



NMUN • NY

UNITED NATIONS  
CHILDREN'S FUND  
BACKGROUND GUIDE 2010



[www.nmun.org](http://www.nmun.org)



## NATIONAL MODEL UNITED NATIONS

28 March - 1 April 2010 - Sheraton  
30 March - 3 April 2010 - Marriott

WRITTEN BY: Dexter Ballard, Hee-Sun Helene Won, Aletta Koehler, Rima Gungor

## CONTACT THE NMUN

Please consult the FAQ section of [www.nmun.org](http://www.nmun.org) for answers to your questions. If you do not find a satisfactory answer you may also contact the individuals below for personal assistance. They may answer your question(s) or refer you to the best source for an answer.

NMUN Secretary-General  
 Emefa Gbedemah | [secgen@nmun.org](mailto:secgen@nmun.org)  
 T: +1.651.204.9310 Ext. 10 phone (NY Time Zone)

NMUN Director-General (Sheraton)  
 Amanda Williams | [dirgen@nmun.org](mailto:dirgen@nmun.org)

NMUN Director of Programs  
 Karen Baumgaertner | [karen@nmun.org](mailto:karen@nmun.org)  
 T: +1.651.204.9310 Ext. 21 | F: +1.651.305.0093

NMUN Director-General (Marriott)  
 Ronny Heintze | [dirgen@nmun.org](mailto:dirgen@nmun.org)

### NMUN•NY 2010 Important Dates

**IMPORTANT NOTICE:** To make hotel reservations, you must use the forms at [www.nmun.org](http://www.nmun.org) and include a \$1,000 deposit. Discount rates are available until the room block is full or one month before the conference – whichever comes first. **PLEASE BOOK EARLY!**

31 January 2010	31 January 2010	<ul style="list-style-type: none"> <li>• Confirm Attendance &amp; Delegate Count. (Count may be changed up to 1 March)</li> <li>• Make Transportation Arrangements - DON'T FORGET! (We recommend confirming hotel accommodations prior to booking flights.)</li> </ul>
15 February 2010	15 February 2010	<ul style="list-style-type: none"> <li>• Committee Updates Posted to <a href="http://www.nmun.org">www.nmun.org</a></li> </ul>
1 March 2010	1 March 2010	<ul style="list-style-type: none"> <li>• Hotel Registration with FULL PRE-PAYMENT Due to Hotel - Register Early! Group Rates on hotel rooms are available on a first come, first served basis until sold out. Group rates, if still available, may not be honored after that date. See hotel reservation form for date final payment is due.</li> <li>• Any Changes to Delegate Numbers Must be Confirmed to: <a href="mailto:karen@nmun.org">karen@nmun.org</a></li> <li>• Two Copies of Each Position Paper Due via E-mail (See Delegate Preparation Guide for instructions).</li> <li>• Preferred deadline for submission of Chair / Rapp applications to Committee Chairs</li> </ul>
1 March 2010	1 March 2010	<ul style="list-style-type: none"> <li>• All Conference Fees Due to NMUN for confirmed delegates. (\$125 per delegate if paid by 1 March; \$150 per delegate if received after 1 March. Fee is not refundable after this deadline.</li> </ul>
NATIONAL MODEL UNITED NATIONS		The 2010 National Model UN Conference <ul style="list-style-type: none"> <li>• 28 March - 1 April – Sheraton New York</li> <li>• 30 March - 3 April – New York Marriott Marquis</li> </ul>

## POSITION PAPER INSTRUCTIONS

**Two copies of each position paper should be sent via e-mail by 1 MARCH 2010**

### 1. TO COMMITTEE STAFF

A file of the position paper (.doc or .pdf) for each assigned committee should be sent to the committee e-mail address listed below. Mail papers by 1 March to the e-mail address listed for your particular venue. These e-mail addresses will be active when background guides are available. Delegates should carbon copy (cc:) themselves as confirmation of receipt. Please put committee and assignment in the subject line (Example: GAPLEN\_Greece).

### 2. TO DIRECTOR-GENERAL

- Each delegation should send one set of all position papers for each assignment to the e-mail designated for their venue: positionpapers.sheraton@nmun.org or positionpapers.marriott@nmun.org. This set (held by each Director-General) will serve as a back-up copy in case individual committee directors cannot open attachments.

*Note:* This e-mail should only be used as a repository for position papers.

