolution that would have referred the Syrian situation to the International Criminal Court... each veto strengthened impunity and encouraged the expansion of war crimes and crimes against humanity". (Adams, 2015, p.3) Given what appears to be Russia's blank cheque to the Syrian government, every effort at abating the conflict would be frustrated. Without agreement by the Permanent Security Council members to refrain from using their veto in mass atrocity situations, the future of Syrian children trapped in the conflict looks more blur than it has ever been.

Another factor attributable to the mass atrocities from which children are suffering is the international support received by the actors in the conflict. The foreign involvement has contributed immensely to the fuelling of the war, and children have had to pay the heaviest price. There has been a wider description of the war as a series of overlapping proxy war between the regional and world powers, where the United States against Russia and Iran against Saudi Arabia have been at play. While the government has been politically and militarily supported by Iran and Russia and other neighbouring countries, the opposition has been supported financially, logistically, politically and in some cases militarily by most of the Sunni states in the region allied with the United States. Consequently, Syria has become a battleground for the world and regional powers and the heaviest toll has been on children.

Conclusion

In the preceding pages, attempts have been made at highlighting the violation of children's rights in humanitarian emergencies in the Syrian Arab

³ See CIAC, n.d.

Republic. The shocking revelations in the Secretary-General's report are, without doubt, a cause for worry. Unless immediate action is taken to address the situation, the impunity with which the actors in the conflict are committing crimes in violation of international law would go unchecked and children would remain trapped and their rights violated beyond degree. Syria has become a failed state. The dreams of millions of children hang in a balance, as uncertainties stare at them in the face. Concerted efforts are needed to bring warring factions to the table to talk them into smoking the peace pipe to provide relief to the suffering population. Parties to the conflict ought to abide by their obligations under international law and

observe a cease-fire. The recruitment and use of children ought to stop, and all child rights violations must be prosecuted and save Syrian children from plunging into a lost generation. The role of the international community in the resolution of the conflict is indispensable. Most importantly, the UN Security Council is under an obligation to help end war crimes and crimes against humanity in Syria. While issues of humanitarian access, negotiating a political solution and ending impunity for mass atrocities remain complex and fraught with political danger, the non-involvement of foreign governments in fuelling the conflicts can make headway in a peaceful settlement.

Bibliography

Primary sources: official documents

- Brophy, M., 2017. Invisible wounds. The impact of six years of war on the mental health of Syria's children [pdf] Available at: <<http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/INVISIBLE%20WOUNDS%20FINAL%20020317.PDF>>
- CIAC, (n.d.) The Six Grave Violations [online] Available at: <<https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations>>
- CIAC, 2017. Annual Report of the Secretary-General on Children and Armed Conflicts. Children in Armed Conflicts, 6 October [online] Available at: <<https://childrenandarmedconflict.un.org/millions-of-children-caught-in-conflict-victims-and-targets-of-despicable-harm>>
- CRC, 1989. Convention on the Rights of the Child [online] Available at: <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>>
- ILO, (n.d.) The Worst Forms of Child Labour. The International Labour Organisation [online] Available at: <<http://www.ilo.org/ipecc/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang-en/index.htm>>
- Labour Law, 2010. Labour Law of the Syrian Arab Republic. Law No 17 [pdf] Available at: <https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_145645.pdf>
- Save the Children, (n.d) Syria's Children are living in a nightmare [online] Available at: <<http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.7998857/k.D075/Syria.htm>>
- Save the Children, 2018. Syria: In their Words – the Realities of Syria's 7-year War [online] Available at: <<http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.7998857/k.D075/Syria.htm>>
- United Nations, 1996. The Impact of Armed Conflict on Children. 26 August 1996 [report] Available at: <<http://www.un.org/documents/ga/docs/51/plenary/a51-306.htm>>
- United Nations, 2013. United Nations Security Council Statement by the President of the Security Council on the situation in the Middle East. S/PRST/2013/15, 2 October [online] Available at: <http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2013/15>
- UNOCHA, 2017. Humanitarian Needs Overview: Syrian Arab Republic [pdf] Available at: <http://www.unocha.org/sites/unocha/files/dms/Syria/2017_Syria_hno.pdf>

WHO Report, 2018. World Health Organisation Syrian Arab Republic 2017 [report] Available at: <http://www.who.int/emergencies/crises/syr/syria-who-annualreport2017.pdf?ua=1>

Secondary sources

Adams, S., 2015. *Failure to Protect: Syria and the UN Security Council*. Global Centre for the Responsibility to Protect, Occasional Paper Series, No. 5 [pdf] Available at http://www.globalr2p.org/media/files/syriapaper_final.pdf

Bartels, S.A. et. al., 2018. Making Sense of Child, Early and Forced Marriage Among Syrian Refugee Girls: A Mixed Methods Study in Lebanon. *BMJ Global Health*, Jan 2018, 3 (1) e000509 [online] Available at <http://gh.bmj.com/content/3/1/e000509>

BBC News, 2017. Syria Chemical Attack: What We Know. *BBC News*, 26 April [online] Available at: <http://www.bbc.com/news/world-middle-east-39500947>

Hodal, K., 2017. Syrian children 'pushed to the brink' after worst atrocities since war began. *The Guardian*, 13 March [online] Available at: <https://www.theguardian.com/global-development/2017/mar/13/syrian-children-pushed-to-brink-worst-atrocities-since-war-began-unicef-report>

Sinha, P., (n.d.) Children of Syria: Realising Children's Rights in Syria. *Humanium* [online] Available at: <https://www.humanium.org/en/syria>

Williams, P. (ed.) 2013. *Security Studies: An Introduction*. 2nd ed. London: Routledge.



VICTIMS OF SPREAD HOSTILITY

HOW ROHINGYA CHILDREN ENDURE THE CONSEQUENCES OF CENTURY-LONG SOCIAL AND CULTURAL ISOLATION

Who are Rohingya and why are they persecuted?

The Republic of the Union of Myanmar (also known as Burma) is a country located in the southeast of Asia, as can be seen from the map. Since its independence in 1948, though, the country faced a series of turbulent periods, related mainly to the ethnic division within its territory. Myanmar has indeed more than 135 recognised ethnic groups: the majority is composed by the Burman group, which represents two-thirds of the population. The country has been under British control until 1948, the year which marks its independence. In the following decades, the country has experienced several economic problems related to its lack of development. One of the main problems that has affected the area has been the climate instability, with related climate disasters.

The case study focuses on the conflict and persecution of the Rohingya community. The number of Rohingya that resided in Myanmar was approximately 3.5 million. They resided mainly in Rakhine State, a region in the west part of the country bordering Bangladesh. The Rohingya people practice a variation of Sunni religion, which is a branch of Islam, a factor that caused the separation from the other minorities, which were and remain mainly Buddhist. They therefore have always been isolated by the rest of the population for linguistic and ethnic reasons.

The attacks against the community had numerous consequences concerning various human rights principles, but also in relation to the amount of internally displaced people (IDPs) and as far as refugees are concerned. The Rohingya people who are attacked are not only obliged to leave their homes but have to start over in refugee camps with questionable sanitary and security standards. The consequences are even worse for children, who often suffer from post-traumatic stress disorder

(PTSD) because of the constant persecution of the militia. Moreover, the situation for children is not easier in the camps. A significant number of them arrive in these camps without their parents or just part of their families, and most of the time they do not receive the appropriate scholastic care they would need.

The first part of the case study analyses the process that created the political climate which led to the isolation and persecution of the Rohingyas. The second part of the study focuses on the children's situation in the camps and within Myanmar, while the last two paragraphs describe the international measures adopted in order to address the emergency of the issue and the future steps to be taken to improve the current situation.

Historical Facts

The Rohingya history in Myanmar

As already stated, Myanmar is composed of numerous ethnic minorities. This fact caused several civil wars throughout the years since the independence gained by the country in 1948. The leadership of the country belonged to the Buddhist majority (Smith, 2007). Even though there are more than 135 minority groups in the country, the Rohingya are not recognised as an ethnic minority group by the government. Therefore, they do not receive any legal or social protection.

The ethnic issue worsened after the British colonialist period: at the beginning, the Buddhist leadership reacted negatively to the new government and strongly criticized the Western culture and ideology. After World War II, the focus of the attacks moved towards an ethnic aspect, with the rise of ethnic tensions in the country. Shortly after Myanmar's independence from the British in 1948, the Union Citizenship Act was passed, which defines the ethnicities that could gain citizenship.



According to the 2015 report by the Allard K. Lowenstein International Human Rights Clinic at Yale Law School, the Rohingya were not included in the Act. (Fortify Rights, 2015) The reason behind this adversity is due to the fact that back in 1947 many Bangladeshi moved from their home country to the Rakhine State in order to find new employment opportunities. Back in the day, those territories were all under the British administration, so these movements were seen more of an internal issue. Nonetheless, this created resentment in other parts of the population and caused the animosity that led to the persecution of the Rohingya community by the government.

The situation escalated when General Ne Win led a coup and gained power in the State in 1962. The national propaganda made use of the spread of xenophobia among the population and increased the hatred against the Rohingyas. One of the most tragic results of this policy has been the 1975 pogrom that led to the mass killings of Rohingya and the first exodus outside of the State. Several exoduses occurred throughout the year, which led to unstable social and economic conditions for the Rohingya community.

This situation does not meet the international standards of non-discrimination toward the ethnic, linguistic and religious minorities, as set out in the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*. It is important to underline, though, that this is not mainly caused by a particular political party since the Rohingyas are not recognised as a

minority by the vast majority of the country. As a matter of fact, they are seen as a group of immigrants from Bangladesh because of historical reasons: that is why the majority of the Burma refers to them as illegal Bengali immigrants. One of the easiest ways for the government to gather consensus among the population is indeed the adoption of aggressive rhetoric toward the Rohingya.

In recent years, the State of Myanmar decided to undertake several democratic steps, as a consequence of international pressure and has been trying to reach more cohesive stability. This process led to the promulgation of the 2008 Constitution, which still does not recognize the legal status of Rohingya in the country. The hope for a more democratic turnover after the release of politician and Nobel Prize winner Aung San Suu Kyi in 2010 was crashed since the leader of the National League for Democracy could not achieve to implement a policy respectful of the human rights of the community, with the disappointment of the international community. (The Guardian, 2018)

Recent years' events: the situation before the persecutions

From a legal point of view, the Rohingyas are not recognised as Myanmar citizens, and therefore do not receive legal identification documents. As a matter of fact, this situation worsens the attempts by the international organisations to calculate and understand the entity of the consequences of the persecutions brought forward by the Tatmadaw, the national army.

The situation for Rohingya children was dire also before the violence spread out since they were not legally protected by national laws and had to bear social and political disadvantages. For instance, the fact that they and their parents were not recognized as proper citizens, deprived them of several fundamental rights.

As reported by UNICEF, the majority of Rohingya children who live in Myanmar do not have recognized citizenship or legal identity. Moreover, almost 1.2 million children aged between 5-15 years are working, and around 600,000 live in institutions.

There are two main issues regarding government

initiatives: first of all, Rohingya people do not see their basic human rights protected and live in constant life-threatening situations. Secondly, the communities who have been attacked decided to move to neighbouring countries, such as Bangladesh, Malaysia, Indonesia, and Thailand. The situation escalated in 2017 when the *Arakan Rohingya Salvation Army* (ARSA) or *Arakan Army* (AA) decided to attack government authorities, as a result of the continuous threats and humiliations from the Tatmadaw militia. The first clashes then led to a massive response by the Tatmadaw and the government authorities, causing the destruction of the villages and the migration of Rohingyas. These clashes were preceded by other strikes brought forward by the Tatmadaw against the communities. The first of them took place in 2016 when a group of the Tatmadaw attacked some families of the Rohingya group. The attacks were not followed by an intervention by the government, so this led to several others in the following months.

The situation of refugees

As previously mentioned, the majority of the refugee camps are settled in Bangladesh. The phenomenon of Rohingya people fleeing to the neighbouring countries is not new: throughout the years, after the escalation of violence, several members of the Rohingya community decided to move in order to avoid further repression.

The standards of living in the refugee camps are extremely dire: the flux of migrants has been so high that it was extremely difficult for the hosting countries to face the needed requirements for such an emergency. This led to the formation of extremely congested camps, with problems concerning the supply of food and healthcare (OCHA, 2018).

The issues affect several areas of life, from the health conditions also leading to severe malnutrition to educational issues.

As reported by OCHA in March 2019, more than 745,000 refugees reside in those camps, and the number may be rising. Moreover, if the situation is not addressed immediately, the spread of disease and the appearance of health problems is almost certain. The refugee camps often miss current water, and the living space is very restricted.

The situation's impact on Rohingya children

Within Myanmar

Some of the main problems that children in Myanmar have to face are different forms of exploitation and abuse and the lack of respect for their rights. As UNICEF reports show, their rights are often not respected by the national tribunals, which is why one of the main objectives of the international organizations working in the country is to allow them to receive the right treatment from the country, as far as their rights to citizenship, education, and health treatments are concerned.

As previously outlined, the Rohingya community is not recognized within Myanmar, which consequently affects their rights and their citizenship status. This also has several effects on the situation of children. The villages in the Rakhine region are some of the poorest of the country, with severe consequences as far as children's living standards are concerned. Within Myanmar, Rohingya children are not protected by law and do not receive any particular aid from the government, as required by the United Nations Convention on the Rights of the Child (CRC), acceded by Myanmar in 1991. In Article 18(c) of the Convention states: *Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures, especially children from ethnic and religious minority groups, children from remote and border areas, internally displaced children, children in street situations, children affected by HIV/AIDS, children with disabilities, orphans and children in situations of poverty, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies (CRC, 1991).*

Moreover, they face huge risks due to the attacks brought forward against their families. Very often children become the victims of the attacks, which led to severe physical injuries and, at times, to death. The percentage of children who lost all or part of their families is also high, which often leads to psychological traumas.

More than 20% of the children who are supposed to attend school are out of the educational system and about one out of three suffers from

malnutrition. As stated by the May 2019 UNICEF report, the situation for children in Myanmar is overall a negative one, with more than 460,000 children in need of humanitarian assistance. The main issues involve health problem caused by a lack of vaccinations, coordination of health facilities and education.

Children's rights protection in the refugee camps

As more than 55% of the refugees are composed of children (Save the Children, 2018), the refugee camps outside of Myanmar represent one of the most worrying issues that children have to face.

As far as the refugee camps are concerned, the facilities are very problematic for sanitary and educational conditions. Since the amount of refugees has been extremely high in a very restrained period of time, the governments of the hosting countries met several difficulties in organizing and preparing proper centres. This resulted in over-crowded camps, with no practical help specifically aimed at the situation of children. As a UNICEF report states (Brown and Chambers, 2018) living conditions in the camps are dangerous and put children at risk.

As far as education is concerned, many of the children risk losing years of school. Several international organizations, such as UNICEF and Save the Children, are trying to organize alternative ways for children to attend school, by, for instance, setting up "learning centres". However, the objective is problematic since the number of refugees continuously increases and the facilities are not adequately equipped to accommodate such high numbers.

The great majority of children are displaced in the Cox's Bazar camp in Bangladesh and are said to be orphaned as they lost their parents in the violence that affected their home country. As reported by Save the Children (2018), more than 6,000 orphans lived in Cox's Bazar in 2018.

The situation led to the formation of the term "lost generation" to address those children living in such difficult conditions and consequently are not able to invest in their future. Moreover, lately, it has been impossible for these children to attend school in Bangladesh since the community is growing more and more suspicious against the refugees (Reuters, 2019).

As a result of continuous shortages in food and water in the camps, there is a high level of malnutrition and the spread of diseases occurs more easily and frequently.

Another area of concern is the security in the camps. Several children, especially the orphans or those who have lost their parents, face exploitation or risks of abuse. This issue is at the core of the action of humanitarian agencies operating in the camps, which try to create safe zones for those in need. The conditions within the camps also affect the psychological health of children and heightened stress levels. This lack of control and security also paves the way for the threat of sexual abuse, especially by groups and organizations that manipulate children and their parents to leave the camps and oblige them to enter in the prostitution world (BBC investigation, 2018).

Measures taken by the international community

Although on 2 July 2019 the Security Council (SC) received a briefing by the Special Envoy Christine Schraner Burgener no official resolution has been adopted yet. The main obstacle towards the adoption of a resolution for the Council is the resistance and obstruction embodied by the Chinese delegation. China strongly believes that the problem is a national one, and should not be addressed through international means (What's In Blue, 2019). As previously highlighted, UNICEF is actively present in the refugee camps in order to improve the educational and sanitarian situation of children. Several UN agencies, such as OHCHR and OCHA, are currently monitoring the situation. Within the UN framework, several discussions were held by the United Nations General Assembly (UNGA). The last resolution has been adopted in December 2018, in which the UNGA called on the government of Myanmar to act in order to decrease the violence in the country, to create an Inquiry Committee to investigate and guarantee accountability for those who violated human rights, and to cooperate with the Secretary-General in order to control and decrease the violence.

During the reporting period, which started from December 2018 and lasted until June 2019, an alarming trend has been registered: not only clashes continued, but are extended also to other

areas beside Rakhine State. The most alarming aspect is that the main violation of human rights principles is perpetuated by government forces. This not only creates a dangerous environment for the population but also does not allow to ensuring accountability.

