

TRINMUN 2018



Study Guide:

Human Rights Council

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Introducing the Chairs

Honourable delegates,

My name is Geoff Glover and I am pleased to be serving as your chair for this upcoming edition of TrinMUN. I hope to make this a fun and educational experience. I come from a multicultural family, being half Chinese and Irish, whilst also being raised in Italy. As a result, I began doing MUN in my first year of university and I instantly fell in love with it. Now, as a graduate, I regularly attend conferences as a chair and now count some of Europe's most interesting conferences, including CUIMUN and LIMUN, as my stomping ground. I am currently undertaking a gap year, and I hope to go travelling in the subsequent months before beginning my masters in September. I believe that the topics in this committee offer the best MUN has: one focused and contemporary issue which challenges delegates to think creatively and work together, and another more generalised issue that has persisted, seemingly without a solution. I hope you will find something here to your liking, and above all, enjoy yourself.

Geoff Glover, Director

Hi everyone!

I am Hana, law student originally from Paris now studying at the London School of Economics. In 2016, I somehow ended up being treasurer of the MUN Society of Paris Nanterre University. I fell for MUN, and have never stopped since then. In 2017, as head delegate, I led team Nanterre to TrinMUN and PIMUN. This year I have continued MUNs as part of team LSE. TrinMUN was my first conference ever, so I am honoured and delighted to come back to lovely Dublin! This will be my first time chairing, and I am very excited at the prospect to discover a new aspect of MUN. The topics are particularly interesting and current, yet scarcely mediatised. Being able to discuss these burning issues is an excellent opportunity to learn; that's what MUN is all about (I mean, you know, aside from the partying). Looking forward to meet you all!

Hana, Assistant Director

Dear delegates,

My name is Loïc Delorme. I am in my final year of studying Law & Political Science, specialising in rights during war. A French-Irish binational, I went to secondary school in Lyon where I co-directed the weekly MUN club. My first

experience at chairing at a conference was at ILYMUN's second conference in 2014. I chaired the African Union: the motions ranged from the serious (sending troops to Mali to fight back the MNLA Islamist group), to the frivolous (disarming Tuareg warlords by flying a giant magnet over the country) and was a formative experience that encouraged me to continue MUN at a university level. Having seen a variety of styles of chairing from the hyper-competitive conferences in Singapore to the consensus-driven but feverish atmosphere of an Interpol committee in the wake of the November 2015 Paris attacks, I'm hoping to help the delegates find creative solutions to the seemingly insurmountable challenges that human rights face across the world, in particular in war-torn or authoritarian countries.

Loïc Delorme, Assistant Director

Introduction to the Committee

The United Nations Human Rights Council (UNHRC) is a subsidiary of one of the primary organs of the UN, the General Assembly. It was established on 15th March 2006 as a replacement for the UN Commission on Human Rights, a body that was heavily criticised for allowing states with poor human rights records to be members and take part in the discussions. It is comprised of 47 member states that are elected by the General Assembly for three-year terms. During elections to membership, the Assembly accounts for candidate states' contributions to the promotion and funding of human rights and human rights initiatives. There are a certain number of seats reserved for the UN's regional groups: 13 for Africa, 13 for Asia, 6 for Eastern Europe, 8 from Latin America and the Caribbean, and 7 for Western European and Others Group.

Whilst it remains deeply imperfect, the Council's work has become markedly more relevant in the past decade, particularly following the Obama Administration's lifting of the US boycott of the Council in 2009, originally in place because of the excessive focus of the Council on condemning human rights abuses regarding the Israel-Palestine conflict. This negative bias has been condemned by high profile individuals, organisations, and states, including former Secretaries-General Kofi Annan and Ban-Ki Moon, the European Union, UN Watch, and Canada. Reform initiatives by Washington since 2009 -- for example working to break the North-South blocs in matters of human rights, and pushing for country-specific resolutions-- paid dividends. One instance of success was the exposure of egregious repression by Ivoirian forces at the behest of President Gbagbo, who refused to give up power after an electoral defeat. The resulting HRC inquiry provided evidence for his indictment at the International Criminal Court, a victory for human rights advocates¹

The UNHRC addresses human rights related situations in all UN member states, but also works towards addressing thematic issues such as freedom of expression, freedom of worship, women's rights, LGBTQ+ rights, and the rights of national and ethnic minorities. The Council works closely with the Office of the High Commissioner for Human Rights (OHCHR) and employs the UN's *special procedures*. It is important to note what these are as these procedures will presumably be employed by delegates as they debate and draft resolutions

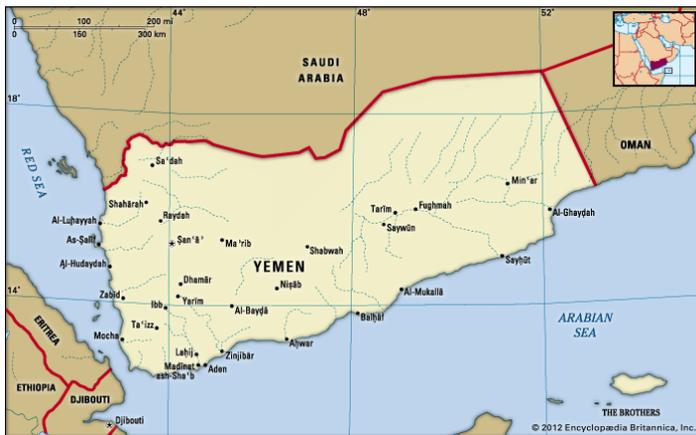
¹ For more details, please consult Nossel, S. "Advancing Human Rights in the UN System", Council on Foreign Relations, 2012, <http://www.cfr.org/international-organizations-and-alliances/advancing-human-rights-un-system/p28414> and Patrick, S.M. "The Human Rights Council: Give Credit Where Credit is Due", 2012, <http://blogs.cfr.org/patrick/2012/06/01/the-human-rights-council-give-credit-where-credit-is-due/>