- The head delegate or faculty member sending this message should cc: him/herself as confirmation of receipt. (Free programs like Adobe Acrobat or WinZip may need to be used to compress files if they are not plain text.)

- Because of the potential volume of e-mail, only one e-mail from the Head Delegate or Faculty Advisor containing all attached position papers will be accepted.

Please put committee, assignment and delegation name in the subject line (Example: Cuba\_U\_of\_ABC). If you have any questions, please contact the Director-General at dirgen@nmun.org.

[www.nmun.org](http://www.nmun.org)  
for more information

### COMMITTEE

### EMAIL - SHERATON

General Assembly Plenary .....	gaplenary.sheraton@nmun.org
General Assembly First Committee .....	ga1st.sheraton@nmun.org
General Assembly Second Committee .....	ga2nd.sheraton@nmun.org
General Assembly Third Committee .....	ga3rd.sheraton@nmun.org
Security Council .....	sc.sheraton@nmun.org
Security Council 2 .....	sc2.sheraton@nmun.org
SC Working Group: Children and Armed Conflict .....	caac.sheraton@nmun.org
International Court of Justice .....	icj.sheraton@nmun.org
ECOSOC Plenary .....	ecosoc.sheraton@nmun.org
Committee for Development Policy .....	cdp.sheraton@nmun.org
Commission for Sustainable Development .....	csustd.sheraton@nmun.org
Commission on the Status of Women .....	csw.sheraton@nmun.org
Econ. Commission for Latin America & the Caribbean .....	eclac.sheraton@nmun.org
International Atomic Energy Agency .....	iaea.sheraton@nmun.org
Office of the UN High Commissioner for Refugees .....	unhcr.sheraton@nmun.org
United Nations Children's Fund .....	unicef.sheraton@nmun.org
World Food Programme .....	wfp.sheraton@nmun.org
African Union .....	au.sheraton@nmun.org
Association of Southeast Asian Nations .....	asean.sheraton@nmun.org
North Atlantic Treaty Organization .....	nato.sheraton@nmun.org
Organisation of The Islamic Conference .....	oic.sheraton@nmun.org

### COMMITTEE

### EMAIL - MARRIOTT

General Assembly Plenary .....	gaplenary.marriott@nmun.org
General Assembly First Committee .....	ga1st.marriott@nmun.org
General Assembly Second Committee .....	ga2nd.marriott@nmun.org
General Assembly Third Committee .....	ga3rd.marriott@nmun.org
Security Council .....	sc.marriott@nmun.org
Security Council 2 .....	sc2.marriott@nmun.org
SC Working Group: Children and Armed Conflict .....	caac.marriott@nmun.org
International Court of Justice .....	icj.marriott@nmun.org
ECOSOC Plenary .....	ecosoc.marriott@nmun.org
Committee for Development Policy .....	cdp.marriott@nmun.org
Commission for Sustainable Development .....	csustd.marriott@nmun.org
Commission on the Status of Women .....	csw.marriott@nmun.org
Econ. Commission for Latin America & the Caribbean .....	eclac.marriott@nmun.org
International Atomic Energy Agency .....	iaea.marriott@nmun.org
Office of the UN High Commissioner for Refugees .....	unhcr.marriott@nmun.org
United Nations Children's Fund .....	unicef.marriott@nmun.org
World Food Programme .....	wfp.marriott@nmun.org
African Union .....	au.marriott@nmun.org
Association of Southeast Asian Nations .....	asean.marriott@nmun.org
North Atlantic Treaty Organization .....	nato.marriott@nmun.org
Organisation of The Islamic Conference .....	oic.marriott@nmun.org

### OTHER USEFUL CONTACTS

Entire Set of Delegation Position Papers .....	positionpapers.sheraton@nmun.org
(send only to e-mail for your assigned venue) .....	positionpapers.marriott@nmun.org
Secretary-General .....	secgen@nmun.org
Director(s)-General .....	dirgen@nmun.org
Director of Programs .....	karen@nmun.org