As far as the EU is concerned, has been trying to ease the suffering of the refugees by making donations and creating funds for the populations living in the Bangladesh camps: it donated 24 million of euros to help the humanitarian situation after the European Parliament condemned the attack against the minority (2018/2756). Even though the monetary help should not be underestimated, this alone cannot solve the situation.

In May 2019, UNICEF released a press statement, urging the International Community to provide assistance for children living in the country and calling on the Myanmar government to cease the violent acts against them.

Conclusion

There is an urgent need to improve the national situation in Myanmar: the necessity of ensuring that human rights are respected and protected within the State is indispensable and most needed in order to assure the well-being of the Rohingya community who are still living in the country. Moreover, international help as far as political and financial support is required to assist in improving the situation in the refugee camps.

The crisis can be solved only through a political process which should include national integration between the parties concerned by the violence. A solution cannot be achieved if the national reconciliation process does not commence: every step forward requires the Burma government to accept - both socially and politically - and include

the Rohingya minority as a part of the country. Moreover, it is crucial to draft and implement an economic and social plan to allow the refugees who are currently living in the camps abroad to enable them to go back to their homes.

In addressing the children's situation, it is necessary to act immediately in order to provide them with the necessary aid to allow the return to their homeland. The International Community should intervene in order to guarantee the accountability for those who violate children's rights in the refugee camps and Myanmar, supposedly through an investigation team and ensuring accountability to the perpetrators. There will be the necessity, once the refugees are going to be back home, to create specific national and international organisations with the aim of guaranteeing the safe return and reintegration of the children in the Myanmar society, especially as far as education is concerned.

All this cannot be achieved if the international community will not put more substantial efforts in dealing with the crisis. As previously stated in section 4 of this essay, the UN Security Council has not discussed thoroughly the matter yet. This not only undermines the UNGA efforts to pressure the Burma government in order to diminish its violation of international law but also sends an ambiguous political message to other stakeholders in the area about the urgency of the issue. It is necessary for the SC to initiate a discussion over the ongoing conflict, and to support the creation of an international committee that oversees the government's actions in areas which are affected by the violence.

In conclusion, the Rohingya crisis will be solved only if efforts by the international community will allow a national dialogue and an economic and social re-evaluation of the areas concerned by the conflict.

Bibliography

- Amnesty International, 2017. *Remarking Rakhine State* [pdf] Available at: <<https://www.amnesty.org/download/Documents/ASA1680182018ENGLISH.PDF>> [Accessed on 25 May 2019]
- BBC, 2018. Myanmar Rohingya: What you need to know about the crisis. *BBC* [online] Available at: <<https://www.bbc.com/news/world-asia-41566561>> [Accessed on 30 May 2019]
- Brown, P. and Chambers, O., 2018. Rohingya refugee children face an uncertain future. *UNICEF* [online] Available at: <<https://www.unicef.org/stories/rohingya-refugee-children-face-uncertain-future>> [Accessed on 10 May 2019]
- Convention on the Rights of Children, New York, 20 November 1989 [online] Available at: <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [Accessed on 19 July 2019]
- Council on Foreign Relations, 2018. *The Rohingya Crisis* [online] Available at: <<https://www.cfr.org/background/rohingya-crisis>> [Accessed on 17 May 2019]
- European Commission, 2019. Rohingya Crisis: EU releases €24 million for Bangladesh [online] Available at: <http://europa.eu/rapid/press-release_IP-19-1188_en.htm> [Accessed on 3 June 2019]
- European Union, 2018. European Parliament Resolution on the situation of Rohingya refugees, in particular, the plight of children. 2018/2756(RSP) [pdf] Available at: <<https://oeil.secure.europarl.europa.eu/oeil/popups/printficheglobal.pdf?id=693227&l=en>> [Accessed on 19 July 2019]
- Fortify Rights, 2015. Persecution of the Rohingya Muslims: is genocide occurring in Myanmar's Rakhine state? A legal analysis [pdf] Available at: <https://www.fortifyrights.org/downloads/Yale_Persecution_of_the_Rohingya_October_2015.pdf>
- Gelbort, J., 2019. People Say Myanmar's Constitution Can't Be Changed. They're Wrong. *The New York Times* [online] Available at: <<https://www.nytimes.com/2019/02/21/opinion/myanmar-constitution-amendment-military-aung-san-su-kyi-burma.html>> [Accessed on 20 June 2019]
- Human Rights Watch, 2018. Rohingya Crisis. [online] Available at: <<https://www.hrw.org/tag/rohingya-crisis#>> [Accessed on 13 June 2019]
- McPherson, P. and Ruma, P., 2019. Rohingya 'lost generation' struggle to study in Bangladesh camps. *Reuters* [online] Available at: <<https://www.reuters.com/article/us-myanmar-rohingya-education/rohingya-lost-generation-struggle-to-study-in-bangladesh-camps-idUSKCN1QZ0EA>> [Accessed on 17 May 2019]
- Oxford Burma Alliance, 2019. Ethnic Nationalities in Burma [online] Available at: <<http://www.oxfordburmaalliance.org/ethnic-groups.html>> [Accessed on 3 June 2019]
- Parnini, S., 2013. The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh. *Journal of Muslim Minority Affairs*, 33.
- Smith, M., 2007. *State of Strife: The Dynamics of Ethnic Conflict in Burma* Washington: East-West Center Washington.
- Erin, T., 2018. Alarming Number of Rohingya Children Orphaned by Brutal Violence. *Save the Children* [online] Available at: <<https://www.savethechildren.org/us/about-us/media-and-news/2018-press-releases/alarming-number-rohingya-children-orphaned-brutal-violence>> [Accessed on 12 July 2019]
- Petersen, H.E., 2018. From Peace to Icon to Pariah: Aung San Suu Kyi Fall From Grace. *The Guardian* [online] Available at <<https://www.theguardian.com/world/2018/nov/23/aung-san-su-kyi-fall-from-grace-myanmar>> [Accessed on 25 July 2019]
- Piranty, S., 2018. The Rohingya children trafficked for sex. *BBC*, [online] Available at: <<https://www.bbc.com/news/world-asia-43469043>> [Accessed 19 July 2019].
- United Nations, 1993. General Assembly resolution A/47/135, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (18 December 1992) [online] Available at: <<https://www.un.org/documents/ga/res/47/a47r135.htm>> [Accessed on 13 June 2019]

United Nations Security Council, 2018. Report of the Secretary-General on children and armed conflict in Myanmar, S/2018/956 [report] Available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_956.pdf> [Accessed on 3 June 2019]

United Nations OCHA, 2019. Rohingya Refugee Crisis. Available at: <<https://www.unocha.org/rohingya-refugee-crisis>> [Accessed 15 June 2019]

UNICEF, 2019. Myanmar calls for the urgent protection of children in Rakhine State as schools re-open soon [online] Available at: <<https://www.unicef.org/myanmar/press-releases/unicef-myanmar-calls-urgent-protection-children-rakhine-state-schools-re-open-soon>> [Accessed on 27 June 2019]

What's In Blue, 2019. Myanmar: Briefing by the Special Envoy [online] Available at: <<https://www.whatsinblue.org/2019/07/myanmar-briefing-by-the-special-envoy.php>> [Accessed on 1 July 2019]



CHILD SOLDIERS IN SOUTH SUDAN: IS THERE STILL HOPE FOR CHILDREN?

In 2011, after 20 years of blood spilled through a violent civil war, South Sudan was born. (Hickman, 2011) It is currently the youngest state in the world, the result of a secession from Sudan. Following a rather superficial and approximate socio-historical reconstruction, it can be said that while in the central and northern parts of Sudan predominantly Arab-Islamic, the southern part is attributable to a mixture of Christianity and local religions. (LookLex, 1996) Many often advocate that the incipit of the historical vicissitudes of the sub-Saharan countries tends to coincide with the colonization when in reality the modern clutches have much deeper roots, intertwined with both endogenous factors and external phenomenon.

Between 9 and 15 July 2011 the southern population of Sudan has been called to express its views about the possibility of obtaining independence from the regime of Khartoum (the Sudanese capital), that has led to an overall euphoria in the South¹. Jubilant scenes were recorded in Juba: people dancing to the rhythm of local music, festive streets and much more. The referendum had a foregone outcome: independence obtained almost all of the consensus and it was so, that on 9 July of the same year, South Sudan was officially born.

In fact, before independence, people of present-day South Sudan were all united under a single aegis, the fight against the regime of Omar Hassan Al-Bashir, a dictator whose head hangs various accusations from the International Criminal Court for crimes attributed to him in Darfur. (Liu, 2016) There are 64 ethnicities present in the territory, from which the 11 million inhabitants of South Sudan recognise themselves as a separate entity now. As often happened in the history, diversity becomes an uncomfortable factor in a contest of hunger and misery. (BBC News, 2014) From here arose a new civil war, interspersed with the feeble peace in August 2015 and exploded again in July 2016. (Devries and Schomerous, 2017)

Contextual background: the source of the conflict

South Sudanese resources

The subsoil of South Sudan is rich in raw materials: gold, copper, zinc, uranium, diamonds, tungsten and many other mineral resources. (Fortune of Africa, n.d.) The richness of the South Sudanese subsoil explains the real reason why the great international powers reserve so much interest in the young Central African state. However, the most notorious material is “black gold.” South Sudan is closely dependent on this resource, so much so that it constitutes almost all of its exports (95% of the overall export in 2009) and 60% of its GDP. The Sudanese Government is the fourth world exporter of petroleum for Beijing’s benefit. It was due to the oil that the conflicts arose in the 1990s and the reason for the 2005 peace agreement between Northern and Southern Sudan seems to be centred precisely on the issue of black gold exploitation.

Driven by economic interests

The UN has been pushing for years for the arms trade embargo in these territories, but the motion for a resolution presented to the UN Security Council on 23 December 2016 was unsuccessful. (Nicols, 2016) Nine votes were required for approval, but some states – China, Russia and Japan – in particular, gave their veto, others abstained for obvious, as nefarious, strategic reasons. (Nury, 2016)

A poor state like South Sudan, in fact, is not able to produce its armaments, which is proved by the absence of industries and infrastructures as well as the inability to pay employees, which forces the country to import weapons from abroad. The UN Security Council voted on 31 May 2018 for a resolution imposing sanctions on South Sudan in case the conflict in the country does not cease by

¹ 99% vote for independence in the South Sudan referendum. (BBC News, 2011)



30 June 2018. In the absence of a ceasefire by 30 June, the sanctions proposed by the UN, which foresee the freezing of assets and the prohibition of travel, will be applied to six South Sudanese ministers and government officials. The US Ambassador to the United Nations, Nikki Haley, called the resolution “a modest step”, and also urged the international community to take concrete action aimed at “empowering” the parties involved in the South Sudanese conflict. This is a clear violation of Article 1 of the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC)², because the abstained States seemed to be more interested in their personal economic affairs than helping South Sudan to end the armed conflict, where especially children are put into warfare. Naturally, every state has the possibility to express their own opinions also through abstention, although natural resources and money cannot be more important than the lives of innocent people. Life has no price and many countries remained insensitive regarding these injustices. Therefore the civilian victims of war were left without international assistance.

Victims of the South Sudanese civil war

In South Sudan, a tragedy is taking place, affecting over half the population of children, who are victims of malnutrition, diseases, forced

enlistments, violence and the impossibility of receiving an education. The UNICEF report on the African country “Childhood under Attack” says that “about 3 million children are in conditions of serious food insecurity; over 1 million children suffer from acute malnutrition; 2.4 million have been forced to abandon their homes; 2 million children do not attend schools; if the current situation persists, only 1 child out of 13 will have the chance to finish primary school in the country; about 900,000 children suffer from psychological stress more than 19,000 children were recruited by forces and armed groups; at least 2,300 children have been killed or injured since the start of the conflict in December 2013”. (UNICEF, 2017a) Hundreds of cases of sexual violence against minors have also been reported. “No child should experience such horrors and deprivation” stated Leila Pakkala, UNICEF Director for Eastern and Southern Africa, adding that “children of South Sudan face all of this on a daily basis, and they urgently need peace and a safe and secure environment”. (UNICEF, 2017b) The conflict has also pushed hundreds of thousands of children out of school, with one school in three damaged, destroyed, occupied or closed since 2013. South Sudan is currently the country with the highest percentage of children out of school in the world. More than 2 million children - or more than 70% of those who should attend classes - do not receive an education.

Child soldiers of South Sudan

An introduction to child soldiering

When discussing about child soldiers, we often refer to fighting children only, forgetting a large number of children who are exploited as cooks, messengers, spies, bodyguards, arms bearers, or those who are involved in the laying of landmines and de-mining activities. (Child Soldiers International, n.d. – a.) The phenomenon does not only concern male children but also girls, who, in addition to performing the same roles as their

² UN General Assembly resolution A/RES/54/263 of 25 May 2000, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*, art.1: “States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.” (United Nations, 2000)

peers, are often subjected to sexual abuse, prostitution and forced marriages with military leaders. Most of them are between 15 and 18 years old, but some are even younger, only 10 years old, as the trend is towards a lowering of the recruitment age. But how are these children enrolled? Why? And above all, what has been done to try to end such a scourge? As to the first question we can say that boys and girls are often subjected to compulsory conscription, even if there are cases in which parents deliver their children to armed forces or groups in the belief that they can receive a safe meal, clothes and medical care. In wartime, parents think that their children will be safer with a weapon in their hands. There is also the possibility of “voluntary” enrolments. (Schmidt, 2003, pp.50–51) But does the term “voluntary” truly reflect the reality of these enrolments? Think of the underlying circumstances that can push a child to join the military: hunger, poverty, domestic violence, a desire for revenge for the killing of their parents by an enemy armed group, the desire for power – where a military man is considered as a hero – political and religious indoctrination that leads to armed struggle or martyrdom. As it is seen, therefore, that it is not so spontaneous, even if there are certain situations of genuine voluntary recruitment.

The other question is why they involve minors in armed conflicts. (UNICEF, 2003a) Today’s wars are increasingly intra-state wars; wars that are driven by purely economic reasons and therefore aggravated by ethnic or religious disputes. In the context of these conflicts, the use of so-called “light weapons”, not very sophisticated weapons that can easily be used even by a child, is weighing increasingly. Their spread, in addition to causing hundreds of thousands of victims each year, creates a climate of insecurity and instability even after conflicts, often preventing the reopening of schools or hospitals, and the return to an appearance of “normality”. Often the military leaders have exalted qualities like obedience and loyalty of young recruits and this is precisely what affects their recruitment. (Steel, 2008) Children do not ask for good rewards for their activities, they rarely desert - for fear of the consequences- they execute

orders faithfully without objections.

The need for the ease of recruitment is alarming. In various parts of the world, children are easily taken away from their respective families, because the parents fail to register them at birth at civil status registers. The non-registration of birth is the first violation of the rights of the child. According to Article 6 of the Convention on the Rights of the Child, “every child shall have the right from birth to a name”. (CRC, 1989)³ Not to be registered means not having citizenship in the world, having no rights (*nulls res*), which leads to the suffering of new-borns as they are exposed to inevitable violence.

Once recruited, children are used in various ways. First, a selection is made among the most skilled and the least able. The less skilled, those who are younger or have physical disabilities, are used to support tasks of military operations and are recruited to become, for example, porters, messengers, cleaners, cooks, lookouts or spies. It also happens that often “less able” children are killed as a warning to others. On the other hand, children who are considered to be skilled at gunfight are immediately placed in fighter units, where they receive minimal military training and are armed with lightweight, automatic weapons, which are easily manageable and usable by children. In many cases, guerrilla groups also distribute drugs to children, especially narcotic substances to reduce pain and fear. Drug is administered gradually, to create the desired dependency. (Machel, n.d.)

Disarmament, disintegration, and reintegration of South Sudanese child soldiers

According to UNICEF, in 2013 the conflict had a severe impact on children. An estimate of 19,000 children was associated with armed forces and groups. In 2018, UNICEF took positive steps towards the release of more than 800 children from armed groups and forces. (Child Soldiers International, n.d. – b.) The organisation does not only give the freedom back to these children but also provides psychological support services and assists them in the reintegration to society.

³ The UN Convention on the Rights of Child was adopted on the 20th of November 1989 and came into force on the 2nd of September 1990. It is ratified by 196 countries.

Research shows that girls are more affected by post-traumatic stress disorder than boys, due to sexual violence and certain military duties. Consequently, they often face obstacles in finding a husband and accessing education. The possibilities for girls are less than for boys. UNICEF must continue its efforts concerning the facilitation of the release of girls from armed groups and their reintegration to society. The specific objectives of the UNICEF disarmament, demobilization and reintegration (DDR) programmes aiding girl soldiers in South Sudan are: (UNICEF, 2003b.)

- to identify any obstacles providing effective programmers to support the DDR of girls formerly associated with armed forces and armed groups;
- to assess the capacity of child protection actors to provide quality care for released girls (including to identify girls who may have self-demobilized);
- to better understand the needs, grievances and hopes of girls formerly associated with armed forces and armed groups to design what would constitute successful DDR;
- to develop and agree on practical interventions for providing DDR assistance to girls, in collaboration with local, national and international child protection actors; and to deliver tailored and context-specific practical guidelines on girls' DDR to UNICEF South Sudan in the form of an illustrated and electronic English Practical Guide. (Child Soldiers International, n.d. – b.)