to address the issue at hand. These procedures include gathering expert observations and advice, and the appointment of independent experts (Special Rapporteurs) who specialise in specific areas of human rights. However, these *special procedures* have mandates specific to the resolutions that the Council passes. As such, they can be thematic or country specific. It will be at the delegates behest to research these procedures, the precedents in their use, and to determine what the best course of action is for addressing the situation on the agenda.

Topic A - Preventing human rights abuses in Yemen

1. Introduction to the Topic

Yemen is a country situated at the South Western corner of the Arabian Peninsula. Its population is mainly Sunni Muslim, however there is a minority of Shia Muslims living in the North of the country².



Since 2015, Yemen has been facing a civil war. The pro-government forces, representing the Sunni majority in the country, are fighting against the Houthi forces, representing the Shia majority from the North of the territory. The conflict has become a proxy for dealing with existing tensions in the Middle East. Sunni Saudi Arabia supports the pro-government side, whereas Shia Iran is backing the Houthis.

In addition, taking advantage of the chaotic situation, extremist groups such as Al-Qaeda and the so-called Islamic states have seized parts of the Yemeni territory.

This conflict has been marked by a relative ignorance on the part of the public. Yet the conflict is characterised by a particular targeting of civilians and civilian infrastructure. According to Amnesty International, all the parties involved have carried out human rights and humanitarian law violations, including war crimes³.

² Wenner, Manfred; Burrowes, Robert. « Yemen ». Encyclopedia Britannica. <https://www.britannica.com/place/Yemen/Plant-and-animal-life#ref273078>

³ “Yemen, the Forgotten War”. Amnesty International. <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

Due to naval and aerial blockades operated by the coalition, civilians do not have access to fuel, food, water and medicines. As to this day, 18.8 million Yemenis rely on humanitarian assistance⁴.

2. History of the Topic

During the Cold War, Yemen was divided into two separate countries: the People's Democratic Republic of Yemen at the South, backed by the USSR, and the Yemen Arab Republic at the North, backed by the United States. With the implosion of the Soviet Bloc in 1990, the two entities united and became the Republic of Yemen. The head of former North Yemen, Ali Abdallah Saleh, assumed leadership of the newly created country.

However, the central government never managed to guarantee complete control over the whole Yemeni territory. In 1994, Southern Yemenis who felt oppressed rebelled against the government in place. In addition, Al-Qaeda in the Arabian Peninsula (AQAP) has seized territory in the South of the country. In the North, the Houthis protested against the central government six times between 2004 and 2010.

The war began in 2011 with the Arab Spring. Following the example of Tunisia, protesters rose up in the streets to demand the resignation of President Saleh after thirty-three years of power. A violent repression and the death of many protesters at the hand of the police force ensued. After the intervention of international actors, President Saleh finally agreed to step down and left the leadership of Yemen to his deputy, Abed Rabbo Mansour Hadi. The latter won the following elections, for which he was the only candidate.



Ali Abdullah Saleh, on the right, was forced to hand over power to

⁴ “Yemen, the Forgotten War”. Amnesty International.
<https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

Abdrabbuh Mansour Hadi, on the left. Source: AFP.

President Hadi struggled with many issues afterwards: several attacks by Al-Qaeda, a separatist movement in the South, corruption, unemployment, food insecurity, and the continuing allegiance of certain military officials to former President Saleh.

By September 2014, Houthis, backed by anti-government forces and former President Saleh, had taken Sanaa, Yemen's capital city. In 2015, President Hadi first had to relocate his government in the city of Aden, before eventually fleeing abroad.

In response to the rise of Houthi insurgents, thought to be backed by Iran, and the forced departure of President Hadi, Saudi Arabia alongside with Egypt, Morocco, Jordan, Sudan, Kuwait, Qatar, Bahrain and the United Arab Emirates launched air strikes aimed at restoring President Hadi to power. This coalition received logistical and intelligence support from the United States, the United Kingdom and France⁵.

Since 2015, fighting has been on going in Yemen. Pro-government forces, consisting of loyal soldiers and Sunni southern tribesmen and separatists, managed to stop the rebels taking Aden, where Hadi came back to exercise power, and the South. Some members of his government are still in exile. Nevertheless, the Houthis were able to keep Sanaa and the Western part of Yemen under their dominance, and are firing mortars and missiles to Saudi Arabia.

Meanwhile, jihadist militants from AQAP and from the so-called Islamic State (IS) have taken advantage of the chaotic situation by getting hold of territory in the South and carrying out deadly attacks, particularly in government-controlled areas.