# THE 2010 NATIONAL MODEL UNITED NATIONS

SPONSORED BY THE NATIONAL COLLEGIATE CONFERENCE ASSOCIATION

28 March – 1 April (Sheraton) & 30 March – 3 April (Marriott) • [www.nmun.org](http://www.nmun.org)

Emefa Gbedemah  
Secretary-General

Amanda Williams &  
Ronny Heintze  
Directors-General

Deena M. Kuko  
Chief of Staff

Brianna Noler &  
Miriam Mueller  
Assistant Chiefs of Staff

Lina Ericson  
Assistant Secretary-General  
For External Affairs

Mike Aguilar &  
Holger Baer  
Under-Secretaries-General  
General Assembly

Cyril Philips &  
Anna C. Lopez  
Under-Secretaries-General  
Economic and Social Council

Brianna Johnston &  
Lucas Carreras  
Under Secretaries-General  
Specialized Agencies

Nesrin Semen &  
Thera Watson  
Under-Secretaries-General  
Inter-Governmental Organizations

Alstair Goodard  
Louis Alex Cazal  
Under-Secretaries-General  
Peace & Security

Eddie Cheung &  
David-Éric Simard  
Under-Secretaries-General  
Conference Services

## BOARD of DIRECTORS

Prof. Richard Reitano  
President

Prof. Donna Schlagheck  
Vice-President

Prof. Chaldeans Mensah  
Treasurer

Jennifer "J.J." Stewart  
Secretary

Ingrid Busson, Esq.  
H. Stephen Halloway, Esq.

Sean Killen  
The Hon. Joseph H. Melrose, Jr.

Prof. Richard Murgo  
Adam X. Storm, Esq.

Prof. Karen Young

Members Ex-Officio

Michael Eaton  
Executive Director

Prof. Shelton L. Williams

Dear delegates,

We are pleased to welcome you to the 2010 National Model United Nations (NMUN). This year's staff for United Nations Children's Fund is: Directors Dexter Ballard and Hee-Sun Won, and Assistant Directors Aletta Kohler and Rima Gungor. Dexter attends the University of Colorado at Boulder where he is pursuing a focus in International Affairs and International Media. Hee-Sun has attended the University of Bonn. This is her second year on staff. Aletta will soon be graduating from Ernst-Moritz-Arndt in Germany where she studies teaching and geography. Rima attends North Central College in Illinois and is working towards her BA in International Politics, History and Philosophy.

The topics under discussion for the United Nations Children's Fund are:

- 1) Legal Concerns and Safeguards for Children in Transitional Justice
- 2) Fighting Sexual Violence as a Weapon of War
- 3) Implementation of the Convention of the Rights of the Child in Order to Combat Child Exploitation

In the last 60 years, UNICEF has grown from an emergency fund to protect children in the aftermath of the Second World War to a United Nations program and development agency. UNICEF is committed to accomplishing, satisfying and enduring solutions in the fight for children's rights as implemented in the United Nations Development Goals

This background guide will serve as a brief introduction to the three topics listed. Accordingly, it is not meant to be used as an all-inclusive analysis, but as groundwork for your own analysis and research. To conduct your research, please consult scholarly materials, including journals, international news, and the United Nations website, among others. You will also need to familiarize yourself with the work and current operations of the UNICEF.

Each delegation must submit a position paper. NMUN will accept position papers by **1 March 2010**. Please refer to the background guide for a message from your Directors-General, explaining the NMUN position paper requirements and restrictions. Delegates' adherence to these guidelines is crucial. NMUN can be one of the most rewarding academic experiences of your college career. We hope that this year's conference will not only intrigue you to participate again, but also that you find it as beneficial as we have. If you have any question regarding preparation, please feel free to contact any of the UNICEF substantive staff or the Under Secretaries-General for the Department of Specialized Agencies, Lucas Carreras (Marriott Venue) and Brianna Johnston (Sheraton Venue).

Good luck in your preparations for the conference, and we look forward to seeing you in 2010!

*Sheraton Venue*

Dexter Ballard  
*Director*  
Aletta Kohler  
*Assistant Director*  
[unicef.sheraton@nmun.org](mailto:unicef.sheraton@nmun.org)

*Marriott Venue*

Hee-Sun Won  
*Director*  
Rima Gungor  
*Assistant Director*  
[unicef.marriott@nmun.org](mailto:unicef.marriott@nmun.org)



## Message from the Directors-General Regarding Position Papers for the 2010 NMUN Conference

At the 2010 NMUN New York Conference, each delegation submits one position paper for each committee it is assigned to. Delegates should be aware that their role in each committee impacts the way a position paper should be written. While most delegates will serve as representatives of Member States, some may also serve as observers, NGOs or judicial experts. To understand these fine differences, please refer to the Delegate Preparation Guide.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference. NGO position papers should be constructed in the same fashion as traditional position papers. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