Mental health support for former child soldiers

The chances of losing their lives are very high for these children. And even for those who survive, life is often soon over. In addition to reported injuries or mutilations, they are in serious health conditions. They are affected by skin, respiratory and sexual diseases, including AIDS. They often suffer from serious psychological repercussions due to having witnessed or committed atrocities, which is presented by a sense of panic and nightmares, which continue to haunt these kids even years after their disarmament, demobilization and reintegration. As a result of social consequences, children often lack emotional skills.

Boys often cannot handle the difficulty of re-entering their family and resuming studies. The girls, especially in some circles, after being in the army, fail to marry and end up becoming prostitutes, subjected to a loss of all the emotional and empathic skills typical of the age, as well as to incapacity to manage emotions.

A year ago, Médecins Sans Frontières (MSF) started a project to help former child soldiers in South Sudan reintegrate into their communities. (Rhodes and de Cock, 2017) They brought weapons and suffered or witnessed violence. MSF guaranteed them medical assistance and mental health and recovery activities, to help them overcome traumas, flashbacks and suicidal thoughts, to be welcomed back into their families and to resume a normal life. So far, 983 children have been demobilized in the city of Yambio and 3,100 in the whole country. “People ask us if it is possible for these children to recover. The answer is yes, of course”, says Silvia Marquez, who is responsible for MSF’s mental health activities. “We see children and adolescents who have suffered enormous traumas and difficulties but are looking forward to becoming active members of their communities. It's really touching.” (Rhodes and de Cock, 2017)

“About 35% of our patients suffer from post-traumatic stress disorder; depression is also very common. In many patients, we see a variety of symptoms, ranging from recurring flashbacks to intrusive thoughts.” (Rhodes and de Cock, 2017) Some feel they are back amid the fighting, others are struck by uncontrolled thoughts and visions as they live their daily lives and fall into despair. Still, others have suicidal and self-defeating thoughts. An extraordinary capacity for recovery. Most of these children want to get married, get a job, go back to their families. The care process allows them to achieve these goals. Their parents and family members also recognize the benefits. One sign of this is the high number of successive sessions that MSF teams are able to do and the fact that two-thirds of discharged patients have successfully completed the treatment. Human beings are very resilient, they have the ability not to focus on the difficult moments of the past but on their future goals, to find happiness again. It is clear that different organisations are doing all the best to help these poor children, who are living the war.

There are some successful cases, but further steps are needed to help them and to achieve long-term success.

Human rights legislation concerning the prohibition of recruitment and use of children in hostilities: a brief excursus

In the last 40 years, international law has developed to shield children from military exploitation. In 1977, the Additional Protocols to the 1949 Geneva Conventions were adopted to strengthen the protection of victims of international (Protocol I)⁴ and non-international (Protocol II)⁵ armed conflicts. Protocol I is aimed at the protection of victims of international armed conflicts. The protection of minors finds its legal basis in Article 77 “Protection of children”. (Santucci, 2015) This article establishes that children should be protected from any “indecent assault” and that Parties involved in the conflict shall provide them help and care

- Children who have not attained the age of 15 years, cannot take part in the hostilities.
- For children aged 15-18 years, that does not impose bans on enrolment or employment but obliges the signatories to give precedence in enrolment to older children that are closer to 18 years of age. Article 77 is a cardinal standard for all international humanitarian law because it sets the limit of 15 years of age for every use and/or enrolment of minors. (Sassoli and Shany, 2011)

The Convention of the Rights of the Child (CRC) in 1989 marks a milestone in the history of children’s rights, because for the first time, children are not treated as objects belonging to their parents, but as human beings and individuals with their own rights. The preamble also explains that children because of their fragility and vulnerability need special care and protection. According to the CRC’s definition, the end of childhood is at 18 years of age. The CRC defines a child as “a human being below the age of 18 years”. (CRC, 1989)

The Optional Protocol to the Convention on the

Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), adopted by the UN General Assembly on 25 May 2000 aims to protect children from recruitment and use in hostilities. (United Nations, 2000) OPAC is the first international treaty that deals with just military exploitation of children. It raised the minimum age for direct participation in hostilities from 15 at the age of 18, the forced recruitment of all children under the age of 18 is prohibited and urged the governments to raise the minimum age of voluntary recruitment. As well as, in the case of armed non-governmental groups, the treaty has prohibited any type of recruitment, voluntary or coercive. (Yuvaraj, 2016) South Sudan has signed it the 27 September 2018.

Another important step is the Statute of the International Criminal Court (Rome Statute) which, in its Article 8 recognizes among the war crimes the “conscription and enlistment of children under 15 in the national armed forces or their use to actively participate in hostilities” in both international and domestic armed conflicts. (ICC, 2011) The Rome Statute also provides for a double responsibility, on the part of the States and the armed groups - in this case not of a criminal nature - and in the hands of the individuals responsible for recruitment. The literal expression of the rule provides that parties to the conflict “will take all possible measures” (ICC, 2011) is clearly nuanced because it leaves a lot of margin to the discretion of the individual Signatory States at the time of practical application. The prohibition is therefore not established as absolute and mandatory. The wording of the standard also presents two critical aspects: a) nothing provides for the non-infrequent cases of the use of minors under the age of 15 in business of support for hostilities, such as prisoner surveillance, espionage, transport of weapons and/or food; b) nothing provides for the hypotheses in which the recruitment of minors takes place in a way voluntary, i.e. with the consent of the same. The article in question then regulates the latter part, the cases in which minors under 15 are, as fighters, taken prisoner or internees; in these cases, they continue to benefit from the special protection provided from the article must be kept in separate

⁴ ICRC, 1949.

⁵ ICRC, 1977.

rooms from those of adults if they are not their family. The last paragraph of the article in question establishes the prohibition of a death sentence as a penalty for crimes committed, within the armed conflict, from minors under the age of 18 to moment of the crime. (Scheffer. 2018)

The African Union's Charter on the Rights and Welfare of the Child (1999) prohibits state armed forces from recruiting volunteers under the age of 18. (ACRWC, 1990)

Conclusions

In South Sudan children younger than 15 and 18 are recruited by armed groups as soldiers, which is a clear violation of international humanitarian law and international human rights law. Often, however, international legal instruments, if on the one hand have contributed to tackling the problem of children's participation in conflicts, on the other hand have proved ineffective; often control has been used in a too bland manner, while the States have shown a certain embarrassment with regard to the issue, in the same way, economic and political interests have prevailed over the protection of human rights and in particular over that of minors; in different circumstances the delegations of the States, in the context of the adoption of the

agreements showed a certain reluctance to clearly define the parameters for the protection of minors. As long as the economic, political and military interests are the priority on the political agenda of the states, there will always be children to be enlisted or forced to fight. Despite the efforts of the international community and organisations, such as UNICEF and MSF to vanquish the exploitation of innocent lives, the phenomenon of child soldiering still exists. Children should not live in horror. They should experience the light-heartedness of their youth. Childhood is the foundation on which the hopes of the world of the future rests. Many times the world has shown that it knows how to do great business when moved by a real desire for change. The greatest challenge will be to create a culture of peace that prevents or even takes into consideration the possibility of recruiting children, allowing them to grow up in a world no longer of violence, to grow far away from murder, abduction, terror. The final destination is still far. Even if good results have been achieved, still large amount of efforts are needed to ensure that the good goals made will not remain meaningless work. The road is still long and winding, but just as great strides have been made, a greater effort must now be made to ensure that the commitments made do not remain a meaningless work.

Bibliography

- ACRWC, 1990. African Charter on the Rights and Welfare of the Child. Date of Adoption: 1 July 1990 [online] Available at: <<https://au.int/en/treaties/african-charter-rights-and-welfare-child>> [Accessed on 14 March 2019]
- BBC News, 2011. South Sudan referendum: 99% vote for independence, *BBC News*, 30 January [online] Available at: <<https://www.bbc.com/news/world-africa-12317927>> [Accessed on 8 March 2019]
- BBC News, 2014. South Sudan what is the fighting about? *BBC News*, 10 May [online] Available at: <<https://www.bbc.com/news/worldafrica2542796>> [Accessed on 8 March 2019]
- Child Soldiers International, (n.d. – a.) Who are child soldiers? *Child Soldiers International* [online] Available at: <<https://www.child-soldiers.org/who-are-child-soldiers>> [Accessed on 10 March 2019]
- Child Soldiers International, (n.d. – b.) South Sudan. *Child Soldiers International* [online] Available at: <<https://www.child-soldiers.org/south-sdan>> [Accessed on 11 March 2019]
- CRC, 1989. UN Convention on the Rights of Child [online] Available at: <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [Accessed on 10 March 2019]
- Devries, L. and Schomerous, M., 2017. South Sudan civil war will not end with a peace deal. *Taylor e Francis online*, 16 August [online] Available at: <<https://www.tandfonline.com/doi/full/10.1080/10402659.2017.1344533>> [Accessed on 8 March 2019]

- Fortune of Africa, (n.d.) *South Sudan natural resources* [online] Available at: <<https://fortuneofafrica.com/southsudan/south-sudan-natural-resources>> [Accessed on 9 March 2019]
- Hickman, L., 2011. South Sudan: the birth of a new republic. *The Guardian*, 7 July [online] Available at: <<https://www.theguardian.com/world/2011/jul/07/south-sudan-independence-interviews>> [Accessed on 8 March 2019]
- ICC, 2011. Diplomatic Conference in Rome, Italy, 17 July 1998, Rome Statute of the International Criminal Court, entered into force 1 July 2002. In: Rome Statute of the International Criminal Court (corrected and reproduced version of 2011) [pdf] Available at: <<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>> [Accessed on 13 March 2019]
- ICRC, 1949. Protocol I to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, International Committee of the Red Cross [online] Available at: <<https://ihl-databases.icrc.org/ihl/INTRO/470>> [Accessed on 12 March 2019]
- ICRC, 1977. Protocol Additional to the Geneva, Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, International Committee of the Red Cross [pdf] Available at: <<https://treaties.un.org/doc/Publication/UNTS/Volume%201125/volume-1125-I-17513-English.pdf>> [Accessed on 12 March 2019]
- Liu, Z., 2016. The Prosecutor v. Omar Hassan Ahmad Al Bashir. *SSRN, Electronic Journal* [online] Available at: <https://www.researchgate.net/publication/315459641_The_Prosecutor_v_Omar_Hassan_Ahmad_Al_Bashir> [Accessed on 8 March 2019]
- LookLex Encyclopaedia, 1996. “Religions”, March 1996 [online] Available at: <<http://looklex.com/e.o/sudan.religions.htm>> [Accessed on 8 March 2019]
- Machel, G., (n.d.) Children at both ends of the gun. Impact of armed conflict on children [online] Available at: <<https://www.unicef.org/graca/kidsoldi.htm>> [Accessed on 11 March 2019]
- Nicols, M., 2016. U.N. council fails to impose arms embargo on South Sudan. *Reuters*, 23 December [online] Available at: <<https://www.reuters.com/article/us-southsudan-security-un/u-n-council-fails-to-impose-arms-embargo-on-south-sudan-idUSKBN14C1KY>> [Accessed on 9 March 2019]
- Nury, R., 2016. Sud Sudan il Consiglio di sicurezza non approva l’embargo sulle armi e sanzioni. *Corriere della sera* 26 December [online] Available at: <<http://lepersoneeladignita.corriere.it/2016/12/26/sud-sudan-il-consiglio-di-sicurezza-non-approva-embargo-sulle-armi-e-sanzioni/>> [Accessed on 9 March 2019]
- Rhodes, T. and de Cock, B., 2017. *South Sudan without borders*. Medicines sans Frontiers [report] Available at: <<https://www.msf.org/international-activity-report-2017/south-sudan-without-borders-msf-efforts-help-displaced>> [Accessed on 12 March 2019]
- Santucci, A., 2015. I bambini soldato. *Sistema informativo a schede*, 5/2015, Rome: IRIAD [pdf] Available at: <<http://www.archiviodisarmo.it/index.php/it/2013-05-08-17-44-50/sistema-informativo-a-schede-sis/sistema-a-schede/finish/132/3403>> [Accessed on 12 March 2019]
- Sassoli, M. and Shany, Y., 2011. Should the obligations of states and armed groups under international humanitarian law really be equal? *International Review of the Red Cross*, Volume 93 Number 882 June 2011 [pdf] Available at: <<http://icrc.org/en/download/file/13949/irrc-882-sassoli-shany.pdf>> [Accessed on 12 March 2019]
- Scheffer, D., 2018. The missing Pieces in Articles 8 bis (Aggression) of the Rome Statute. *Harvard International Law Journal*, Spring 2017 [online] Available at: <<https://harvardilj.org/2017/04/the-missing-pieces-in-article-8-bis-aggression-of-the-rome-statute>> [Accessed on 12 March 2019]
- Schmidt, A., 2003. Volunteer child soldiers as reality: a development issue for Africa. *New School Economic Review*, Volume 2(1) [pdf] Available at: <<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.620.8526&rep=rep1&type=pdf>> [Accessed on 10 March 2019]
- Steel, M., 2008. Child soldiers, *Vision*, Fall 2008 [online] Available at: <<https://www.vision.org/social-issues-child-soldiers-1049>> [Accessed on 10 March 2019]
- UNICEF, 2003a. Children and Armed Conflict. International Standards for Action [pdf] Available at: <<https://www.unicef.org/emerg/files/HSNBook.pdf>> [Accessed on 10 March 2019]

UNICEF, 2003b. *Children and armed conflict*. NICEF in Emergencies & Humanitarian Action. 2 June [online] Available at: <https://www.unicef.org/emergencies/index_childsoldiers.html> [Accessed on 11 March 2019]

UNICEF, 2017a. Childhood under attack. December 2017 [online] Available at: <https://www.unicef.org/southsudan/stories_2017-childhood-under-attack.html> [Accessed on 10 March 2019]

UNICEF, 2017b. Children are the face of a conflict-fuelled humanitarian tragedy in South Sudan. *UN News*, 15 December [online] Available at: <<https://news.un.org/en/story/2017/12/639602-children-are-face-conflict-fuelled-humanitarian-tragedy-south-sudan-unicef>> [Accessed on 10 March 2019]

United Nations, 2000. UN General Assembly resolution A/RES/54/263 of 25 May 2000, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Article 1 [online] Available at: <<https://ihl-databases.icrc.org/ihl.nsf/INTRO/595?OpenDocument>> [Accessed on 10 March 2019]

Yuvaraj, J., 2016. When does a Child participate actively hostilities under the Rome statute? Protecting children from use in hostilities after Lubanga. *Utrecht Journal of International and European Law*, 29 September [online] Available at: <<https://utrechtjournal.org/articles/10.5334/ujiel.321>> [Accessed on 14 March 2019]



GIRL SOLDIERS IN THE DEMOCRATIC REPUBLIC OF CONGO

Origin and impact of war on the Congolese population

Located in the heart of Africa, the Democratic Republic of Congo (DRC), precedingly known as Zaire, is the second largest country of the continent. This former colony of Belgium is portrayed as ethnically diversified, as a result of consecutive migrations through centuries. Unfortunately, the persisting violence in eastern DRC finds its roots in the tension between some of those ethnical groups established in North Kivu (one of the 26 provinces). Here is where the precursors of the war began with ethnical violence in 1993. However, the historical backdrop reveals that the region was, stipulates Jason Stearns, neither static nor peaceful even before European explorers penetrated the region in the nineteenth century (Stearns, 2012).

The war in eastern DRC has caused a significant number of losses in lives in a variety of circumstances. During the first Congo war for instance (1996–1997), 460 Hutu Banyarwanda civilians were killed by the AFDL/APR [Armée patriotique rwandaise/Rwandan Patriotic Army] in the village of Kausa, in an assumed reconciliation meeting, which in fact, turned out to be a trap (OHCHR, 2012, p.32). War in DRC has caused a profusion of damages: women lives were marred, children born of rape or orphaned by war; and the odious, some members of Congolese army raped women belonging to “enemy’s ethnic group”. Due to lack of safety, parents who were farmers were unable to work. The bushes were not secured by the police and during a certain period, those who went to take care of their crops were often attacked by the rebel groups and some were killed. Then it was hard for parents to provide for their children.

Consequently, families faced hunger, lack of means to have access to proper medical care and to send children to school. What happened to

children? Well, these innocent human beings have been bewildered, their schools have been knocked down, and their future compromised. Moreover, thousands of them have been recruited in several armed factions; they have witnessed and often participated in serious human right abuses against civilians. Some boys and mostly girls reported having been sexually exploited by their commandants. Yes, girls. Nobody cares about them, but they are indeed present in the armed groups and represent a huge number among the members.

The impact of the civil war on girls

In times of conflicts, terrible gender-based violence at the level of society, communities, and individuals is a critical problem. The United Nations Secretary-General stated in his 2002 report on Security Council resolution 1325 on women, peace and security: “The reality on the ground is that humanitarian and human rights laws are blatantly disregarded by parties to conflicts...women and girls continue to be subject to sexual and gender-based violence and other human rights violations” (UNICEF, 2002). Those conflicts had horrific effects on girls, being injured, maimed and killed; vulnerable to trafficking, sexual abuse HIV/AIDS as well as recruitment into the armed forces.