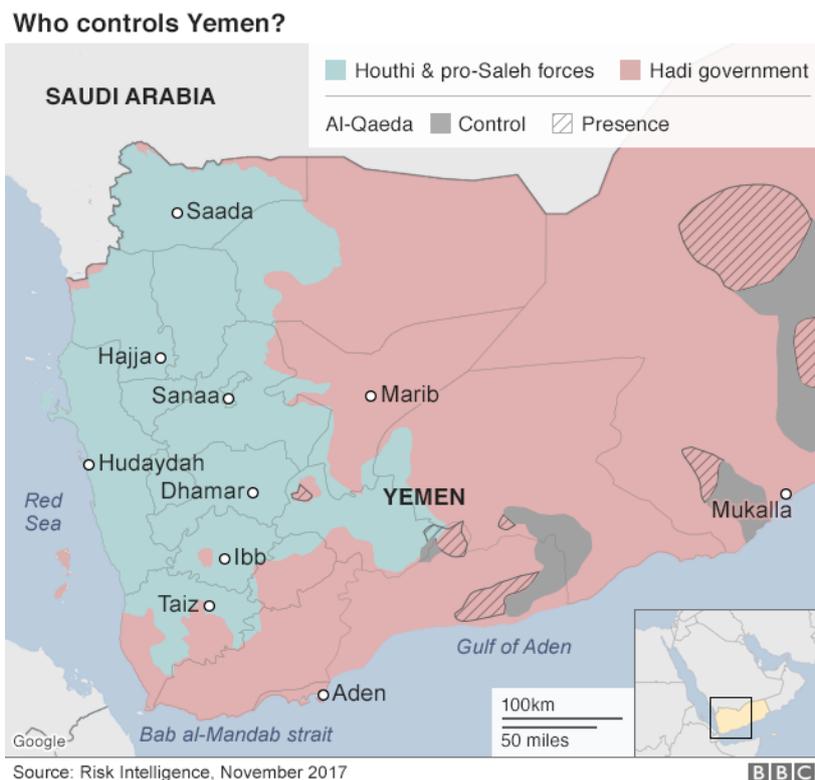
From July 2016 to June 2017, almost 8,700 war-related incidents were reported in Yemen. Since January 2017, the conflict escalated. The coalition forces have launched a campaign over the West Coast. In the meantime, Al – Qaeda has reached the city of Taiz⁶.

⁵ “Yemen crisis: Who is fighting whom?”. 30 January 2018. BBC News. <http://www.bbc.co.uk/news/world-middle-east-29319423>

⁶ United Nations High Commissioner for Human Rights. Report on the “Situation of human rights in Yemen, including violations and abuses since September 2014”. Human Rights Council, 13 September 2017.

In December 2017, following disagreements within the Houthi-Saleh forces, former President Saleh was killed by the Houthi forces⁷.

Even though attempts at humanitarian causes and ceasefires have been carried out, none of them have effectively held. Peace talks were held in 2015 in Switzerland and in 2016 in Kuwait, but they were unsuccessful⁸.



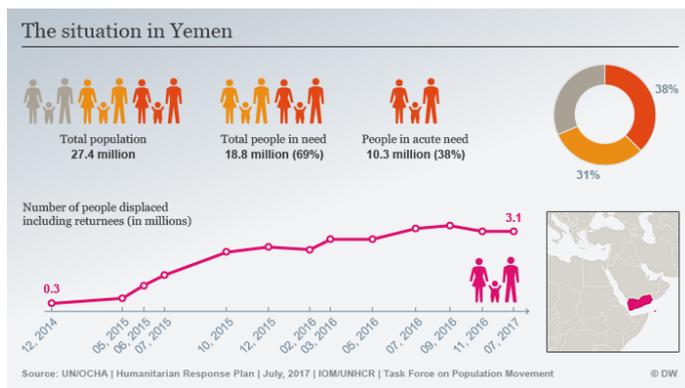
3. Current Situation

According to the UN Office for the Coordination of Humanitarian Affairs, in June 2017, 18.8 million Yemenis were in need of humanitarian assistance, including 10.3 million in acute need. More than 500,000 suspected cases of cholera were registered, and 7.3 million people are subject to famine. More than 3 million Yemenis have been forced to flee their home⁹.

⁷ Sharp, Jeremy. "Yemen: Civil War and Regional Intervention". Congressional Research Service, 7 December 2017

⁸ United Nations High Commissioner for Human Rights. Report on the "Situation of human rights in Yemen, including violations and abuses since September 2014". Human Rights Council, 13 September 2017.

⁹ Ibid.



3.1 Conduct of Hostilities

Since March 2015, the OHCHR has verified at least 13,520 civilian casualties, with 4,980 killed and 8,540 injured, in more than 1,000 incidents through June 2017. Some of these incidents are likely to be violations of humanitarian law, with civilians often directly targeted¹⁰.

The Houthi forces, backed by former President Saleh, mainly act through bombings. These weapons are un-discriminatory, and have been used in densely populated civilian areas. Since July 2016, OHCHR documented that shelling by Houthi/Saleh forces had killed at least 178 civilians and injured 420¹¹. Civilian property and objects have also been severely damaged. The city of Taiz has been particularly targeted by both parties to the conflict, and has suffered constant shelling since 2016.