Please be forewarned, delegates must turn in material that is entirely original. ***The NMUN Conference will not tolerate the occurrence of plagiarism.*** In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

Delegation's position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, however, delegations must have met the formal requirements listed below. Please refer to the sample paper on the following page for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the Background Guides
- Length must **not** exceed two single spaced pages (one double sided paper, if printed)
- Font **must** be Times New Roman sized between 10 pt. and 12 pt.
- Margins must be set at 1 inch for whole paper
- Country/NGO name, School name and committee name clearly labeled on the first page; the use of national symbols is highly discouraged
- Agenda topics clearly labeled in separate sections

To be considered timely for awards, please read and follow these directions:

1. **A file of the position paper** (.doc or .pdf) **for each assigned committee** should be sent to the committee email address listed in the Background Guide. These e-mail addresses will be active after November 15, 2009. Delegates should carbon copy (cc:) themselves as confirmation of receipt.
2. Each delegation should also send **one set of all position papers** to the e-mail designated for their venue: [positionpapers.sheraton@nmun.org](mailto:positionpapers.sheraton@nmun.org) or [positionpapers.marriott@nmun.org](mailto:positionpapers.marriott@nmun.org). This set will serve as a back-up copy in case individual committee directors cannot open attachments. These copies will also be made available in Home Government during the week of the NMUN Conference

Each of the above listed tasks needs to be completed no later than **March 1, 2010 for Delegations attending the NMUN conference at either the Sheraton or the Marriott venue.**

**PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COMMITTEE, ASSIGNMENT AND DELEGATION NAME (Example: AU\_Namibia\_University of Caprivi)**

*A matrix of received papers will be posted online for delegations to check prior to the Conference. If you need to make other arrangements for submission, please contact Amanda Williams, Director-General, Sheraton venue, or Ronny Heintze, Director-General, Marriott venue at [dirgen@nmun.org](mailto:dirgen@nmun.org). There is an option for delegations to submit physical copies via regular mail if needed.*

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents
- General consistency with bloc/geopolitical constraints
- Consistency with the constraints of the United Nations
- Analysis of issues, rather than reiteration of the Committee Background Guide
- Outline of (official) policy aims within the committee's mandate

Each delegation can submit a copy of their position paper to the permanent mission of the country being represented, along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparation for the mission briefing in New York.

Finally, please consider that over 2,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and is greatly appreciated. Should you have any questions please feel free to contact the Conference staff, though as we do not operate out of a central office or location your consideration for time zone differences is appreciated.

Sincerely yours,

*Sheraton Venue*  
Amanda Williams, LCSW  
Director-General

*Marriott Venue*  
Ronny Heintze  
Director-General

[amanda@nmun.org](mailto:amanda@nmun.org)

[ronny@nmun.org](mailto:ronny@nmun.org)

## Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. While delegates are encouraged to use the front and back of a single page in order to fully address all topics before the committee, please remember that only a *maximum* of one double-sided page (or two pages total in an electronic file) will be accepted. Only the first double-sided page of any submissions (or two pages of an electronic file) will be considered for awards.

---

*Delegation from*  
Canada

*Represented by*  
(Name of College)

### *Position Paper for General Assembly Plenary*

The topics before the General Assembly Plenary are: Breaking the link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

#### **I. Breaking the link between Diamonds and Armed Conflict**

Canada endorses the Kimberly Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. We believe the Kimberly Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourage all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. We call upon participating States to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. We draw attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urge Member States to consider these programs in developing the type of domestic regulatory frameworks called for in A/RES/55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberly Process and encourages States to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in A/RES/58/290. We urge Member States to act in accordance with A/RES/60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberly Process of Artisanal Alluvial Producers. Canada calls upon States and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing States.