Most of the girl soldiers or girls formerly associated with armed factions have not been registered since they have been hidden. According to the estimation of the United Nations Organisation Stabilization Mission in DRC (MONUSCO), girls constitute 30 to 40% of children affiliated with armed groups. Nevertheless, of the 8,546 formerly associated children registered between January 2009 and November 2015, only 600 (7%) were girls. (MONUSCO, 2015, p.5)

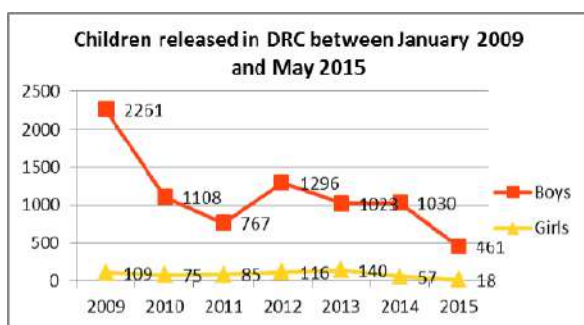


Fig 1. Children released in DRC between January 2009 and May 2015 (MONUSCO, 2015, p.4)

And among those 8,546 children, 4,083 were recruited during the reporting period, the rest before 2009.

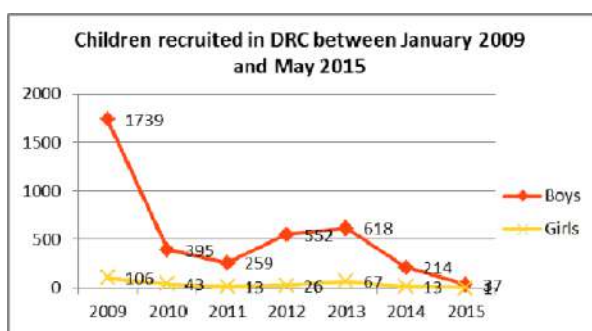


Fig 2 Children recruited in DRC between January 2009 and May 2015 (MONUSCO, 2015, p.5)

According to a 2015 MONUSCO report, the first peak in child recruitment by armed groups occurs in 2009 and corresponds to the fast track reintegration process described above, which led to mass recruitment by armed groups prior to their surrender, possibly because armed group commanders wished to inflate their figures. The report highlights that “the creation of the M23 in May 2012 and consequent reinforcement of other armed groups and Mai Mai militia, who either fought against or alongside M23, or who took advantage of FARDC redeployment to strengthen their influence, explains the increase” in documented cases of child recruitment in 2012 and 2013. Reports of mass recruitment campaigns by armed groups were received, particularly in North Kivu. (MONUSCO, 2015, pp.4–5)

There were two types of recruitment: voluntary recruitment and abduction. Surveys carried out by Child Soldiers International (2017), Amnesty International USA (2009), as well as other organisations identified four main drivers for voluntary recruitment. First, the interruption of

studies. Some have joined hoping to earn money to return to school, others have gone to avoid idleness, and for others, ignorance due to lack of education. Thus, the school has been emphasised as a way to prevent child soldiering. Second, longing for protection. Households were subjects of attack, pillage, and rape. Thus, they joined the armed groups with the hope of being protected, which was not the case once there, regrettably. Next, hatred caused by the pain endured and seeking revenge. Those whose mothers, sisters were raped in front of them, those whose parents were killed under their eyes... chose that way to avenge their family members. Still the Mai Mai – the group they joined – use harmful practices against civilians as well. Once there, they had to hurt innocent people whose inner injuries turned later into hatred: a vicious circle. The fourth motive was poverty. Going to the fields was too dangerous, they did not have enough to eat, they joined believing they would be better off. But they were sexually assaulted by those they thought would protect them. The ones that could escape confessed that they regretted it and wanted to warn the others who were tempted to join. On the other hand, those who were abducted shared how it happened while they were in the fields, at the water source or home. They were taken even too young, from around 9 years old, and during the association period, they were involved and subjected to violent activities.

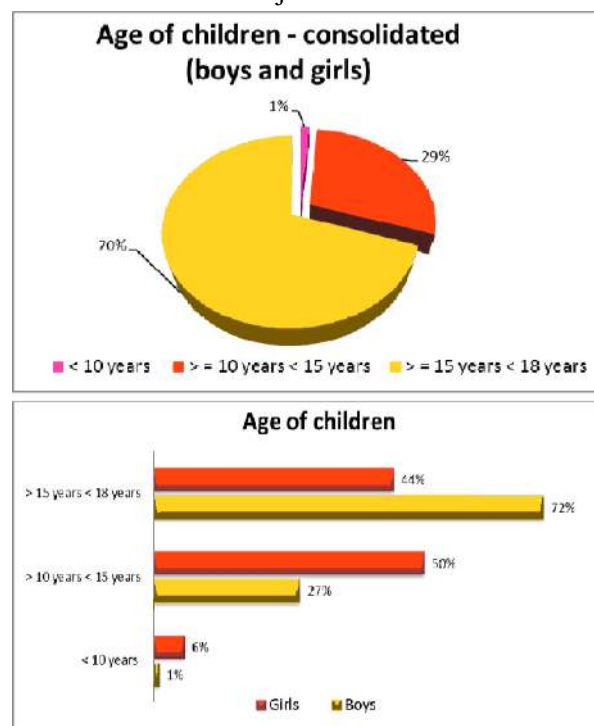


Fig 3. Age of recruited children (MONUSCO, 2015, p.7)

According to MONUSCO 2015 report, most children were aged between 15 and 18 at the time of recruitment. Yet, 30% of all cases of child recruitment constitute war crimes because the children were recruited when they were less than 15 years of age. Statistics reveal that girls tend to be younger than boys when first recruited by armed groups, with 56% under 15 years of age, and 21% aged 15 at recruitment. It was argued that this may be due to earlier maturity of girls and the support roles they play in the group.

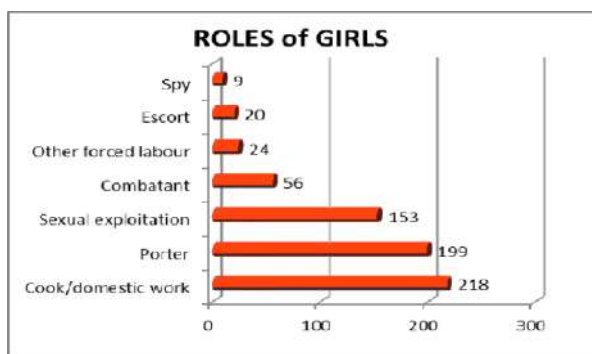


Fig 4. Roles of girls in factions
(MONUSCO, 2015, p.18)

Compared to boys, they were the most victimized, they suffered physically and psychologically. All of them had to carry heavy loads for long walks (the weak ones were killed on the way), sleep outside, live from looting, etc. But then, girls were raped most of the time by different men, drugged for the same purpose, they had to cook the stolen food for the whole group; this was a psychological weight they were doomed to bear.

A twelve-year-old survivor explains:

They attacked [our village] in the morning, and we were forced to carry the things they had stolen to the bush. I was with my mother and my older sister. We were raped by the same men many times...they attacked other villages and forced us to go with them to carry things. After three weeks they let us go. I am back in school with my friends. It's very difficult. (MONUSCO, Invisible survivors, 2015)

As a matter of fact, experience in the bush endangered their health, their lives and having children out of school implies a questionable future for the country.

The disarmament, demobilisation and reintegration (DDR) programmes

Several actors and institutions contributed to the disarmament, demobilisation and reintegration (DDR) process, from national – Commission Nationale de la Demobilisation et Reinsertion (CONADER) [National Commission for Demobilization and Reinsertion] – to international humanitarian organisations.

The Demobilisation and Reintegration Commission (CONADER), is the main government body, created in 2003 for the purpose of implementing and coordinating rehabilitation and reintegration of ex-combatants, community sensitization, and capacity-building activities. But the ongoing war and absence of state infrastructures and institutions held up the donors, the impunity of violation of human rights crippled the CONADER. Moreover, the commission was unable to extend its branches to all parts of DRC. (IPSTC, 2013, pp.10–11)

The Multi-country Demobilisation and Reintegration Program (MDRP) was established in 2002 with the aim of supporting the DDR of ex-combatants in the African Great Lakes Region, it ended in 2009. The World Bank disbursed US \$ 450 million for demobilization and reintegration of 300,000 ex-combatants, among them 53,871 child soldiers. The program was a success but many of the ex-combatants turned out to be recruited again. (IPSTC, 2013, p.11)

The UN Mission for the Stabilisation of Congo (MONUSCO) came up with an effective technique of sensitization through media – through its radio channel, Radio Okapi – in order to reach child soldiers who were hardly accessible with the ongoing war. MONUSCO operates with two sections: the Disarmament, Demobilisation, Repatriation and Reintegration section (DDRR) and the Child Protection Section (CPS). The DDRR section of the UN Mission in the DRC repatriated more than 25,000 foreign ex-combatants (58% of total repatriated) between 2002 and mid-2011. (IPSTC, 2013, pp.11–12)

The International Committee of the Red Cross (ICRC) had the role of interviewing children and launching family tracing process, then facilitate

communication between the returning child and the family. The predicaments were with younger girls who could not remember clearly their life before joining the armed groups and this was mostly with foreign ones. (IPSTC, 2013, p.12)

The United Nations Children's Fund (UNICEF), apart from its general responsibility of protecting and helping children whose lives are at risk during armed conflicts, its contribution in the DDR was to advocate for parental education, psycho-social counselling initiatives to facilitate the re-connection of children with their families and communities, and yore providing financial and technical support. UNICEF remains active today in the psychological counselling, reintegration of self-demobilized child soldiers and follow-up. In its 2017 annual report, UNICEF stated that it has reintegrated 2,665 children released from armed groups and provided psychosocial support to 71,064 children affected by conflict. Nevertheless, the failure was in Goma where plenty of ex-child soldiers had been re-recruited by armed factions. (IPSTC, 2013, pp.13–14)

Save the Children played a key role in expanding the rehabilitation centres in several regions. Moreover, it was involved in reintegration and follow-up. Since 1994, they have been present in DRC, at a time when the crisis was shaking the Great Lakes region.

For 25 years, they have expanded their mission and expanded their areas of intervention. Today, they cover 6 of the DRC's 26 provinces and have eight offices in areas where the needs of children are felt.



Fig 5. Save the Children expansion in DRC
(Save the Children, n.d.)

As obvious as it is, the common issue of all the actors mentioned above was the re-recruitment of ex-child soldiers. This was due to the rejection that

mostly girls faced in their families and communities. They had been victims of all sorts of insults, and bullying; all fingers pointed at them as “girls who knew men” and discriminated. For so long nobody cared about the girls, but there were a lot of them who escaped from the bush and did not receive any support, others who preferred stay in the armed groups fearing to face their community rejection and others who went back because they could not take it anymore.

Some chose to bring their families together and explain that it was not their fault if they were taken to the armed groups and/ or forced to cause harm to the civilians, and their family finally started treating them well. In my opinion, effective communication is indispensable in order to avoid the re-recruitment and education is the way to prevent recruitment and to a chance to start a new life for those who came back home.

Conclusion

Observing this phenomenon from its genesis to the stage where it is, the ineffective remedies and especially the uncertainty about the multitude of girls – the “left behind” – unable to raise their heads and join again their communities, time has come, to adopt new strategies that take into account the realities of the environment in which these girls evolve and discover their real needs for demobilization to succeed.

The Congolese government needs to put in place strategies that prevent child recruitment and ensure its implementation. Moreover, they must set up DDR programs that do not exclude girls. The crimes committed against these women and girls must be punished, and medical and psychological support must be provided to them. Furthermore, awareness-raising campaigns should be carried out to prevent early marriages and especially to make those communities aware that this is a violation of the rights of the child. Special care and support should be provided to children born of rape, as well as to their mothers, considering their age and needs. Armed groups should stop recruiting girls or using them for any purpose, they should release all children with no condition. Local authorities, as well as other actors, should raise awareness of the consequences of child soldiering and prepare communities to accept the returned girls.

Bibliography

- Amnesty International USA, 2009. *Child soldiers fighting in the DRC* [video-interview] Available at: <<https://youtu.be/XIoJrrKixBM>> [Accessed on 20 February 2019]
- Child Soldiers International, 2017. *What the Girls Say: Improving practices for the demobilisation and reintegration of girls associated with armed forces and armed groups in the Democratic Republic of Congo* [pdf] Available at: <<https://www.child-soldiers.org/Handlers/Download.ashx?IDMF=e57e9cb2-cd70-4dc2-8681-e29bc6f3622b>> [Accessed on 20 February 2019]
- IPSTC, 2013. Reintegration of Child Soldiers in the Eastern Democratic Republic of Congo: Challenges and Prospects. *Occassional Paper Series*, 4 No 2 [pdf] Available at: <https://www.icc-cpi.int/RelatedRecords/CR2017_04712.PDF> [Accessed on 20 February 2019]
- MONUSCO, 2015. *Invisible Survivors – Girls in Armed Groups in the Democratic Republic of Congo From 2009 to 2015* [pdf] Available at: <https://monusco.unmissions.org/sites/default/files/151202%20Girls%20in%20Armed%20Groups%202009-2015_ENGLISH_FINAL.pdf> [Accessed on 20 March 2019]
- MONUSCO, DDR, (n.d.) *DDR* [online] Available at: <<https://monusco.unmissions.org/en/ddr>> [Accessed on 21 July 2019]
- Save the Children, (n.d.) “*Où nous travaillons*” [online] Available at: <<https://drc.savethechildren.net/o%C3%B9-nous-travaillons>> [Accessed on 6 July 2019]
- Sawyer, K.K and Sawyer, J., 2014. *Congo’s children* [pdf] Available at: <<http://www.build-cat-outhouse.ml/book/890561761/download-congo-s-children-by-kem-knapp-sawyer-jon-sawyer.pdf>> [Accessed on 15 March 2019]
- Stearns, J., 2012. *North Kivu, the background to the conflict in North Kivu province of eastern Congo*. London: Rift Valley Institute [pdf] Available at: <<https://www.refworld.org/pdfid/51d3d5f04.pdf>> [Accessed on 30 March 2019]
- OHCHR, 2012. Report of the Mapping Exercise, pp.125–126. In: J. Stearns, 2012. *North Kivu, the background to the conflict in North Kivu province of eastern Congo*, p.32.
- UNICEF, 2002. Report of the Secretary-General on women, peace and security, S/2002/1154, United Nations, New York, 16 October 2002. In: The United Nations Children’s Fund (UNICEF), 2005. *The Impact of Conflict on Women and Girls in West and Central Africa and the UNICEF response* [pdf] Available at: <https://www.unicef.org/emerg/files/Impact_conflict_women.pdf> [Accessed on 17 March 2019]



CHILDREN AS PREYS OF THE MEXICAN DRUG WAR

Mexico's government has been fighting a war with drug traffickers since 2006. Felipe Calderón from the National Action Party was the president of Mexico from 2006 until 2012 and he was the first to form a commission to develop a strategy against drug gangs. (Britannica, n.d.) The war against drugs however had limited success. Every year thousands of Mexicans die because of this conflict, including politicians, journalists, and students. Many children lost family members or became victims themselves because of the drug war.

The role of the media, in this case, is very important. According to studies, children have been behaving differently in the past years. Even if children have not been directly affected by the consequences of the ongoing drug war, the media has given much importance to perception. Mexico has a very high rate of school bullying and this rate only increased since outbreak the drug war – according to teachers, parents and psychologists. Bullying is taken to a whole other level: they copy and idolise organised crime that is shown in the media. (Murphy, 2012)

Many cartels recruit children to work for them, often as mules to deliver drugs. Children are also used by crime gangs to watch over street corners, to sell drugs and sometimes even to kill. Also, in the drug war in Mexico, children are intentionally killed to terrorize the population. Killing children is also kind of a “revenge mechanism” between gangs. The gangs not only target the other gangs, but also the relatives of gang members, including their children. Experts worry about the public health consequences of this kind of violence. Such situation obviously cannot contribute to the better mental health. The more violent behaviour is shown in media, the more people act as it was an everyday situation and pretend that it is normal. Unfortunately, this is the situation in present-day Mexico. Violence is not the key to a stable life and regrettably this will reflect on people's behaviour, and especially on children as they are easy to influence. (O'Connor and Booth, 2011) This case

study aims to address the issue of the Mexican drug war to show how this problem, with all its consequences, negatively affects children.