The coalition led by Saudi Arabia mainly operates through airstrikes. Since 2016, the OHCHR has verified at least 933 civilian deaths and 1,423 injuries. These airstrikes also seem to be directly targeting civilians: in addition to markets, residential areas and public and private infrastructure, such operations were carried out on funeral gatherings and small civilian boats¹². Some particular incidents should be noted: first, the airstrike over the funeral of the father of a senior official in Sanaa, which killed at least 132 civilians and injured 695, including 24 boys¹³. Second, an attack was carried out against a boat carrying Somali migrants and refugees, and Yemeni crew members; 42 civilians were killed, including 11 women, and 34 were injured, including 8 children¹⁴. The Coalition reportedly denied responsibility for the incident¹⁵.

¹⁰ United Nations High Commissioner for Human Rights. Report on the “Situation of human rights in Yemen, including violations and abuses since September 2014”. Human Rights Council, 13 September 2017. Para 20-21

¹¹ Ibid. para 22

¹² Ibid. para 28

¹³ Ibid. para 29

¹⁴ Ibid. para 34

Yemen is also subject to sieges and blockades, both within within its territory and at its borders. The Coalition, through its presence in the land borders and coasts as well as in the airspace, is able to determine the conditions of life in Yemen. Entry of goods, especially medication, into the country is severely restricted. The blockade of Sanaa international airport has prevented Yemenis to seek medical care abroad¹⁶.

Medical and education facilities and personnel, and cultural and religious sites are being damaged or destroyed by coalition airstrikes and bombing by the Houthi forces. In addition, extremist groups particularly target cultural and religious sites¹⁷. According to the World Health Organisation, in June 2017, only 45 per cent of Yemen's health facilities were functional¹⁸. The UNICEF has determined that more than half of the schools have been damaged in the country. These schools were subject to 28 attacks per year, and were often used as fighting positions, detention centres and arms depots¹⁹. As of cultural sites, even though damage was mostly incidental, there has been cases of voluntary attacks such as the destruction of an ancient mosque in Taiz with an explosive device²⁰.

Children suffer particularly from the war. Since 2015, 1,120 children have been killed and 1,541 were injured. Most of this was the result of coalition airstrikes. They are also recruited as actors of the conflict: it was determined that 1,702 children were recruited. 67% of them were used by the Houthi Forces and 20% of them by pro-government forces²¹.

3.2 Arbitrary or Illegal Detention and Violations of Due Process

The OHCHR has verified 1,019 cases of arbitrary or illegal detention²². A big majority of them was attributed to the Houthi Forces, the rest being attributed to the pro-government forces and extremist groups. In addition, as a consequence of a dysfunctional criminal justice system, local authorities and militias have taken over. This has led to arbitrary detentions, possible enforced disappearances and torture²³.

¹⁵ Ibid. para 35, quoting <http://uk.reuters.com/article/uk-yemen-security-refugees-idUKKBN16O0WF>.

¹⁶ Ibid. para 42-45

¹⁷ United Nations High Commissioner for Human Rights. Report on the "Situation of human rights in Yemen, including violations and abuses since September 2014". Human Rights Council, 13 September 2017. Para 49.

¹⁸ Ibid. para 50

¹⁹ Ibid. para 54

²⁰ Ibid. para 57

²¹ Ibid. para 59

²² Ibid. para 61

²³ Ibid. para 67

The OHCHR has carried out visits in detention facilities. They observed that conditions of detention have deteriorated since March 2015: detention centres were overcrowded and damaged, and there was a lack of food and medicine²⁴.

The situation of political opponents is of particular concern. Most of them are detained without charges, do not have access to legal assistance and were given a speedy trial at best²⁵.

3.3 Violations of Freedom of Expression

Both the Houthi forces and the pro-government forces have carried out repression campaigns against journalists, activists and other civil society actors. This is characterised by restrictions on the freedom of expression, intimidations, arbitrary and illegal detention, enforced disappearances and killings²⁶.

Coverage of the conflict by the international media has been rendered difficult as the coalition has prevented the UN to fly journalists into Yemen, and as commercial flights have been blocked in Sanaa²⁷.

3.4 Other matters of concern

The Houthi forces have been carrying out violations of freedom of religion by persecuting the Baha'i community through raids, arrests and prolonged arbitrary or illegal detentions²⁸.

The conflict has aggravated sexual and gender-based violence. In particular, the disruption of protection mechanisms has led to the increase of child marriage in Yemen: whereas half of Yemeni women were married before the age of 18 before the conflict, this number rose to two thirds²⁹.

Due to the conflict, the rights to food, housing, education, health, water and sanitation have been set aside. The lack of food and medicine has led to the spread of cholera and other diseases, and has increased the risk of famine³⁰.

4. Past UN Actions Taken

The United Nations support the coalition led by Saudi Arabia³¹.

²⁴ Ibid. para 62

²⁵ Ibid. para 62, 65

²⁶ United Nations High Commissioner for Human Rights. Report on the "Situation of human rights in Yemen, including violations and abuses since September 2014". Human Rights Council, 13 September 2017. Para 68.

²⁷ Ibid. para 70

²⁸ Ibid. para 72, refers to

www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21643&LangID=E.

²⁹ Ibid. para 75

³⁰ Ibid. para 77

On April 14, 2015, Resolution 2216 imposed sanctions on individuals undermining the stability of Yemen and authorizes an arms embargo against the Houthi-Saleh forces. It requested that the Houthis withdraw from all areas seized during the conflict, give back arms seized from military and security institutions, cease all actions falling exclusively within the authority of the legitimate government of Yemen, and fully implement previous council resolutions³².