#### **II. The Promotion of Alternative Sources of Energy**

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as exemplified through our Turning Corners Report and Project Green climate strategies. We view the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Control (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations to Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. We emphasize the need for Member States to follow the recommendations of the 2005 Beijing International Renewable

Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views dissemination of technology information called for in the 2007 Group of Eight Growth and Responsibility in the World Economy Declaration as a vital step in energy diversification from conventional energy generation. We call upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to our \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages States to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies. We call upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges States to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into State specific strategies called for in A/62/419/Add.9 will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

### **III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa**

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African States to achieve Target 8 of Goal 6 of the MDGs by 2015. We recommend Member States cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement A/RES/61/228, Canada believes developed States must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. We urge Member States to support compulsory licensing for essential generic medicines by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the Malaria Vaccine Initiative. We emphasize the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.



## ***History of the United Nations Children's Fund***

*"The Story of UNICEF is a story of childhoods lost and reclaimed, childhoods nurtured and protected. It is the story of how much good the human family can do when it unites to protect the rights of its youngest and vulnerable citizens"*<sup>1</sup>

### ***History of the Committee***

On December 11, 1946, the United Nation General Assembly established the United Nations Children's Fund (UNICEF).<sup>2</sup> However, until 1953 UNICEF was known as United Nations International Children's Emergency Fund.<sup>3</sup> In the last 60 years, UNICEF has grown from an emergency fund to protect children in the aftermath of the Second World War to a United Nations program and development agency.<sup>4</sup> UNICEF is committed to accomplishing, satisfying and enduring solutions in the fight for children's rights as implemented in the United Nations Development Goals (9/2000).<sup>5</sup> Over the years, UNICEF's mission grew out of necessity when faced with challenges such as increasing natural disasters and economic crises. Thus, UNICEF now emphasizes promoting and protecting the rights of children in more than 158 countries.<sup>6</sup> UNICEF works with over 8,200 employees and more than 300 Goodwill Ambassadors worldwide.<sup>7</sup> Furthermore, it partners with governmental and inter-governmental donors such as the Organization of the Petroleum Exporting Countries (OPEC) Fund and the European Commission as well as multi-national organizations including the World Bank, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO) among others.<sup>8</sup>

Today, UNICEF is an important part of the United Nations (UN) system.<sup>9</sup> UNICEF presently binds National Committees in over 36 industrialized countries.<sup>10</sup> Thus, it "advocates, educates and raises money for the critical actions that improve children's lives."<sup>11</sup> The principal offices of UNICEF are in New York City and Paris.<sup>12</sup> Members are elected in the Executive Board for a three-year term.<sup>13</sup> Committee membership is assigned as follows: African states (8 seats), Asian states (7), Eastern European states (4), Latin American and Caribbean states (5) and Western European and Other states (12).<sup>14</sup> The composition of the 2009 Executive Board is:

#### Africa

Cameroon  
Central African Republic  
Ethiopia  
Liberia  
Mali  
Mauritania  
Sudan  
Zimbabwe

#### Eastern Europe

Croatia  
Romania  
Russian Federation  
Slovenia

#### Western Europe and Others

Canada  
Denmark  
Finland  
France  
Germany  
Italy  
Japan  
Netherlands  
Norway  
Sweden  
Switzerland  
United States of America

#### Asia

#### Latin America and the Caribbean

<sup>1</sup> United Nations, United Nations Children's Fund, *1946-2006 Sixty Years for Children*, 2006.

<sup>2</sup> United Nations, United Nations Children's Fund, *1946-2006 Sixty Years for Children*, 2006, p 4.

<sup>3</sup> United Nations, United Nations Children's Fund, *1946-2006 Sixty Years for Children*, 2006, p 4.

<sup>4</sup> United Nations, United Nations Children's Fund, *1946-2006 Sixty Years for Children*, 2006, p 4.

<sup>5</sup> United Nations, United Nations Children's Fund, *Annual Report 2008*, 2009, p.3.

<sup>6</sup> United Nations, United Nations Children's Fund, *UNICEF at a Glance*, 2004, p.7.

<sup>7</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.45.

<sup>8</sup> United Nations, United Nations Children's Fund, *Annual Report 2008*, 2009, p.36- 45.

<sup>9</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.11.

<sup>10</sup> United Nations, United Nations Children's Fund, *UNICEF*, p.1

<sup>11</sup> United Nations, United Nations Children's Fund, *UNICEF*, p.1.

<sup>12</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.23.

<sup>13</sup> United Nations, United Nations Children's Fund, *Members*, 2009, p.1.

<sup>14</sup> United Nations, United Nations Children's Fund, *Members*, 2009, p.1.