Context of the Mexican drug war

Where it all began

While Mexico's first drug lords emerged in the 1980s, the significant increase of gang-related violence and violence within cartels began around 2004. In December 2006, President Calderón launched the first operation against drug trafficking organisations and sent 6,500 soldiers to the unstable Michoacán state. The government operation began in 2007 when there were four or five criminal organisations. In the latest years, the cartels started to split into gangs, worsening the situation under the leadership of Calderón. Since deploying the military in 2008, there have been 127,000 organised crime-related murders. (Fredrick, 2018)

The gangs usually look to recruit people who are living in poverty. As a result of the violence, there is a very low job security. Consequently, an enormous amount of people migrate to other places and businesses began to close in several neighbourhoods. Gangs are very aware of such circumstances: they search for poor people in a much targeted way to recruit them. Education is also a problem, which further allows gangs to operate in these neighbourhoods. Local justice and security systems are weak in Mexico due to high rates of corruption and incompetence which leads to the inability to deal with this level of violence. (McMahon, 2013)

Leftist President Andrés Manuel López Obrador (AMLO) intends to end Mexico's militarized drug war. He promised peace and an end to more than a decade of war by addressing its root causes, such as crime and violence. He outlined a four-point plan to achieve this. The first objective of the plan



is to take the military off the streets and replace them with better trained, better paid and more professional police. This could make the operation against the Mexican drug war more effective and goal-oriented. The second aim focuses on the rewriting of drug laws to regulate marijuana, and, possibly, poppy, which is used to make heroin, while pardoning non-violent drug offenders. As a result of the regulation of marijuana and poppy, the professional police would be able to focus more on the core problem: the hard drugs, such as cocaine and ecstasy. The president also wants to provide reparations and support for victims of the drug war, which is needed because of the large impact on an incalculable amount of people who have gotten involved in those issue. For instance, many people suffer from trauma as a result of the ongoing conflict. AMLO's last aim is to ramp up social programs, education, and job alternatives in poor regions to prevent a similar situation from happening again. (Fredrick, 2018)

General consequences of the conflict

Several women who are left widowed due to the drug war are lured into drug-related crimes as they often see no other option of survival. Often this is the only financial option in order to support their children and family. As a result of drug-related violence, a considerable number of children lose a parent, or even both parents, and become orphans. (Orlinsky, 2012) These children are robbed of the opportunity to grow up in a stable, healthy-minded family, therefore they become easy preys of future recruitment by criminal organisations. The international community did not do much to address the narcotics problem in Mexico, which has two reasons. In the first place, it does not have the capacity or even the mandate to solve this

problem and especially not without the explicit consent of Mexico. Mexicans are very attached to their sovereignty. The second reason is that the United States keeps its relationship with Mexico on a bilateral framework rather than aiming for a regional approach. The United States could help Mexico considerably by, for instance, protecting the borders more. (McMahon, 2013) Mexican drug traffickers provide the largest supply of drugs to the United States. Mexican suppliers produce mostly heroin and methamphetamine while cocaine is produced in other countries in South America but then transported through Mexico to reach the United States.

Impacts of the conflict on children

As the main focus of this analysis is outlining the impacts of the Mexican drug war on children, it is important to examine and discuss the overall situation concerning human rights issues in Mexico in order to understand the conflict's effects on children better.

Human rights violations in Mexico

Mexico tries to fight the war on drugs by its military personnel, which often leads to the violation of certain human rights. The National Human Rights Commission (CNDH) received more than 46,000 complaints between December 2012 and January 2018 regarding this issue. (Human Rights Watch, 2019) The problem is that the military is operating throughout Mexico with little or no effective control by the Mexican civil authorities. (Wilkinson, 2018) Torture is used in this country to obtain confessions and information. It happens the most when victims are in custody and when they are handed over to civilian prosecutors. This often happens at military bases or illegal detention sites. Criminal organisations are often responsible for enforced disappearances but also the security forces are guilty in this case. Sometimes hundreds of bodies are found at clandestine graves and, in many cases, these missing people remain unknown. According to the United Nations, unlawful killings of civilians by Mexican security forces take place at a terrifyingly high rate. It speaks for itself that this is caused by

the Mexican drug war. Impunity (in law enforcement) and the lack of accountability for violations are the main causes why security forces take this in their own hands. Journalists, especially those who report on crime or criticize officials, often get attacked or face harassment by government authorities and also by criminal organisations. This led to self-censorship by journalists. Mexican laws do not protect women and girls against domestic and sexual violence, however, the Committee on the Elimination of Discrimination against Women (CEDAW) does, which Mexico ratified in 1981 (United Nations Treaty Collection, sd). Migrants traveling through Mexico are often victims of abuses and human rights violations, in which, at times, even the government authorities are involved. (Human Rights Watch, 2019)

Danger and risks that children are facing

The UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict identified six grave violations, which provide the basis to gather information and report on violations affecting children. The six grave violations are the killing and maiming of children; the recruitment or use of children as soldiers; sexual violence against children; the abductions of children; attacks against schools or hospitals; and the denial of humanitarian access for children. (Children and armed conflict, n.d.) In the case of the Mexican drug war at least three of these violations are harassed when it comes to the impact of the conflict on children.

Many children are involved in the Mexican drug war, either as victims or as members of certain gangs. Children get caught in the crossfires, shot dead among their parents and sometimes they are even intentionally killed. If a member of a gang targets a member of another gang and they cannot find him and kill him, they will often kill his family, including the children. The Child Rights Network in Mexico estimates that 994 people under eighteen were killed in drug-related violence between 2006 and 2010. This information is incomplete because newspapers do not report all drug-related crimes because they are too intimidated and are afraid of the consequences if they do so. (O'Connor and Booth, 2011) Many

children also fall victims of violence because their families have ties with the narcotics trade. Many of these children are also orphans and struggling to survive because their parents got killed. (Gutierrez, 2011)

Another risk children face is recruitment by criminal gangs. Mexican drug cartels force children to join the organisation. Reportedly, even children as young as 10 years old are employed by criminal organisations to do all the dirty work, such as delivering drugs, sending messages, and, at times, they are even required to kill. In case they refuse to do so, they often become victims of torture or are killed by the cartel. To enable children to kill, the gangs often drug them so they are unaware of what they are doing. (AFP, 2017)

Children's mind-sets greatly changed in the latest years because of the war on drugs. The media influences them, and they often copy this criminal behaviour in schools or on the playground. The way they talk, act and react is just the mirror of the reporting of the media. (Murphy, 2012)

The role of NGOs

An example of an organisation that is already working hard to make the situation better for children is Anyone's Child: Families for Safer Drug Control. It is an international network of families whose lives are already destroyed by the drug war. They are advocating for a legal regulation that would help to keep them safe and would protect Mexican children. (Anyone's child, n.d.) Another example is USAID. They try to encourage young people to stay in school, strengthening social integration and civic leadership, and offering opportunities to improve life skills and obtain self- or salaried-employment. USAID's tertiary prevention activities also support young people who have been in conflict with the law or are currently serving time in detention centres. (USAID, 2018)

Conclusion

The Mexican government has been fighting a war with drug traffickers since December 2006 and they have to carry on with this. If not, it could face

the problem that the urgency of the issue will be lost. If this problem is not addressed enough, people could get used to it that it is normal to have thousands of homicides a year, while the drug war violates a wide palette of human rights norms and has a huge impact on people's mental health. The most severely affected victims of the conflict, as in the majority of contemporary armed conflicts, are the children. They either fall victims of the drug war, or they are recruited by gangs. In the first case, it is not only about children dying but also about their families dying or gone missing. Countless children lost their parents and other relatives and ended up as orphans. Meanwhile, gangs are recruiting in orphanages. This vicious circle cannot come to an end if the Mexican government turns a blind eye without any reaction.

The international community must continue to dismantle these criminal organisations and aim its efforts towards strengthening the institutional framework (McMahon, 2013). Innocent people are being killed all the time. Investing in job opportunities and education should be amongst the top priorities to tackle poverty and address the root causes of criminal activity. There should be more worldwide attention to this problem than it has now. Just because this is not a war with bombs and grenades, it does not mean that it is not serious. The mental health of Mexican people is endangered and already damaged. Mexico and international organisations have to invest more time and money to help people overcome trauma and help them to rebuild a stable life in safety and peace, for the sake of the whole nation.

Bibliography

- AFP, 2017. Mexico drug cartels force-recruiting indigenous children – UN. *Rappler*, 18 November [online] Available at: <<https://www.rappler.com/world/regions/latin-america/188826-mexico-drug-cartels-force-recruiting-indigenous-children>>
- Anyone's child, (n.d.) Anyone's child – Families for safer drug control [online] Available at: <<https://anyoneschild.org/about>>
- Britannica, 2006. Felipe Calderón President of Mexico. In: Encyclopaedia Britannica [online] Available at: <<https://www.britannica.com/biography/Felipe-Calderon>>
- Children and armed conflict, (n.d.). *The Six Grave Violations* [online] Available at: <<https://childrenandarmedconflict.un.org/six-grave-violations>>
- Fredrick, J., 2018. Mexico's new president has a radical plan to end the drug war. *VOX*, 18 August [online] Available at: <<https://www.vox.com/2018/8/15/17690420/mexico-president-amlo-drug-war-cartels-violence-legalization>>
- Gutierrez, M.A., 2011. Mexico drug war claiming more child victims. *National Post*, 19 July [online] Available at: <<https://nationalpost.com/news/mexican-drug-war-claiming-more-child-victims>>
- Human Rights Watch, 2019. Mexico. Human Rights Watch, World Report 2019 [online] Available at: <<https://www.hrw.org/world-report/2019/country-chapters/mexico>>
- Lee, B., Renwick, D. and Labrador, R.C., 2019. Mexico's Drug War. *Council on Foreign Relations*, 24 January [online] Available at: <<https://www.cfr.org/backgrounder/mexicos-drug-war>>
- McMahon, R., 2013. Mexico's Drug War. *Council on Foreign Relations*, 8 February [video] Available at: <<https://www.cfr.org/explainer-video/mexicos-drug-war>>
- Murphy, A., 2012. Mexico's Drug War Is Changing Childhood. *NPR*, 27 November [online] Available at: <<https://www.npr.org/2012/11/27/166027034/mexicos-drug-war-is-changing-childhood?t=1552594031799&t=1552951744848>>
- O'Connor, A.-M. and Booth, W., 2011. Mexican drug cartels targeting and killing children. *The Washington Post*, 9 April 9 [online] Available at: <https://www.washingtonpost.com/world/mexican-drug-cartels-targeting-and-killing-children/2011/04/07/AFwkFb9C_story.html>

Orlinsky, K., 2012. *Innocence Assassinated: Living in Mexico's Drug War*. Alexia Foundation [online] Available at: <<https://www.alexiafoundation.org/stories/innocence-assassinated-living-in-mexicos-drug-war>>

United Nations Treaty Collection, (n.d.) *Convention on the Elimination of All Forms of Discrimination against Women* [online] Available at: <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en>

USAID, 2018. *Crime and violence prevention*. 16 May [online] Available at: <<https://www.usaid.gov/mexico/crime-and-violence-prevention>>

Wilkinson, D. 2018. *Mexico: The Militarization of Public Security*. Human Rights Watch, 5 October [online] Available at: <<https://www.hrw.org/news/2018/10/05/mexico-militarization-public-security>>



THE IMPACTS OF THE NAGORNO-KARABAKH WAR ON CHILDREN

The Nagorno-Karabakh War is the conflict between Armenia and Azerbaijan since 1980. The main reason for the conflict is the territorial claims over Nagorno-Karabakh. The territory *de jure* belongs to Azerbaijan which fact was recognised by the United Nations in 1993 in UN Security Council resolution 853. However, the war for the territory – which ended in 1994 – resulted in the *de facto* annexation of Nagorno-Karabakh by Armenia. As a consequence, nowadays the population of Nagorno-Karabakh is predominantly Armenian. During the war thousands of Azerbaijani people were forced to leave their homes. For that reason the ethnic composition of the territory has changed: before the war, nearly one fifth of Karabakh's 190,000 inhabitants was Azerbaijani. According to the census of 2015, Karabakh had a population of 145,000, consisting of 144,683 Armenians and 238 Russians, and other nationalities. As the statistical information also displays, Karabakh's Azerbaijani population's majority consisted of children. Consequently, mostly the children were affected by the difficulties of this armed conflict. (Kocherli, 1998)

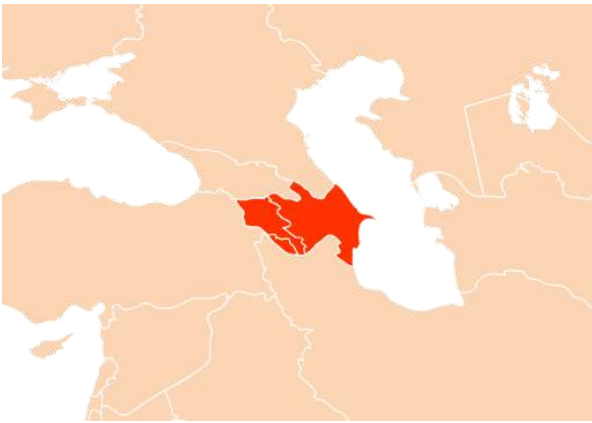
The Armenian point of view holds that the Nagorno-Karabakh war started with Sumgait pogroms. The civil violence which targeted Armenians in the seaside town of Sumgait in Azerbaijan in late February 1988. During the Sumgait pogroms or the "Sumgait massacres" dozens of people died from both sides. Following this incident, the relationship between Armenia and Azerbaijan became aggravated. (Remnick, 1989)

The Nagorno-Karabakh war happened in front of thousands of children. Accordingly, not only during but also after the war the violent behaviour by military against children and their families in Karabakh opened deep and memorable wounds in people's mind.

Human rights issues

The Nagorno-Karabakh conflict is a threat that affects countries that are located in the region, causing instability in the security of the Southern Caucasus. Therefore, numerous states and key international organisations are interested and involved in resolving the conflict in a peaceful manner. In this regard, one of the most important resolutions was accepted by the Parliamentary Assembly of the Council of Europe (PACE) in 2005. PACE Resolution 1416, titled "The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference", is about the situation on occupied territories currently in the possession of Azerbaijan by Armenian military forces. (PACE Resolution, 2005).

The conflict is not only a problem faced by two countries, but also the most influential international organisations are concerned because of the conflict. The issues of children affected by conflicts pose detrimental risks to their health, safety, and well-being. Consequently, many international organisations' efforts aimed at solving the problem with the tools of peaceful dispute resolution. The United Nations Security Council plays a highly important role and issued several resolutions concerning the conflict. The United Nations Security Council Resolution 822 called for the cessation of hostilities and withdrawal of Armenian troops from Kalbajar and other recently occupied areas of the Azerbaijani Republic following its occupation on 3 April 1993 (Ambrosio, Thomas, 2001). The United Nations Security Council Resolution 853 demanded the immediate cessation of all hostilities, calls on the withdrawal of Armenian troops from Agdam and other recently occupied areas of the Azerbaijani Republic and reaffirms UN Resolution 822. Two subsequent UNSC resolutions on the Nagorno-



Karabakh conflict were passed, 874 and 884, in October and November 1993. Reemphasizing the same points as the previous two, they acknowledged Nagorno-Karabakh as a region of Azerbaijan. Resolution 874 called for the preservation of the ceasefire, cessation of hostilities and withdrawal of Armenian troops from recently occupied Azerbaijani districts of Fizuli, Jabrayil, Qubadli and other areas occupied in August and September 1993, and reaffirmed UN Resolutions 822 and 853. Resolution 884 condemned the violations of the cease-fire established between the parties, which resulted in a resumption of hostilities; called upon the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorno-Karabakh region of the Azerbaijani Republic with resolutions 822, 853 and 874; demanded from the parties concerned the immediate cessation of armed hostilities; called for the withdrawal of Armenia from Azerbaijani district of Zangilan and reaffirmed UN Resolutions 822, 853, 874. However, unfortunately for more than 25 years all resolutions have been ignored by the government of Armenia.

These important resolutions have a significant impact on the conflict: none of the UN member countries recognise Nagorno-Karabakh as part of Armenia, neither as an independent state. Although the territory Nagorno-Karabakh was occupied for more than 25 years, however, Armenia cannot make any international recognised projects on this territory (Mustafayeva, 2016).

The Armenian government up to this date has not officially announced that it recognises Nagorno-Karabakh as an independent country. The main reason is that if Armenia recognises the territory as part of Armenia or as an independent republic then

it would be against the international resolutions. For that reason the international community creates a possibility for achieving a future solution to the problem by peaceful manners. In the same time, Azerbaijani government warns that any preparations by Armenia to recognise the occupied territory of Nagorno-Karabakh as independent, will stop the negotiation process and “give free hand to Baku to take advantage of its military superiority.” (Mustafayeva, 2016)

Children in the Nagorno-Karabakh conflict

Similar to other military conflicts, the Nagorno-Karabakh dispute left a large number of children affected and suffered. Many of them lost their lives, many of them lost their families and many of them lost everything that belonged to them.

In the Nagorno-Karabakh war, more than 20,000 people died, including children. Unfortunately, the exact statistics about the mortality rates are still unknown. Besides people, the infrastructure was also affected and damaged by the war. Hence, many children infrastructures, such as kindergartens and schools were completely destroyed by the military forces. According to Azerbaijani sources, a total of 600 schools were ruined in which 140,000 students have studied before. Moreover, 855 kindergartens were ruined during the years of war. (Kocherli, 1998) Despite the announcement of the ceasefire in 1994, Azerbaijan claimed that it continued to record the number of children killed. According to Hijran Huseynova, Chairman of Azerbaijan’s State Committee for Family, Women and Children Affairs, a total of 175 children were killed and hundreds were wounded during the Nagorno-Karabakh war. (Shirinov, 2017)

Following the war, thousands of children lost the opportunity to go to school. They did not only leave the schools but children also had to leave their lands where they were born and where they grew up. While a few of them went to another school or kindergarten, most children could not go to study. Not only the children from Karabakh but also the children from other Armenian and Azerbaijani regions lost the opportunity to go to school or kindergarten because of the war. The main reasons were the lack of resources and the

absence of important educational facilities. Also, after the war, many children lost their ability to see or to move.