Resolution 2216 allows Member States to prevent the transfer of sale of arms to the Houthi-Saleh forces. It also authorizes neighbouring states to inspect cargo suspecting of carrying arms to Houthi forces. To this end, the European Union, the Netherlands, the United Kingdom and the United States have established the UN Verification and Inspection Mechanism (UNVIM) in order to inspect incoming sea cargo to Yemen for illicit weapons³³.

The Security Council has named Ismail Ould Cheikh Ahmed the UN Special Envoy for Yemen. He is responsible for attempting to find a political settlement to the crisis³⁴.

On September 29, 2017, the UN Human Rights Council has adopted a resolution condemning the “ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen”, and required that the UN High Commissioner for Human Rights establish a group of international experts to monitor and report on the human rights situation in Yemen³⁵.

5. Bloc Positions

On the one hand, pro-government forces are backed by Saudi Arabia, according to which Iran is fomenting a coup in Yemen. Saudi Arabia is leading a coalition consisting of Egypt, Morocco, Jordan, Sudan, Kuwait, Qatar, Bahrain and the United Arab Emirates. The coalition is supported by the United Nations, and

³¹ Sharp, Jeremy. “Yemen: Civil War and Regional Intervention”. Congressional Research Service, 7 December 2017

³² UN Security Council, Resolution 2216, S/RES/2216 (2015).
http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2216.pdf

³³ Ibid. and Sharp, Jeremy. “Yemen: Civil War and Regional Intervention”. Congressional Research Service, 7 December 2017

³⁴ Office of the Special Envoy of the Secretary-General for Yemen, <https://osesgy.unmissions.org>
³⁵ UN Verification and Inspection Mechanism (UNVIM), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/289/51/PDF/G1728951.pdf?OpenElement>

benefits from intelligence and infrastructure support from France, the United Kingdom and the United States.

On the other hand, the Houthi forces are trying to gain control of the whole of Yemeni territory. They used to be backed by former President Saleh, but the latter was killed by its own allies as a result of frictions within them. The Houthi forces, which aim at the protection of Shia Muslims, are backed by Iran and other Shia Muslim states. In particular, Iran has allegedly been providing arm supplies and other support to the Houthi forces. However, their official position is to deny all allegations of them providing financial or military support. Iran blames Saudi Arabia for fuelling the Yemeni conflict³⁶.

The European Union supports negotiations to solve the conflict in a peaceful way, in the hope that a “new inclusive political agreement brokered by the UN with the support of the International Community will allow Yemenis themselves to re-build their state on civil and democratic along principles accepted by all. The main goal of this process is to respond to the legitimate demands of the Yemenis, who want the establishment of a democratic, modern and civil state that respects and protects the rights of its citizens”³⁷.

China has been reluctant to take an active role in the resolution of the conflict in Yemen. However, the country has sent humanitarian aid directed at the pro-government forces, and has openly criticised the Iran-backed Houthi forces³⁸.

6. Questions a Resolution Should Answer

a. How will the international community ensure that civilians & civilian infrastructure stop being damaged because of conflict?

It is not enough to meet basic needs and amenities. Without infrastructure to support the livelihoods of people that are impacted by the conflict, the resolution risks simply creating refugees as the cost of saving lives from the conflict.

b. How to ensure sure that basic rights are respected?

It is extremely challenging to ensure that human rights are respected in times of war. Often, it is simpler and more efficient for belligerent parties to disregard

³⁶ Saul, Jonathan; Hafezi, Parisa; Georgy, Michael. “Exclusive: Iran steps up support for Houthis in Yemen's war – sources”. Reuters. 21 March 2017.

<https://www.reuters.com/article/us-yemen-iran-houthis/exclusive-iran-steps-up-support-for-houthis-in-yemens-war-sources-idUSKBN16S22R>

³⁷ “Yemen and the EU”. European Union External Action Service. 16 May 2016.

https://eeas.europa.eu/headquarters/headquarters-homepage_en/1877/Yemen%20and%20the%20EU

³⁸ Ramani, Samuel. “China’s Role in the Yemen Crisis”. The Diplomat. 11 August 2017.

<https://thediplomat.com/2017/08/chinas-role-in-the-yemen-crisis/>

human rights and human dignity. It is therefore imperative that mechanisms are devised by the UN Human Rights Council to not only ensure that these rights are respected, but also to incentivise them to do so. The manner of which this is accomplished is for delegates to decide.

c. How can we aim for peaceful settlement of the conflict?

This question arguably lies beyond the competency of the Human Rights Council. However, it is hard to argue with the fact that human rights cannot be ensured without understanding the possible solutions and outcomes that can occur as a result of the Yemeni conflict. Delegates should be acutely aware of the competency of the HRC but should also understand how the council interacts with other organs within the United Nations. One approach would be to understand the paths that should be taken for a peaceful settlement and move to recommend that path to the Security Council. Delegates should also be aware of what General Assembly organs can ask of the UN Secretariat, for instance to ask for specific research on a subject or to make recommendations to the Secretary General.

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Topic B- Protecting children and preventing the use of child soldiers in times of war

1. Introduction

Child soldiers are defined as individuals under the age of 18 who are associated with military organisations, both state and non-state.³⁹ Under the UN Convention of the Rights of the Child, children are protected from having to fight in conflicts under international law, save for certain states that permit entry into the army at younger ages, such as the United Kingdom (where one must be at least 16 to enlist). However, in this latter case, those who enlist under the age of 18 are not deployed until they are.