Bangladesh	Antigua and Barbuda
China	Bahamas
India	Cuba
Iran	Haiti
Malaysia	Uruguay
Myanmar	
Republic of Korea	

The Executive Board oversees the Fund, including finance and policies.<sup>15</sup> Formal decisions and recommendations are annually provided in the format of a written report to the General Assembly (GA) through the Economical and Social Council (ECOSOC).<sup>16</sup> Furthermore UNICEF annually publishes *The State of the World's Children*, a report focusing on various mandate-related areas such as in 2009 on Maternal and Newborn Health, 2008 on Child Survival, and in 2007 on Women and Children.<sup>17</sup> Along with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), and others; UNICEF is part of the United Nations programmes and funds and member of the United Nations System Chief Executives Board for Coordination (CEB).<sup>18</sup> In 1965, UNICEF received the Nobel Peace Prize.<sup>19</sup>

### ***Mandate and Activities of UNICEF***

Mandated by the United Nations, UNICEF was originally established to assist children who have lived and suffered through war and conflict.<sup>20</sup> Today, the mandate has broadened its commitment by including topics such as gender equality, primary education, health, and nutrition among others.<sup>21</sup> The Declaration of Rights of the Child (1959), The Convention on the Rights of the Child (1989), The World Summit of Children (1990) and The Millennium Declaration (2000) are the backbone in the progress of promoting a sustainable agenda of development, education, health, safety and protection of future generation.<sup>22</sup> By launching health programs and campaigns in Sub-Saharan Africa, among others, UNICEF is stepping forward to an era after the Millennium Agenda and UNICEF's Focus Area 2006-2009 and the Millennium Development Goals Target of 2015.<sup>23</sup> UNICEF has established campaigns and projects such as the Child Health Day in Somalia where immunization is provided to improve children and maternal health. In partnership with the World Health Organization (WHO) and local and international organizations UNICEF provided Somali women and children with life-saving packages and immunization.<sup>24</sup> Similar projects are underway around the world as in India where UNICEF supports the Indian government in educating women in health issues.<sup>25</sup> In the Humanitarian Action Report 2009 UNICEF reveals that in emergency circumstances 60 per cent of the 2009 emergency funding goes to health and nutrition (38%), followed by water, sanitation and hygiene (WASH) (22%), and leaving only 40 per cent to education (17%), child protection and mine action (12%), HIV/AIDS (1%) and other (10%).<sup>26</sup>

### ***UNICEF: Challenges Ahead***

The Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World Report and the 2008 Annual Report reveal that the protection of children in conflict continues to be one of the key responsibilities. However, as the call for emergency responses, due to natural catastrophes, economical and social crises are increasing, new challenges are faced. Therefore, the controversy of reevaluating financial aid not only needs to be

<sup>15</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.11.

<sup>16</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.11.

<sup>17</sup> United Nations, United Nations Children's Fund. (n.d.). *UNICEF*.

<sup>18</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.22.

<sup>19</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p.45.

<sup>20</sup> United Nations, United Nations Children's Fund, *1946-2006 Sixty Years for Children*, 2006, p.5.

<sup>21</sup> United Nations, United Nations Children's Fund, *UNICEF at a Glance*, 2004, p.11.

<sup>22</sup> United Nations, United Nations Children's Fund, *UNICEF at a Glance*, 2004, p.29.

<sup>23</sup> United Nations, United Nations Children's Fund, *Matrix: UNICEF Focus Areas and the Millennium Agenda*.

<sup>24</sup> United Nations, United Nations Children's Fund, *Second round of Child Health Days aims to boost child survival in Somalia*, p.1.

<sup>25</sup> United Nations, United Nations Children's Fund, *Teaching mothers healthy habits in India*, p.1.

<sup>26</sup> United Nations, United Nations Children's Fund, *The Humanitarian Action Report*, 2009, p.9.

addressed as in the 2008 Annual Report but new parameters of funding and launching aid need to be found.<sup>27</sup> The Humanitarian Action Report 2009 stresses the impact of increasing food prices on children's rights, especially in developing countries, stating that "[c]hild protection issues gain additional importance in such an environment as child labour is likely to increase, child marriage becomes more common and school attendance is negatively impacted."<sup>28</sup> In terms of meeting the challenges ahead UNICEF states:

Disaster risk reduction and emergency preparedness are key concerns for UNICEF, in order to enhance efficient and timely humanitarian action and to foster capacity-building of partners, including governments, NGOs, UN agencies and communities. UNICEF will increasingly engage in climate change adaptation, risk mitigation, early warning, preparedness and emergency response in order to reduce the impact disasters can have on vulnerable populations, especially children and women.<sup>29</sup>

### **Conclusion**

The United Nations Children's Fund is a significant program within the United Nations. Over the last sixty year, UNICEF's mission to protect children has broadened to ensure and improve children's basic needs. Today, UNICEF is devoted to reach sustainable spatial development particularly in developing countries by collaboration with governments and other UN institutions. The Convention on the Rights of the Child anchors the standards of meeting the rights of children. Despite its limited executive members and its powers as a report writing committee, it is a democratic organ that is strongly devoted to coordinating a high-level dialogue for a sustained and sustainable development of children's rights.

### **Must reads**

Office of the Special Representative of the Secretary-General for Children and Armed Conflict in collaboration with UNICEF. (2009). *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/publications/index\\_49985.html](http://www.unicef.org/publications/index_49985.html)

*This detailed report gives accounts of the development and challenges UNICEF and its partners have undertaken in protecting children's rights. It will be a useful guide to understand the UNICEF's mandate, activities and challenges ahead as it points to the key actions and gives recommendations in terms of improving the rights of children in conflict. Moreover, it is a complex source of information as it addresses the complex nature and the effects of conflict on children.*

*The United Nations Today.* (2008). New York, NY: United Nations Department of Public Information. *This book gives a detailed insight to the United Nation system, including the United Nation organizations. Through this source, delegates will be given essential information in the field of human rights, humanitarian assistance and development. It is a useful source for reaching an understanding of the committee and its mandate.*

United Nations, United Nations Children's Fund. (2009). *Annual Report 2008.* [Data file]. Retrieved July 21, 2009, from UNICEF Web site:

[http://www.unicef.org/nutrition/index\\_49924.html](http://www.unicef.org/nutrition/index_49924.html)

*This annually published report by UNICEF provides a detailed description of the events, activities and challenges faced by the committee in 2008. Referred to as a year of crisis, the report discusses a number of humanitarian actions in terms of educating and protecting the health and safety of children. Moreover, delegates will get in general overview of UNICEF's partners and donors as it includes various information, tables, charts and figures.*

---

<sup>27</sup> United Nations, United Nations Children's Fund, *Annual Report 2008, 2009*; United Nations, United Nations Children's Fund, *The Humanitarian Action Report 2009*, p.9.

<sup>28</sup> United Nations, United Nations Children's Fund. (n.d.). *The Humanitarian Action Report 2009.* p.11.

<sup>29</sup> United Nations, United Nations Children's Fund. (n.d.). *The Humanitarian Action Report 2009.* p.12.

United Nations, United Nations Children's Fund. (n.d.). *The Humanitarian Action Report 2009*. Retrieved September 06, 2009 from UNICEF Web site: September 26, 2009 from UNICEF Web site: <http://www.unicef.org/har09/index.html>

*The report is a detailed source to understand the emergency actions taken by UNICEF around the world. It provides an overview of action taken in recent years up to the 2009. The country specific actions and information as well as the general figures help to understand the challenges faced by UNICEF, its partners and donors and will enhance the understanding of humanitarian actions in terms of children's rights.*

United Nations, United Nations Children's Fund. (2007). *The State of the World's Children 2008: Child Survival* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/publications/index\\_42623.html](http://www.unicef.org/publications/index_42623.html)

*The report provides excellent information on UNICEF present work. Delegates may find the figures, maps and statistical table helpful in understanding the mandate, the activities and challenges ahead for UNICEF.*

## ***I. Legal Concerns and Safeguards for Children in Transitional Justice***

*"Juvenile justice systems must be put in place to ensure that children in conflict with the law are treated appropriately and in line with recognized international standards for juvenile justice."<sup>30</sup>*

### ***Legal Framework and Judicial Accountability***

According to the United Nations (UN) the rule of law is a principle of governance in which all persons, institutions, and entities, both public and private, including the State itself, are accountable to laws that are in accordance with international human rights norms and standards, publicly promulgated, equally enforced, and independently adjudicated.<sup>31</sup> This principle calls for measures to ensure compliance with the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.<sup>32</sup>