As a consequence of the Nagorno-Karabakh conflict, around one million refugees from Karabakh needed a place to live. Therefore, the Azerbaijani government opened public buildings for refugees as shelter. As a result, in other Azerbaijani regions, most of the government schools or kindergartens were replaced with refugee campuses. Although more than 25 years have passed from the starting of Nagorno-Karabakh, a lot of refugees still do not have access to proper housing. They still live in buildings, which belong to the government, such as hospitals, schools, and kindergartens. But the fact is that these people were the luckier ones because others had to live in vans, on the streets, and in other difficult conditions. The main reason was that initially the Azerbaijani government was almost unable to provide all refugees with proper accommodation and there are different programs launched by the government to provide these people with proper housing. It means that thousands of children remain to have no access to proper houses and financial facilities. Another point is that after the war the children who born in these families meet with the same problem. The Nagorno-Karabakh conflict has disrupted the affected populations' lives in many ways. Hampered access to education is one of its worst setbacks. The International Committee of the Red Cross works in the region to increase the safety and accessibility of schooling for kids for whom

education remains the major key to open the doors to the outside world. The organisation tries to provide support to Azerbaijani children who have suffered the effects of armed conflict. Besides the efforts to safeguard students, they carry out safety behaviour sessions, provide mental health support and train teachers to be able to better help children. (ICRC, 2018)

The fact is that until now Armenia and Azerbaijan accuses each other that their military continues to use aggression against children. The last reported child who became a victim of aggression on the frontline was a two-year-old girl in July 2017.

Conclusion

More than 25 years have passed since the beginning of the Nagorno-Karabakh conflict, and there is still not a peace agreement between the countries in conflict. Despite the announcement of the ceasefire in 1994, the armed conflict between the parties did not stop. The facts show that the effects of the war are still warm between the parties and the governments of Armenia and Azerbaijan still have a standpoint which makes any compromise or intention to stop the conflict as unrealistic in the near future. International and regional organisations, such as the United Nations and the Council of Europe call on both parties to establish peace, to keep Azerbaijan's territorial integrity and to save the next generations from experiencing the effects of the conflict.

Bibliography

- Ambrosio, T., 2001. *Irredentism: ethnic conflict and international politics*. Greenwood Publishing Group, p.159.
- Human Rights Watch, 1994. *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh*. [online] Available at: <<https://www.hrw.org/report/1994/12/01/seven-years-conflict-nagorno-karabakh>> [Accessed on 15 April 2019]
- ICRC, 2018. Nagorno-Karabakh conflict: Access to education should not be hampered by conflicts. International Committee of Red Cross [online] Available at: <<https://www.icrc.org/en/document/nagorno-karabakh-conflict-access-education-should-not-be-hampered-conflicts>> [Accessed on 15 April 2019]
- Kocherli, T., 1998. *Qarabagh: Yalan ve heqiqet*. "İrsad" Islamic Research Centre. Baku: Ebilov, Zeynalov ve ogullari, p.21.

Libaridian, G., 1988. *The Karabagh file: Documents and facts on the region of Mountainous Karabagh, 1918–1988*. 1st edition. Cambridge, Mass: Zoryan Institute for Contemporary Armenian Research & Documentation.

Mustafayeva, N., 2016. Armenia's recognition of Nagorno-Karabakh could trigger a war. *Euractiv*, 17 May [online] Available at: <<https://www.euractiv.com/section/armenia/opinion/armenias-recognition-of-nagorno-karabakh-could-trigger-a-war>> [Accessed on 15 April 2019]

PACE, 2015. The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference. Resolution 1416 of the Parliamentary Assembly of the Council of Europe [online] Available at: <<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17289&lang=en>> [Accessed on 15 April 2019]

Remnick, D., 1989. Hate Runs High in Soviet Union's Most Explosive Ethnic Feud. *The Washington Post*, 6 September [online] Available at: <<https://www.washingtonpost.com/archive/politics/1989/09/06/hate-runs-high-in-soviet-unions-most-explosive-ethnic-feud/38ac827c-17a0-474c-9647-39189d0415ec>> [Accessed on 15 April 2019]

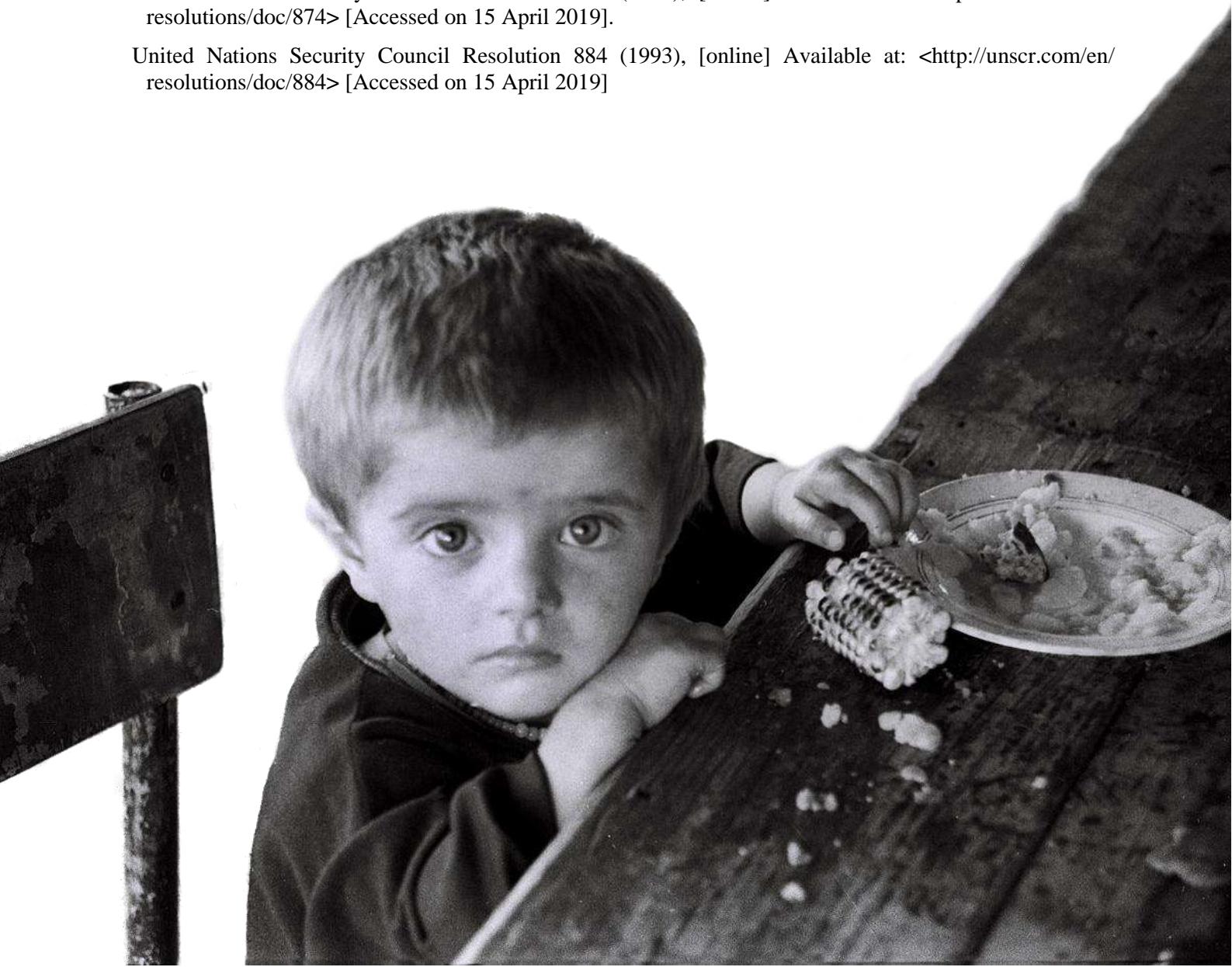
Shirinov, R., 2017. State Committee: Armenians killed 189 children during Nagorno-Karabakh conflict. *Azernews*, 24 November [online] Available at: <<https://www.azernews.az/karabakh/122825.html>> [Accessed on 15 April 2019]

United Nations Security Council Resolution 822, (1993), [online] Available at: <<http://unscr.com/en/resolutions/doc/822>> [Accessed 15 April 2019]

United Nations Security Council Resolution 853 (1993), [online] Available at: <<http://unscr.com/en/resolutions/doc/853>> [Accessed on 15 April 2019]

United Nations Security Council Resolution 874 (1993), [online] Available at: <<http://unscr.com/en/resolutions/doc/874>> [Accessed on 15 April 2019].

United Nations Security Council Resolution 884 (1993), [online] Available at: <<http://unscr.com/en/resolutions/doc/884>> [Accessed on 15 April 2019]



UKRAINE'S CHILDREN CRISIS:

HOW THE CONFLICT DESTROYING CHILDREN'S FAMILIES AND IDENTITY

The conflict between Russia and Ukraine is one of the most important crisis scenarios in Europe which has afflicted the international opinion for several years. This issue is strongly relevant to the situation of children in armed conflicts as the first victims of such circumstances are usually children. The case of the conflict shows, even in the heart of what is considered one of the most liberal and developed regions in the world – Europe – how it is possible to have ongoing cases of human rights violations, as well as difficulties to deal with and take actions to tackle such problems.

Firstly, this case study briefly discusses the war and the reasons which have led to the escalation of the conflict. Following the general contextual overview, the research focuses on the children's situation in areas affected by the war, as well as those ones who had to move towards the capital. For the purpose of the study, it is considered necessary to briefly introduce the general situation of the Ukrainian children before the war started. The insight on the social issue of the so-called phenomenon of "Street Children" is relevant for the study in order to understand the social and legal framework prior to the conflict. A comparison of the situation before and after the war shall demonstrate the consequences of the crisis in the already precarious situation of children.

The research has consulted several NGOs' websites, reports about the war and statistical information over the number of orphans and their social and health conditions. Finally, this analysis proposes a list of recommendations about how to improve the children's conditions, both from a national and international point of view.

Context

Crimea *oblast* is a territory situated between Russia and Ukraine, with a vast majority of Russian

inhabitants (see the map), followed by Ukrainians and Tatars. Even though it has been under Ukrainian control for more than six decades, it has always been considered by the Russian nationalists as a territory belonging to the motherland. The Crimea region was historically under the Russian control, at least until February 1954. On that date, the Presidium of the USSR decided to transfer the region to the Ukrainian SSR: this was meant to be a symbolic gesture in order to celebrate the 300th anniversary of Ukraine being part of the Tsardom of Russia.



Language map of Ukraine

Tensions between the two states rose during the first decade of the 2000s, as Russian President Vladimir Putin was attempting to increase Russian political, economic as well as cultural influence in Eastern Europe.

The Ukrainian conflict broke out in February 2014, when Russia decided to invade the Crimea region, a territory situated in the southeast part of the country. The animosity between the two countries has been deepened as the potential enlargement of the European Union was seen on the horizon. Since the disintegration of the USSR, Ukraine developed political relations with the European Union on one side, and with Russia on the other. In the last years before the conflict, however, the possibility of a



closer relationship with the EU seemed almost certain. More in detail, in the last months of 2013 the Ukrainian government was to decide whether to sign an economic agreement with the EU, this way promoting a closer relationship with it, or to accept Russian financial aid. Then Ukrainian President Viktor Yanukovich, elected on 25 February 2010, decided for the latter option, thus creating discontent among citizens. In the following days, political manifestations were demanding a change towards the EU option – that is why the phenomenon was called “Euromaidan”. This warned the Russian government and brought President Vladimir Putin to make an act of force and invade the eastern region of the country. As a consequence, both the Ukrainian government and – more importantly – the European Union and its Member States, condemned the Russian policy as a clear violation of international law principles and imposed economic sanctions on the country. Right after the annexation, international organisations had also condemned Moscow’s action. First of all, the UN General Assembly approved Resolution 68/262, which called on Russia to cease its intervention in Crimea and put an end to the attacks against Ukraine. Furthermore, the resolution proclaimed the non-integrity of the referendum which took place in Crimea earlier that year. Since the resolution was adopted by the UN General Assembly and not by the UN Security Council, its content is non-binding. This means that the Russian government is not obliged to follow its instructions and cannot be punished in any way for deciding to ignore it. The UN General

Assembly resolution has, nonetheless, a strong political and formal impact, and the condemnation had a great diplomatic and political impact on the Russian government. Another organisation that adopted economic and political sanctions against Russia, alongside the EU, was the North Atlantic Treaty Organisation (NATO), which reinforced its support for Ukraine’s development. Furthermore, after the Warsaw summit in July 2017 the Comprehensive Assistance Package (CAP) for Ukraine was enlarged to further contain a strategy for the practical support of the country.

Since 2014, the tensions between Ukraine and Russia have not diminished, and neither did the conflict. It has spread throughout the surrounding areas, especially in eastern parts of the country, such as Donbass and Donetsk. Donetsk is a Ukrainian city situated among the river Kal’mius, which, since April 2014, has been self-proclaimed as the capital of the Donetsk People’s Republic. Fiona Frazer, Head of the UN Human Rights Monitoring Mission in Ukraine stated in her “*Report on the Human Rights Situation in Ukraine*” (2019) that the “bread truce” established in 2017 reduced the number of casualties, although there was no complete cease-fire. The report further states that over the last four years about 3,320 people were killed and more than 7,000 were injured because of the war. In the last months of 2018 tensions rose again due to the Kerch Strait incident, which took place on 25 November in the Black Sea. The incident caused fire shoots from the Russian Federal Security Service coast guard to Ukrainian Navy boats. This latest incident shows how the hostilities between the countries are still not solved and, despite the truce, the situation could escalate at any moment.

The situation of children before the conflict – The Street Children of Ukraine

Problems regarding the well-being of children is not a recent issue connected with military aggression. The phenomenon of “Street Children” has been historically eradicated in Ukrainian society. The root of it can be found in the economic and political history of the country. During the 20th

century, Ukraine has faced massive social crises, such as famines, political repressions, and economic difficulties, mainly during the communist regime and its subordination under the USSR. This has not only spread poverty and high casualty rates amongst the population but also increased the number of orphans (Lough and Panos, 2003). After the fall of the communist dictatorship, the situation did not improve, mainly due to the loss of social support granted previously by the state.

Unlike what it may seem, not all street children are orphans: as the study of Busza et al. (2011) shows, quite often children's families' economic situation pushes them to live away from their home. However, it is difficult to quantify the number of children and adolescents living on the streets, as estimates from several institutions vary. As Teltschik (2006) stated, around 40,000 to 300,000 children were reported to be homeless. Busza et al. (2011) also suggested that there is evidence that among these children the instability and health issues are high, especially in relation to the use of drugs and risk of contamination of HIV. This situation has not only increased the health issues for the street children but also caused serious problems from a social point of view. Besides these issues, there are also other difficulties for children living on the streets. As it was reported by Busza et al. (2011), the majority of these children endure some kind of abuse, either sexual or physical, and are also subjected to human trafficking.

International organisations, such as UNICEF and other INGOs, as well as some foreign help coming from bilateral agreements, such as USAID, are working in the field in order to monitor and to try to improve the situation. However, without a systematic regulation, their work seems almost too complex to be completed on their own.

Throughout the years, Ukraine has lacked organisations dealing with street children's issues and management of orphanages. As it can be seen, the conflict has only worsened the situation and increased the complications for the government to handle and solve children's safety and healthcare issues.

Impact of the conflict on children

In 2017, it has been estimated that in Donetsk 17,000 people, among which 4,000 children, lived through the winter without any heating, electricity or running water because of the bombings. (UN Report, 2019) Since the conflict intensified in the last months of 2018, several schools and childcare institutions had been closed. In particular, as stated by UNICEF reports, in the city of Avdiivka, the bombings have destroyed the central electric and main water supplies. Due to the conflict the problems are also linked to the lack of necessary medications and vaccines. For instance, there is a lack of polio medications: UNICEF is working by organising vaccinations rounds and distributing hygiene kits amongst the population.

In the conflict atrocities, the children who remain orphans are those who suffer the most: the luckiest ones go to the capital's orphanages, while the others live on the streets or even underground. As Giovanna Barberis (2014), the representative of UNICEF in Ukraine, said at the beginning of the conflict; "the situation is extremely dangerous and serious, and an intervention by the international forces is needed." The main problem in the country is the incapability of taking care of the children who find themselves living on the streets since the bombings have destroyed their homes and they have nowhere to go. UNICEF also registered that the national orphanages, called "internat", are not capable of taking care of all of the children in need. Another reason that worsens the situation is that the children who are still living with their families in the conflict areas are subjected to potential death because of the several hidden anti-personnel mines. These weapons, as stated by the UN Report on Human Right situation in Ukraine (2019), have already killed 37 teenagers and injured at least 107 people since the beginning of the war. The problem of this situation is not only related to the safety of the children living nearby the conflict zones, but also to the health, social and psychological help needed by those orphans who are homeless and with no stable future ahead of them. According to the UNICEF analysis (2019), they endure high levels of trauma caused by the bombings and are

also subjected to long periods not being able to go to school, which will inevitably cause them problems in the following years.

The consequences of the current crisis, furthermore, will be one of the main problems to deal with by the future generations. It is quite common for children who survived this kind of experience to develop issues regarding their mental health, such as depression, panic attacks, sleep problems, and other behavioural problems.

Legislation and legal framework of the country

The conflict and the lack of aid given to the families by the governmental institutions brought a situation in which children's rights are constantly violated. Also, the situation about the Street Children, is a factor that stimulates the abuses on children and their perpetration in time.