The use of child soldiers in the 21st century is rightfully treated as an aberration, and in most countries, as a gross human rights violation. The world became acutely aware of the use of child soldiers in 2012 during the Kony campaign, conducted by the charity “Invisible Children”. Focused on bringing the Ugandan warlord Joseph Kony to international justice, the campaign was successful in raising awareness of the prevalence of child soldiers in conflict zones in Africa. Therefore, when the term child soldier is employed, it is generally understood that this means children actively involved in combat zones, either as direct combatants, messengers, spies, or a host of other military activity.

This committee is focused on protecting these latter cases, in accordance with their human rights as children. Children are far more likely to experience acute long-term psychological damage when exposed to conflict, including mental health problems, violent behaviour, and alcohol abuse.⁴⁰ The problem has also arguably become far more pronounced in the last decade due to the rise of Islamist military movements. These groups and those fighting them have few qualms to employing child soldiers in areas where anarchy reigns.⁴¹ It is

³⁹ THE PARIS PRINCIPLES: PRINCIPLES AND GUIDELINES ON CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS, February 2007, UNICEF, retrieved 18/02/2018 <https://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>

⁴⁰ Ursano, Robert J.; Kessler, Ronald C.; Stein, Murray B.; Naifeh, James A.; Aliaga, Pablo A.; Fullerton, Carol S.; Wynn, Gary H.; Vegella, Patti L.; Ng, Tsz Hin Hinz (2016-07-01). "Risk Factors, Methods, and Timing of Suicide Attempts Among US Army Soldiers". *JAMA Psychiatry*. 73 (7): 741. <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2524845> : retrieved 18/02/2018

⁴¹ United Nations Secretary-General (2017). "Report of the Secretary-General: Children and armed conflict, 2017". www.un.org, retrieved 18/02/2018

imperative therefore that the international community tackles this issue promptly.

2. History of the topic

The use of child soldiers is not a new phenomenon. Children were involved in conflicts dating back as far as antiquity. For instance, they regularly travelled alongside Roman armies as part of the army baggage. During the medieval period, children served as military aides, or squires, to knights, though their involvement in conflict was more limited. However, during the World Wars thousands actively engaged in combat. During WWI for example, over 250,000 children fought for the British.⁴² Only in the 1990's though did the scale of the involvement of children become apparent, and academic research only then began to discover the full impact that involvement in combat at a young age has on people.

In 1994, the Secretary-General of the United Nations appointed Ms. Graça Machel as expert on the impact of armed conflicts on children. She handed in her report in 1996, which led to the creation of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

In her report, Ms. Machel sets out all possible situations that children are facing in armed conflicts: child soldiers, refugees and internally displaced children, sexual exploitation and gender-based violence, landmines and unexploded ordnance, health and nutrition, psychological damage, and lack of education.

At the time, instruments of international law could be applied to children in armed conflicts: humanitarian law through the Geneva Conventions, the Convention relating to the Status of Refugees, and the Convention on the Rights of the Child.

Ms. Machel stated that there was “a clear and overwhelming moral case for protecting all children while seeking the peaceful resolution of wars and challenging the justification for any armed conflict”⁴³. She explained that even though legal instruments were providing rights for children, in effect they were not correctly applied. She continued: “for too long, we have given ground to spurious claims that the involvement of children in armed conflict is regrettable but inevitable. It is not. Children are regularly caught up in warfare as a result of conscious and deliberate decisions made by adults. We must challenge each

⁴² “How did Britain let 250,000 underage soldiers fight in WW1?”, BBC News, retrieved 20/02/2018 <http://www.bbc.co.uk/guides/zcvdhyc>

⁴³ Machel, G. Report on the « Impact of Armed Conflicts on Children », 26 August 1996, United Nations General Assembly. Para 313.

of these decisions and we must refute the flawed political and military reasoning, the protests of impotence, and the cynical attempts to disguise child soldiers as merely the youngest "volunteers"⁴⁴.

The report called for the claiming of children as “zones of peace”, and requested the involvement of governments, international organizations, the military, and non-State entities.

Since then, many NGOs have been created to deal with the issue. Between 2001 and 2016, the number of countries restricting their military to adults has grown from 83 to 126, which is 71 per cent of states with armed forces⁴⁵. However, fifty countries still allow it, as well as non-state armed groups⁴⁶.

3. Current situation

Today, children still suffer grave violations during armed conflicts. In particular, in 2016, the United Nations has verified 994 incidents in which they have been denied humanitarian to food, medication, and health care facilities. These incidents mainly took place in South Sudan, Syria, the Republic of Congo, and Yemen⁴⁷. This can be explained by the growing politicization of the provision of humanitarian access for the delivery of aid. Children with disabilities, as well as unaccompanied children affected by war experiences, are particularly vulnerable⁴⁸.

The trafficking and sale of children is also a crucial issue and is often linked with sexual violence and recruitment into armed forces. Indeed, children are being forced into combat by both government forces and non-State armed groups⁴⁹.

Today, seven countries recruit and use children in their armed forces (Afghanistan, Myanmar, Somalia, South Sudan, Syria and Yemen). Forty-three countries train children but do not employ them for use in combat until they are 18. Shown below is the list of shame that is published every year by the UN Secretary General. Importantly, the Democratic Republic of Congo no longer appears on there, marking significant progress towards implementing a 2012 action plan to eradicate the use of child soldiers in the Congolese army's ranks.