After the end of the communist regime, the country had ratified the United Nations Convention of the Rights of the Child in 1991. In the text of Article 8(2) of the Convention, it is stated that *"where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity"*. Earlier in the Convention, Article 2(1) provides that each State shall *respect and ensure* the rights established in it through their jurisdiction.

As far as Ukraine's jurisdiction is concerned, it has been emphasised that there are no family courts in which cases of custody disputes or family-related issues are heard (Suleymanova, Moroz and Gubin, 2017). Moreover, every case about a missing child, even before the conflict, was given only to the police to investigate, since there was not a single organisation or government office that specialised in the matter.

As pointed out by Otten (2018), in the area of the hostilities, the protection of the children is even less organised, as the attacks on schools and public buildings do not allow children to improve their self-consciousness as they grow up and leave them with traumatic memories.

In ten of the country's regions – which border mainly with Russia and are subject to the conflict – the martial law was also applied for 30 days, from

26 November to 26 December 2018, as a consequence of the escalation of the tension between the two countries at the beginning of November after the Kerch Strait incident. This indicates that the end of the conflict is still far from realisation and that the priority for the government is to maintain a high profile as far as the army preparation is concerned. In such difficult conditions, the welfare and safety of the children are inevitably put at risk, the level of alert is not reduced and have dire consequences.

Possible ways to address the issues and solve the problems

From what has already been stated in this case study, the Ukrainian situation seems to have become less significant on international level in the past couple of years. Part of the reason for such change can be seen in the public opinion as the rise of other threats and international issues have drawn the attention of the public eye. The first aim that must be achieved in order to resolve the conflict is to sensitise the international public and organisations: it is visible that the Ukrainian conflict has recently disappeared from the international news and consequently fewer people can receive information and be interested in it. Most of the INGOs working on the field have attempted several times to call for a ceasefire between the two parties, in order to stabilise the situation and to be able to work more efficiently for a long-term solution on the psychological and physical needs of the children and their families. Moreover, the problem of the "Forgotten Ukrainian Children" is an endemic issue of the state, which has only worsened in the last years because of the conflict. It is necessary to help Ukraine develop a more efficient and wider social and orphanage system, which could afford to take care of the thousands of homeless children and also to give them back a family environment through adoption process. It is also necessary to activate a local agency or organisation which could prevent children to be separated from their parents. However, as stated before, it is extremely challenging to intervene in the region and to aid the families if the conflict is still ongoing. As the last months of 2018 have shown, a truce is not

sufficient to maintain order and stability in the region since the recurrence of the hostilities could happen at any moment. This situation does not allow children and their families to create and maintain a healthy environment. More importantly, it obstructs the government's chances to intervene in order to improve and reconstruct the damaged cities.

Besides the need to reduce the conflict area and work in order to obtain a ceasefire, it would be necessary to start a partial renovation as far as the legal framework is concerned. It is necessary to create a government office, which is specialised in family issues and which proposedly works alongside the police in order to control and prevent the street children phenomenon. Radical reform of the actual *internat* system is also mandatory. Firstly, regarding the number of them, which is not nearly close to the amount needed to guarantee the right level of care for each child that resides in them. Secondly, a more thorough reform would be advisable to be done in the way these institutions operate. It is necessary to create a more efficient adoption system and also a gradual but effective

process of introduction of the children in the social life of the country.

Conclusion

The Ukrainian case shows how important it is to intervene immediately and solve issues concerning social and legal issues, especially as long as children are concerned. The lack of improvement in orphans' protection has negative consequences in the society. Ukraine's situation was worsened by the ongoing conflict with Russia, which increased emergency. One of the most important factors that led to this crisis is the absence of a well-organised national institution within the Ukrainian government that is specialised in the area.

The necessity for the country to improve its commitment to the children's issue is not only as a result of the conflict but also due to a systematic lack of dedication shown in the previous years. If not solved, Ukraine's situation can solely worsen, with destructive consequences for the society.

Bibliography

- Barberis, G., 2014, *Children: the invisible victims of Ukraine's crisis* [online] Available at: <<https://blogs.unicef.org/blog/children-the-invisible-victims-of-ukraines-crisis>> [Accessed on 22 March 2019]
- Busza, J.R., et al., 2011. Street-based adolescents at high risk of HIV in Ukraine, *Journal of epidemiology and community health*, 65 (12) pp.1166–1170.
- Lough, B. and Panos, P., 2003. Rise and demise of orphanages in Ukraine. *European Journal of Social Work* 6(1), pp.49–63.
- NATO, 2018. *Relations with Ukraine* [online] Available at: <https://www.nato.int/cps/en/natolive/topics_37750.htm> [Accessed on 20 March 2019]
- Otten, C., 2018. *Schools under attack in conflict-torn eastern Ukraine* [online] Available at: <<https://www.unicef.org/stories/ukraine-schools-conflict-zone>> [Accessed on 26 March 2019]
- Suleymanova, A., Moroz, I. and Gubin, A., 2017. *Family law in Ukraine: an overview*. [online] Available at: <[https://uk.practicallaw.thomsonreuters.com/5-564-3065?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&comp=pluk&bhcp=1](https://uk.practicallaw.thomsonreuters.com/5-564-3065?transitionType=Default&contextData=(sc.Default)&firstPage=true&comp=pluk&bhcp=1)> [Accessed on 26 March 2019]
- Teltschik, A., 2006. *Children and Young People living or Working on the Streets: the Missing Face of the HIV Epidemic in Ukraine*. [pdf] UNICEF. Available at: <https://www.unicef.org/ukraine/4_Street_children_and_young_people_en.pdf> [Accessed on 21 March 2019]
- UN General Assembly, *Convention on the Rights of the Child*, 1989, United Nations, Treaty Series, vol. 1577, CRC, p.3 opened for signature on 20 November 1989 entered into force on 2 September 1990 [pdf] Available at: <<https://www.ohchr.org/documents/professionalinterest/crc.pdf>>, [Accessed on 25 March 2019]

UNIAN, 2019. *UNICEF: Children in Eastern Ukraine suffering as conflict affects critical water infrastructure* [online] Available at: <<https://www.unian.info/society/10490457-unicef-children-in-eastern-ukraine-suffering-as-conflict-affects-critical-water-infrastructure.html>> [Accessed on 25 March 2019]

UNICEF, 2016. *Ukraine Humanitarian Situation Report No. 42* [report] Available at: <https://www.unicef.org/ukraine/UNICEF_Ukraine_Humanitarian_SitRep_42_-_January_2016.pdf> [Accessed on 21 March 2019]

United Nations Human Rights Office of the High Commissioner, 2019. *Report on the human rights situation in Ukraine 16 November 2018 to 15 February 2019* [report] Available at: <<https://www.ohchr.org/en/countries/enacaregion/pages/uareports.aspx>> [Accessed on 17 March 2019]



INTERVIEW

WITH BERNADETTE KNAUDER

Bernadette Knauder is a lecturer at the European Training and Research Centre for Human Rights and Democracy (UNI-ETC), Faculty of Law of the University of Graz (Austria), where she delivers courses and conducts research on human rights particularly the rights of the child. Her courses include Child Protection in Humanitarian Emergencies: Principles and Practice and Human Rights Debate Club. She has been working on various research and education projects of the Centre. She was one of the leading experts of UNI-ETC which – together with experts from the Austrian Study Centre for Peace and Conflict Resolution (ÖSFK) – accompanied dialogue and workshop series and negotiated two influential Sudanese rebel groups, Justice and Equality Movement (JEM) and the Sudanese Liberation Movement (SLM). She works in the team of the UNESCO Chair in Human Rights and Human Security – part of the UNIT TWIN/UNESCO Chairs Programme geared towards advancing research, education and academic cooperation. She co-authors publications and contributes to compilations under the auspices of both the Chair and the UNI-ETC. She coordinates and serves as a point of contact for the Advanced Academic Partnership for Legal and Human Rights Education (AAPLHRE)'s research fellowships to Ethiopia, a project funded by Austrian Partnership Programme in Higher Education and Research for Development (APPEAR), a programme of the Austrian Development Agency (ADA). Primarily, her research focuses on human rights, peacebuilding, child protection – protecting children and other vulnerable groups in armed conflict. Internationally, she has worked as a researcher and trainer at the interface Human Rights, Peace and Development for the German Association for International Cooperation (GIZ), the European Union Agency for Fundamental Rights (FRA) and the Austrian Study Centre for Peace and Conflict Resolution (ÖSFK).

What is the path that led you to carry out extensive research on child protection and the rights of the child in humanitarian emergencies?

I started to get interested in the topic almost 10 years ago when the Security Council of the United Nations was very much focused on this topic. I worked at a research institute that also provided training for civilian experts that were looking to be deployed in peacekeeping and peacebuilding operations. One of the functions that became increasingly important back then was that of child protection advisers, whose deployment the Security Council requested in its Resolution 1314 (2000). I designed and delivered trainings for people who were serving as or interested to serve as child protection experts in missions.

Nowadays, I am trying to reflect the work I did in practice in theory. I do my research on the Security Council engagement on children and armed conflict. It is of particular interest to me how the Security Council sought compliance with international legal standards that protect children through political pressure and sanctions. I am most interested in how such mechanisms work for non-state armed actors.

Throughout recorded history, warfare has been part of human society. Following the end of World War II, the nature of armed conflicts shifted from international to non-international. What are the main legal challenges posed by the relocation of the battlefield to densely populated areas and how does this affect the civilian population, especially children?

There are many challenges related to urban warfare. Parties to a conflict might purposefully fight in urban centres to gain military advantages. The fighter might fail to clearly distinguish themselves from the civilian population, urban centres may be under seizure and the civilian

population might be prevented from leaving so that the fighters maintain civilian cover. Civilian and military objects might be in close proximity, thus making the distinction of a lawful target and a civilian structure that is “off-limits” more difficult. Urban warfare poses a lot of humanitarian problems regarding the protection of civilians, such as the destruction of civilian infrastructure and essential services that are vulnerable to disruption. Children are, for example, in particular affected by the destruction and use of educational facilities.

Given the numerical calculations on the number of children affected by armed conflicts across the globe, how do you see the urgency of the problem?

There are six so-called grave violations that have been defined as the worst offences against children during conflict. The legal basis for these violations lies in relevant international law, which encompasses international humanitarian law, international human rights law, and international criminal law. The six grave violations are the killing and maiming of children; the recruitment or use of children as soldiers; sexual violence against children; the abduction of children; attacks against schools or hospitals; and denial of humanitarian access for children. Despite international engagement, the numbers of children who suffer these violations are still on the rise. Therefore, the topic remains extremely urgent.

Regarding child protection under international law, what is your take on the applicable regimes and their role in ensuring that childhood becomes a space free from violence?

I think (international) law is too reactive to be able to ensure that. As much as it is important to hold, for example, perpetrators of grave violations against children accountable, which, for instance, the ICC tries to do, I think that the focus of the international efforts should be to prevent grave violations against boys and girls affected by conflict. This could be done by strengthening cooperation and awareness on issues of children and armed conflict, experience sharing, and dissemination of best practices.

The recruitment and use of children in hostilities have been one major concern to the international community, yet it does appear that the trend continues. What are the major challenges faced in stemming the tide of child recruitment and use in hostilities? Are we winning the fight against child soldiers?

Children are still being recruited and used throughout the world. The international community has made significant progress to make government forces commit to releasing children from their ranks, for example, thanks to the *Children, Not Soldiers* campaign, an initiative of Leila Zerrougui, the Special Representative of the Secretary-General for Children and Armed Conflict, which was a moderate success. Challenges at the practical level include the changing types of conflicts as they increasingly become more brutal and more continuous, with some actors having no interest in negotiating. Negotiating with non-state armed actors and holding them accountable is, at this stage of the agenda, the most difficult task. Another pressing issue is how to assist girl soldiers. The UN annual report on Children and Armed Conflict 2018 reported almost 900 girls associated with armed groups and forces, this is four times more than the number reported in the 2017 report. Girls are largely used in ‘support’ roles such as spies, porters, cooks or bush wives. Hence, they can fall outside official statistics as they don’t bear arms and stay away from the frontlines. One big challenge, for example, is how to assist girls returning from armed groups with babies. However, it needs to be acknowledged that improvements in verification methods are likely in part responsible for the rise in numbers, but these numbers, due to difficulties of data collection in conflict zones, are not absolute, meaning they will likely be higher.

Apart from the forced recruitment of children into armed groups, children may join voluntarily. What could be the primary driving force for children to join armed groups on their own volition? What are the most effective ways to prevent children’s voluntary recruitment?

It is often assumed that children are only enlisted by force into armed groups, but in fact, other factors play a role also. However, I would caution to call this a 'voluntary' move and portray it as a free choice. If circumstances force you to do a certain thing, can that still be called voluntary?

Research distinguishes between so-called push factors, i.e. circumstances in a child's community that drives them to join an armed group, such as lack of education, disruption of security, or simply lack of other options to be fed and protected. On the other hand, there are pull factors or incentives that children believe they will receive when joining an armed group like a sense of heroism, the hope to be protected from harm, or to receive better life chances overall.

How to prevent voluntary recruitment, this is a difficult question but I think the answer here lies in development and respect for human rights. The number of recruited and used children can reduce if children's economic and social rights are respected and alternatives to military recruitment regarded as viable options by the children and their families – access to education is particularly important in this respect.

There have been several instances of parties to armed conflicts violating their obligations under international law to protect children in armed conflict. However, with few exceptions, we see perpetrators left off the hook without holding them responsible. Why are people not charged for the atrocities they commit against children? What are the notable prosecutions on record and the role such prosecutions have played in curbing the canker of child soldiers? Do you support the argument that perpetrators forcefully recruiting children into hostilities who were once child soldiers, be treated as victims rather than offenders of war?

Since the 1990s, international criminal law developed at a fast pace and much of the jurisprudence that has been produced is related to children. The Rome Statute criminalizes child recruitment. In a landmark case before the International Criminal Court, Thomas Lubanga Dyilo was found guilty in March 2012 of the war crimes of enlisting and conscripting children under

the age of 15 years and using them to participate actively in hostilities. He was sentenced to a total of 14 years of imprisonment. In the same year, former Head of State Charles Taylor was convicted by the Special Court for Sierra Leone of war crimes committed against children by an armed group.

The ICC trial of a former commander in the Lord's Resistance Army (LRA) Dominic Ongwen, is the showcase example for the last part of your question. Mr. Ongwen has been recruited into the LRA as a child soldier and is now charged with crimes against humanity and war crimes. It is indeed a difficult question, legally and morally, as we usually argue that children should be seen as victims first. However, in my opinion, the fact that a defendant has been a victim of a similar crime is not a defence in itself. I think that Mr. Ongwen's childhood experiences have to be considered when determining an appropriate sentence - should he be found guilty - but he should not avoid justice because of his past. I believe that Mr Ongwen should not avoid justice because of his childhood experiences. However, it would be a potential injustice not to take into account his traumatic experiences when determining an appropriate sentence, should he be found guilty.

In your point of view and based on your engagement in the field, what hope lies ahead for the international efforts in tackling the phenomenon of child recruitment and use in hostilities? What is the way forward?

Children are unfortunately vulnerable and will always be in danger and at risk when conflict erupts, violence spreads and the societal fabric ruptures. Legally, establishing and enforcing 18 as a minimum age for recruitment and use by all parties to a conflict is an important step to establish a shared legal baseline. International advocacy should continue to push for that.

Furthermore, I believe that prevention is key. Recruitment can be prevented through development and respect for human rights, in particular, access to education. Providing a secure environment where children can be safe, fed and protected and that do not involve carrying a weapon or following troops is a goal we should all be working towards.

INTERVIEW

WITH EZEQUIEL HEFFES

Ezequiel Heffes joined Geneva Call as a Thematic Legal Advisor in February 2017. Prior to his work there, he worked as a Field and Protection Delegate and as Head of Office for the International Committee of the Red Cross (ICRC). His first mission with the ICRC was in Colombia and he was later posted in the south of Afghanistan. His last mission was in Uvira, the Democratic Republic of Congo. Mr Heffes holds an LL.M. in International Humanitarian Law and Human Rights from the Geneva Academy of International Humanitarian Law and Human Rights and a Law degree from the University of Buenos Aires, School of Law (Argentina).

When asked about the path that led him to his current position, Mr Heffes told us that he was always interested in the issue of non-state actors and international law in general. He later discovered that the issue of armed non-state actors (ANSAs) in international humanitarian law (IHL) and international human rights law (IHRL) was a particularly interesting topic to explore. As a result, he has carried out detailed research from both an academic perspective and as part of his past and current professional experiences.

Geneva Call was established nearly 20 years ago to protect civilians from the effects of armed conflict. Could you tell us about the driving force behind the organisation's establishment and Geneva Call's overall mission and strategy?

Geneva Call was established in the context of the 1990s movement to ban anti-personnel mines, which led to the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the Anti-Personnel Mine Ban Convention, or APMBC) in 1997. A group of individuals believed that not only state actors, but also armed non-state actors had to be engaged on

this issue. As a result, they created in 2000 Geneva Call to specifically engage armed groups on the prohibition of the use of landmines.