⁴⁴ *Ibid.* para 316

⁴⁵ Child Soldiers International. « Where Are Child Soldiers? ». <https://www.child-soldiers.org/where-are-there-child-soldiers>

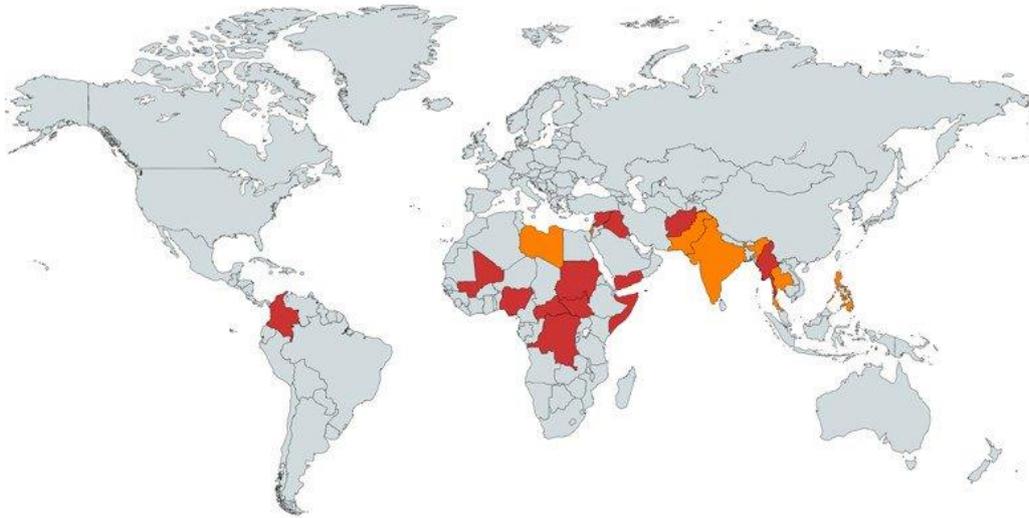
⁴⁶ *Ibid.*

⁴⁷ Special Representative of the Secretary-General for Children and Armed Conflict. Annual Report. 8 January 2018, United Nations Human Rights Council. Para 10.

⁴⁸ *Ibid.* Para 12.

⁴⁹ *Ibid.* Para 24 and seq.

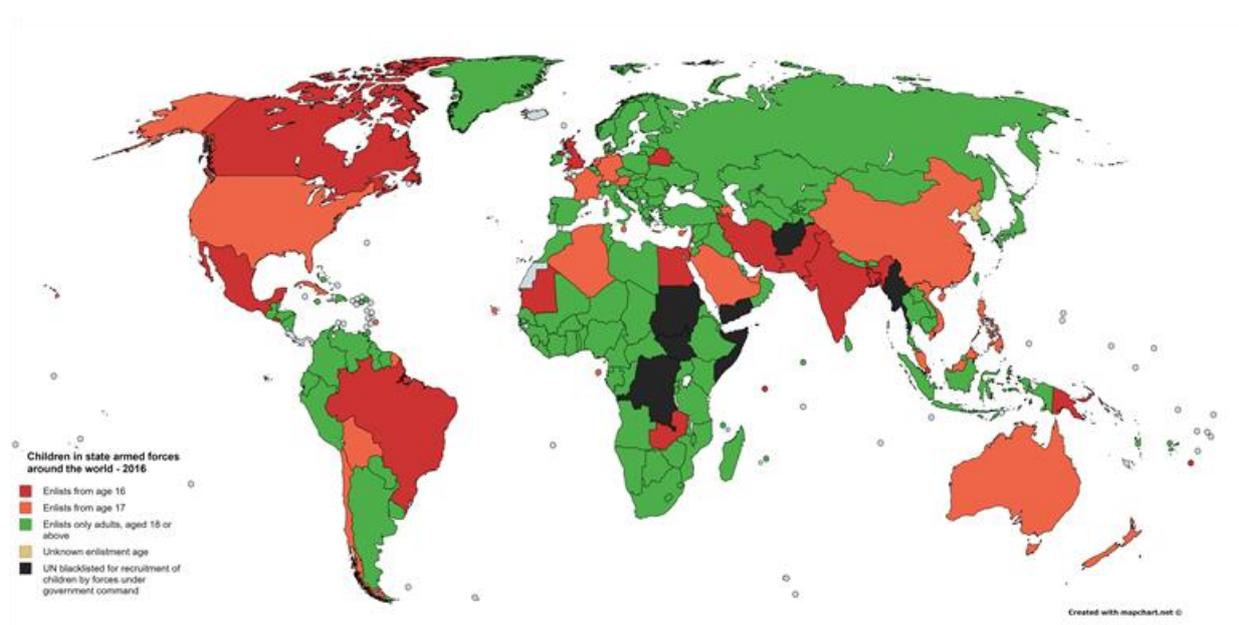
Furthermore, numerous non-state groups recruit children. Notable examples are the Kachin Independence Army in Myanmar, the Taliban in Afghanistan, and the Islamic State in Iraq and Syria.



*The UN List of Shame*⁵⁰

Interestingly, states that still allow child recruitment are well developed, and spend a considerable amount of their finances on the military. This includes Australia, China, France, Germany, Saudi Arabia and the USA, which allow enlistment from age 17. Brazil, Canada and the UK recruit individuals at age 16. The map below shows a list of countries that recruit children and who's ranks include minors. Significantly however, the majority of these states do not deploy minors in combat until they reach the national age of adulthood.