Due to its success, the organisation expanded to other areas. Presently, Geneva Call focuses not only on the prohibition of using landmines, but also on the protection of children from the effects of armed conflicts, the prohibition of sexual violence and gender discrimination, the protection of cultural heritage, the protection of healthcare, the prohibition of forced displacement, and also on a general international humanitarian law engagement. Given that ANSAs could not become parties to an international treaty, Geneva Call developed the Deed of Commitment, which is essentially a unilateral declaration that armed groups can sign to commit to certain international obligations. The Deed of Commitment is one of the tools that Geneva Call uses to engage with ANSAs. In 2000, Geneva Call only had one Deed of Commitment on the prohibition of landmines (the Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines for Cooperation in Mine Action). Since then, the number of Deeds of Commitment has expanded to four: in 2010 Geneva Call launched the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict; in 2012 the Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination; and, in 2018 the Deed of Commitment for the Protection of Healthcare in Armed Conflict. These Deeds are part of a thematic approach which Geneva Call follows.

Geneva Call's current strategy was initiated in 2017 and will come to an end in 2019. What are the priorities of the current strategy?

One of the priorities of the 2017–2019 strategy was to introduce new areas to our work. Prior to the current strategy, Geneva Call focused on three

thematic areas, namely the protection of children, the prohibition of the use of landmines, and the prohibition of sexual violence and gender discrimination. Geneva Call also included in the 2017-2019 strategy the protection of cultural heritage, the protection of healthcare and the prohibition of forced displacement. In 2018, Geneva Call launched its fourth Deed of Commitment on the protection of healthcare and it has already started training ANSAs and other stakeholders in that specific area. Accordingly, it has developed training materials and Geneva Call is issuing several videos and booklets as well.

Another priority was to expand Geneva Call's field presence. Historically, the Organization was known for working through local organisations and field visits from Geneva. Therefore, one of the main aims of the 2017-2019 strategy was to increase Geneva Call's field presence. It has opened some offices in different countries to improve the monitoring process and to establish regular contact with the groups Geneva Call engages with.

Geneva Call's strategies aim to develop behavioural changes. These changes pertain to how and where the Organization engages with ANSAs.

How does Geneva Call identify the ANSAs to engage with?

When identifying ANSAs to engage with Geneva Call has certain elements to consider. There has to be a humanitarian need in one of the thematic areas we work with. If there is a humanitarian need, but it is not related to one of our thematic areas that were mentioned before, then it can be quite difficult for Geneva Call to engage. It can also be difficult to engage with ANSAs in cases where there is another organisation working in the same thematic area as Geneva Call does, as the Organization tries to work in the best complementary way with other actors addressing the same thematic areas.

Otherwise, if there is a humanitarian need and there is a space to fill such need, Geneva Call firstly analyses the type of group it is dealing with. For instance, if the group is organised enough – because it has to be organised to a certain extent as Geneva Call aims to have a long-term engagement. If a group is about to disappear it is going to be very

difficult to achieve a behavioural change. When identifying whether the group is organised enough, Geneva Call firstly seeks for a variety of elements, such as the structure of the group, the internal command that controls the structure, and whether it is possible for the group to internalise the obligations that are disseminated. However, these are not mandatory elements as they often presuppose that the group has a vertical structure, even though, nowadays, Geneva Call can see that there are groups with several types of organisational structures, including horizontal ones.

All in all, there has to be a certain threshold of violence, the group has to have a certain level of organisation so it can actually internalise the rules that Geneva Call is disseminating, and, as previously mentioned, the group has to have a humanitarian impact on at least one of the thematic areas that we work with. These are the elements that Geneva Call considers when identifying the ANSAs to engage with.

After identifying the armed group to engage with, how do you engage with them?

The way the engagement process begins depends on the group. There have been examples in which we have managed to get the contact directly, which means that Geneva Call contacted directly the groups to start the engagement process. There have also been examples in which groups have contacted Geneva Call after hearing about us from other third parties or stakeholders. In other occasions, local stakeholders have sometimes allowed us to get in touch with some groups.

The whole process of engagement can be quite long, especially in terms of how Geneva Call gets in touch with the group and what type of activities we carry out. As previously mentioned, the process initiates by identifying the ANSA to engage with and by making sure that it will not disappear or fragment any time soon. After getting in touch with the group, Geneva Call plans the activities of engagement. We arrange and have meetings with the groups and we provide thematic trainings when it is found necessary. And, of course, the process of engagement does not come to an end when the group signs the abovementioned Deeds, which is part of our engagement process. After the signing

of a Deed by the group, Geneva Call enters the stage of the monitoring process. The engagement can terminate in case a group disappears, but normally, if the group signs the Deed, there is a presumption of continuity in the process.

Can you give us specific examples of the ANSAs you have engaged with?

Geneva Call has engaged with about 150 groups worldwide in almost 20 years of its existence. For instance, we have engaged with the People's Protection Units (YPG) and the Women's Protection Units (YPJ) in the South Administration in Rojava in Syria. We have also engaged with the Karen National Union and the Karen National Liberation Army in Myanmar as well as with some groups in the DRC and Sudan.

We have seen some positive results from some of the groups. For instance, several groups who have signed the Deed of Commitment on the prohibition of anti-personnel mines have destroyed their stock of anti-personnel mines in accordance with the obligations of the Deed – the last one recorded is the Polisario Front. Additionally, some of the groups have released the children from their ranks after engaging with Geneva Call. For instance, the YPG and YPJ which had signed the Deed in 2014, released some of the children in their ranks as soon as they had signed it, and they had proceeded to further releases in 2015, also in accordance with the commitment they had undertaken with Geneva Call.

As you previously mentioned, Geneva Call uses four Deeds of Commitment aimed at different thematic areas as tools to engage with ANSAs. Can you tell us a bit more about the legal basis and the drafting process of the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict?

The Deed of Commitment for the Protection of Children from the Effects of Armed Conflict is based on IHL and IHRL provisions. Last year Geneva Call launched its fourth Deed of Commitment on the protection of healthcare, for which I had the opportunity to be part of the drafting process. In Geneva Call we normally

outline a draft with the provisions we want to include in the final text of the Deed, which, of course, is in accordance with international law. Last year, for instance, as part of the drafting process we had several expert meetings with different specialised organisations, scholars, and academics working in this specific thematic area. Once the draft text of the Deed is finished, we share it with different stakeholders to get several points of view. At some point of the drafting process, we also share the text with some of the armed groups we are engaging with to have to some extent a 'reality test', that is to check whether they see the Deed as a realistic tool. This is a crucial point of the process as we want to include rules which they can comply with.

Geneva Call has also held signatory meetings to identify certain thematic areas that need to be further addressed and which could potentially lead to the drafting of a new Deed of Commitment. For the Deed of Commitment on the protection of children, Geneva Call invited the signatory armed groups to have an open discussion in Geneva in the framework of our so-called 'signatory group meeting'. In 2009, there was a signatory group meeting for the only Deed we had at that time, which was the Deed of Commitment on landmines. Geneva Call hosted about 30-34 groups in Geneva to discuss this specific thematic area. During this meeting, the groups were surprisingly open to discuss other issues that needed to be addressed and they provided valuable feedback on the texts which were presented to them. Thus, Geneva Call profited from this discussion by identifying the possible thematic areas which needed further development and the potential need for drafting other Deeds, such as the one on the protection of children.

We also have thematic meetings, such as the one that took place in 2016 on child protection issues, when we welcomed about 20-22 groups to discuss issues of child protection, such as the use and recruitment of children and the protection of the right to education.

How do you ensure and monitor ANSAs' compliance with the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict?

There are different ways for Geneva Call to ensure and monitor compliance with the Deeds. For instance, it conducts field visits in the territories that are controlled by the signing group. Geneva Call meets with the groups, has discussions to see whether the Deed is respected or not and provides trainings as part of its assistance in ensuring that the content of the Deed is implemented. During the discussion process, Geneva Call sets out a specific action plan, which provides specific steps on the ways to ensure compliance. Of course, complying with some of the provisions of the Deed may be more difficult than complying with others, which also constitutes their monitoring significantly more challenging at times.

During the field visits, Geneva Call also goes to different places, asks different stakeholders, and, as another source of information, verifies with UN and public reports about the behaviour of the group that is being monitored. Geneva Call also works with local organisations to monitor compliance with the Deed, especially when carrying out the field visit appears to be difficult. In those cases, Geneva Call ensures that these organisations are trained properly and have adequate tools for monitoring.

What would you consider as the most worrying impact of armed conflict in relation to children?

I would say that one of the most worrying violations besides the use and recruitment of children is the denial of humanitarian access for children. I find it especially worrying because we see in many cases children who have been displaced, or who became orphans after their parents were killed. Therefore, the denial of humanitarian access for children is at critical point nowadays. The international community has extensively focused on the use and recruitment of children in armed conflict and also on the prohibition of sexual violence against children, but the issue of denial of humanitarian access for children remains an issue which needs to be further explored and addressed. The other issue of increasing humanitarian concern is the situation of children who have been detained in the context of armed conflicts.

Does the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict have any specific articles on the provision of humanitarian access to children? If so, could you outline these articles? Based on your experience, do armed groups comply with such provisions?

Yes, the Deed of Commitment on the protection of children has several articles stating, for instance, when to take specific steps to ensure children's access to food, healthcare, education, and cultural activities, which outline the part of the rule that sets out the basis of the provision of humanitarian access. The Deed also articulates that in case armed groups are unable to provide humanitarian access to children, they must facilitate that impartial humanitarian assistance is ensured to children in need through the work of humanitarian organisations, which also includes efforts that facilitate the reunification of children with their families. This is part of the obligations we have outlined in the Deed.

There are some armed groups who control territory providing services to children. The whole point of the Deed of Commitment is to have some provisions written down clearly so armed groups can understand the rules. Consequently, the Deed provides that they either have to provide services, like healthcare or education, or allow humanitarian organisations to do so.

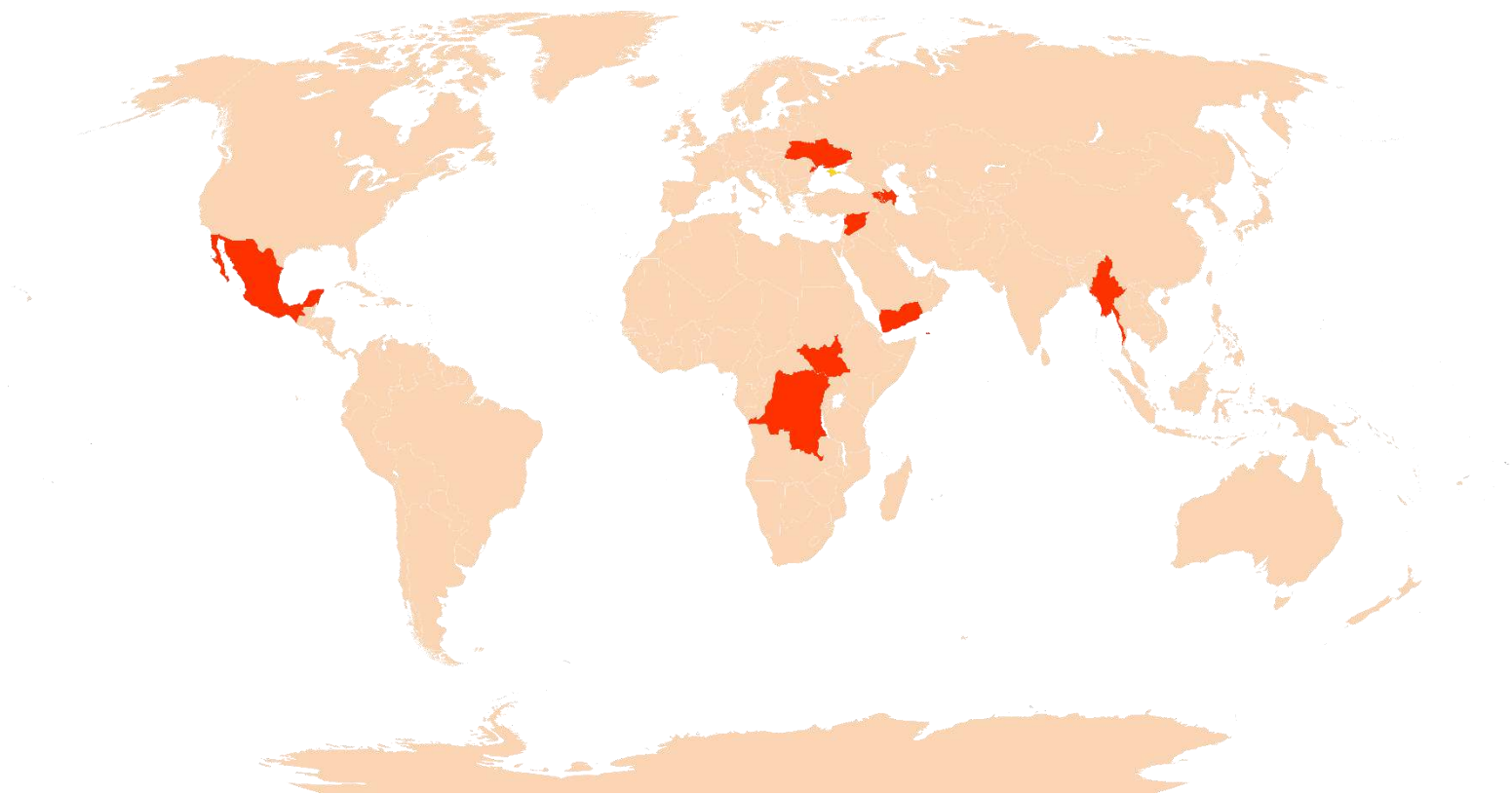
A few years ago, Geneva Call published a study which was based on a survey on the educational policies of ANSAs. There, it is analysed if armed groups were service providers, if they care about education, and if so, to what extent. Most of the groups Geneva Call has interviewed said that they care about education. There were groups that provided education in the territories under their control. One of the problems presented in the findings, though, is related to the capacity of the groups, in relation to addressing questions such as, who is responsible for paying teachers' salaries and deciding what is included in the curricula. These are issues which need to be further explored in order to identify how the international community can protect children in the territories controlled by the groups. But the research, altogether, found some interesting material, which it is also uses as

an advocacy element in Geneva Call's efforts to ensure humanitarian access to children.

What are the most significant success stories of Geneva Call's child protection efforts up to date and which aspects of your work do you find the most challenging and most rewarding?

Being able to engage with armed non-state actors and have a dialogue and discussion about child protection issues is already a big step and a success story by itself. As the whole idea of Geneva Call is

to try to induce armed groups to comply with international law, its work can be quite challenging, but also extremely rewarding at the same time. Especially when, eventually, Geneva Call manages to achieve positive results by ensuring that ANSAs comply with international law. Geneva Call has engaged with many groups on child protection, and to date 27 ANSAs have signed the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict and have taken measures to implement the provisions articulated in the Deed.





List of abbreviations

AA – Arakan Army

ACRWC – African Charter on the Rights and Welfare of the Child

AFDL/APR – Armée patriotique rwandaise/Rwandan Patriotic Army

AMLO – Andrés Manuel López Obrador

ANSAs – armed non-state actors

APMBC – Anti-Personnel Mine Ban Convention

ARSA – Arakan Rohingya Salvation Army

CAP – Comprehensive Assistance Package

CEDAW – Committee on the Elimination of Discrimination against Women

CIAC – Office of the Special Representative of the Secretary-General for Children and Armed Conflict

CNDH – National Human Rights Commission of Mexico

CPI – Corruption Perceptions Index

CONADER – Commission Nationale de la Demobilisation et Reinsertion

CRC – Convention of the Rights of the Child

DDR – demobilization and reintegration programme

DRC – Democratic Republic of Congo

ERF – Emergency Response Framework

EU – European Union

FARDC – Armed Forces of the Democratic Republic of the Congo

GCC – Gulf Cooperation Council

ICC – International Criminal Court

ICESCL – The International Covenant on Economic, Social and Cultural Rights

ICL – international criminal law

ICRC – International Committee of the Red Cross

IDPs – internally displaced people

IHL – international humanitarian law

IHRL – international human rights law

ILO – International Labour Organisation

INEE – Inter-Agency Network for Education in Emergencies

IPEC – Elimination of Child Labour

ISIL – Islamic State of Iraq and the Levant

LRA – Lord’s Resistance Army

MDGs – Millennium Development Goals

MDRP – Multi-country Demobilisation and Reintegration Program

MSD – Médecins Sans Frontières

MONUSCO – United Nations Organisation Stabilization Mission in DRC

NATO – North Atlantic Treaty Organisation

NDC – National Dialogue Conference

OAU – Organisation of African Unity

OCHA – United Nations Office for the Coordination of Humanitarian Affairs

OPAC – Optional Protocol on the Involvement of Children in Armed Conflict

OPIC – Optional Protocol on a Communications Procedure

OPSC – Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

OSRSG/CAAC – Office of the Special Representative of the Secretary-General for Children and Armed Conflict

PACE – Parliamentary Assembly of the Council of Europe

PTSD – post-traumatic stress disorder

SRSG – Special Representative of the Secretary-General

UDHR – Universal Declaration of Human Rights

UN – United Nations

UNESCO – United Nations Educational, Scientific and Cultural Organization

UNGEI – United Nations Girls’ Education Initiative

UNICEF – United Nations Children’s Fund

UNOCHA – United Nations Office for the Coordination of Humanitarian Affairs

UNSC – United Nations Security Council

USAID – United States Agency for International Development

WHO – World Health Organization

YPG – People’s Protection Units

YPJ – Women’s Protection Units



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