⁵⁰ "Where are Child Soldiers?", Child Soldiers International, retrieved 16/02/2018, <https://www.child-soldiers.org/where-are-there-child-soldiers>



Further than the recruitment of children into armed forces, an important issue deals with their reintegration into society. Even though freed, children are often still scarred from the war. Particular attention should be paid to girls, who face great difficulties in being accepted back into their homes, as they are often stigmatized or may be returning with a child. Boys who have suffered sexual violence may be stigmatized as well⁵¹.

Accordingly, it is key to understand local circumstances when attempting to secure the human rights of children that have been involved in combat.

4. Past Actions tackling the military exploitation of children

a. United Nations efforts

In 1996, Office of the Special Representative of the Secretary General for Children and Armed Conflict was created in response to the increased awareness of the scale to which child soldiers were being employed. This has culminated in the “Children, Not Soldiers” campaign, launched in 2014. This effort, spearheaded by Leila Zerrougui, the Special Representative, and UNICEF, aims at raising support to end the use of children in combat. The initial aim was to target and aid eight national security forces to end the

⁵¹ *Ibid.* Para 30.

recruitment of minors, and has found success in the short time it has been ongoing.⁵²

The list of countries, attached in the annex of the Annual Report by the Secretary General on children in armed conflict, are as follows: Afghanistan, Chad, Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan and Yemen.

These countries agreed to sign tailored UN Action Plans to end the recruitment of children. Chad has completed these requirements and has since been taken off the list.⁵³ The campaign has received broad support from NGO's, Member States, regional organizations, and the general public. Both the Security Council and the General Assembly welcomed the initiative and regularly receive updates on the progress of the campaign. The Security Council regularly ratifies action plans that member states can take to decrease the recruitment of child soldiers, in accordance with the mandate it is charged with. Information on the campaigns progress can be found at: <https://childrenandarmedconflict.un.org/children-not-soldiers/>

b. International Law

International law, over the last 40 years, has actively been amended to reflect the increased awareness of the issues associated with the use of child soldiers. In 1977, the Additional Protocols to the Geneva Convention, one of the primary organs outlining human rights in international law, prohibited the recruitment and use of child soldiers under the age of 15 and recognized it as a war crime. This was enshrined in the Rome Statute of the International Criminal Court (2002).

The Additional Protocols were further cemented into international law when the Convention of the Rights of the Child was ratified in 1989. This document was also the first time that the definition of "child" was determined to be any persons under the age of 18. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (also known as OPAC, 2000), further develops the concepts put forward by the Convention of the Rights of the Child. This is the first international treaty that

⁵² "Children, Not Soldiers", Office of the Special Representative of the Secretary General for Children and Armed Conflict, 2014. Accessed 16/02/2018, <https://childrenandarmedconflict.un.org/children-not-soldiers/>

⁵³ "Secretary-General's Annual Report on Children and Armed Conflict Documents Continued Child Suffering in 23 Conflict Situations", Office of the Special Representative of the Secretary General for Children and Armed Conflict, 2014. Accessed 16/02/2018 <https://childrenandarmedconflict.un.org/press-release/secretary-generals-annual-report-on-children-and-armed-conflict-documents-continued-child-suffering-in-23-conflict-situations/>

focused on ending the military exploitation of children, prohibiting the conscription of persons under 18, and prevents non-state actors from recruiting anyone under this age. However, state militaries can recruit children over the age of 16 provided they do not partake in hostilities.⁵⁴

Other international laws and treaties have also raised standards regarding children in the military. For instance, the International Labour Organisation's "Worst Forms of Child Labour Convention" (1999) also prohibits compulsory enlistment under the age of 18. Finally, the African Union's "Charter on the Rights and Welfare of the Child" (1999) prohibits state armed forces from recruiting minors.

5. Bloc Positions

Determining bloc positions is more challenging regarding preventing the conscription and involvement of child soldiers. Whilst there is near unanimous agreement that the use of child soldiers should be eliminated, differences arise in discussions about methods that should be employed to do so.

There has been a certain amount of resistance towards adopting the OPAC by the United States and the United Kingdom due to these states recruiting from ages 17 and 16 respectively. Another issue that divides the international community is the double-standard for recruitment that OPAC has regarding the recruitment of minors between state and non-state actors. This has impeded efforts to have these groups release minors and halt the recruitment of children, hampering progress towards abolishing the use of child soldiers.

6. Questions a Resolution Should Address

Resolutions on the subject should focus on the following issues:

- a) What can the international community do to continue aiding states in phasing out the recruitment of minors?

Solutions should be based on existing models that have demonstrated success, such as the UN Action Plans, approved by the UNSC.

- b) What are the fundamental drivers that cause children to enlist in state and non-state armed groups?

Tackling the fundamental issues that drive the problem should be the highest priority for all delegates as to solve the issue.

⁵⁴ "International laws and child rights", Child Soldiers International, accessed: 15/02/2018 <https://www.child-soldiers.org/international-laws-and-child-rights>

- c) How are mechanisms to prevent the recruitment of minors to be enforced by the international community?

Delegates should be acutely aware of the competencies of the UN Human Rights Council. For example, the HRC is incapable of initiating military activities to enforce bans on the recruitment of children.

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