To strengthen effectively the rule of law, post-conflict reconstruction attempts focus predominantly on (re)building institutions.<sup>33</sup> It is generally accepted that seeking some form of accountability for pervasive human rights abuses which occurred during the conflict is an element of utmost importance in establishing these conditions.<sup>34</sup> The field of transitional justice embraces these efforts in using such mechanisms as trials, truth commissions, and reparations programmes that aim to address past human rights violations in a post-conflict setting.<sup>35</sup>

### ***Transitional Justice***

Transitional justice is not a form of justice in particular but a societal attempt to transform itself after a legacy of pervasive human rights abuses.<sup>36</sup> It is a society's response to systematic or widespread violations of human rights in ensuring accountability, serving justice, and achieving reconciliation through both judicial and non-judicial mechanisms, including individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.<sup>37</sup>

---

<sup>30</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* (S/2004/616), Report of the Secretary-General, 2004, p.12.

<sup>31</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* (S/2004/616), Report of the Secretary-General, 2004, p.4.

<sup>32</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* (S/2004/616), Report of the Secretary-General, 2004, p.4.

<sup>33</sup> Samuels, *Rule of Law Reform in Post-Conflict Countries*, 2006, p.6.

<sup>34</sup> United Nations General Assembly, *2005 World Summit Outcome (A/RES/60/1)*, 2005.

<sup>35</sup> Mendez, *Accountability for Past Abuses*, 1997, p.255-282.

<sup>36</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* (S/2004/616), Report of the Secretary-General, 2004, p.4.

<sup>37</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies* (S/2004/616), Report of the Secretary-General, 2004, p.4.

Revealing the details of the past serves to provide both as a primer on what conditions facilitated the violations of the rule of law in the past and as a deterrent to would-be human rights abusers of the future.<sup>38</sup> While it is critical to address global legal responses to the issue of child soldiers, these actions must be accompanied by social support for affected children to ensure their full and successful reintegration into civil society in post-conflict structures.<sup>39</sup> Therefore, by addressing the past and examining the crimes of the past through trials and truth commissions, transitional justice helps to provide the institutional basis and the cultural norms to support the rule of law.<sup>40</sup>

### ***The International Criminal Court and Truth Commissions***

Having entered into force on July 1, 2002, the Rome Statute, establishing the International Criminal Court (ICC), seeks to eradicate impunity for the perpetrators of the most serious crimes of concern to the international community.<sup>41</sup> The ICC may exercise jurisdiction over genocide, crimes against humanity, war crimes, and, once a definition has been adopted, aggression.<sup>42</sup> A situation shall be referred to the prosecutor either by a State Party to the ICC or a State otherwise accepting of the jurisdiction of the Court, by the UN Security Council, or in case of a proprio motu investigation, initiated by the prosecutor.<sup>43</sup>

The tasks of truth commissions differ significantly from those of a court.<sup>44</sup> Although every truth commission seems to be of a sui generis character, i.e. unique in its characteristics, reflective of a country's specific experiences, a number of common characteristics have been elaborated.<sup>45</sup> First, a truth commission pays close attention to the past, second, a truth commission aims to paint the overall picture of certain human rights abuses or violations of international humanitarian law over a predefined period of time, wherefore, a truth commission does not focus on an event in particular, and third, a truth commission usually exists temporarily and ceases to exist with the submission of a report of its findings.<sup>46</sup> Finally, a truth commission is always vested with some sort of authority by way of its sponsor.<sup>47</sup> This derivative authority entitles a truth commission to greater access to information, security, and protection which allows to delve into sensitive issues leading to a more effective report.<sup>48</sup> Typically, most truth commissions are created at a point of political transition within a country as a society's response to promote national disarmament, demobilisation, and reintegration efforts and/or obtain and sustain respectively political legitimacy.<sup>49</sup>

Foremost, it must be noted that ICC trials and truth commissions neither are inherently inimical nor mutually exclusive.<sup>50</sup> For example, transitional justice strategies involving criminal trials based on the evidence collected by a truth commission serves to lay a sound foundation for the reconciliation process (e.g. Peru).<sup>51</sup> However, during the transitional period, practical, logistical, and political impediments to conducting criminal trials may occur whose cause and effect may be constituted by a devastated institutional framework and/or strongholds retained by ousted regimes.<sup>52</sup> At the same time, amnesties may be the sole motive for perpetrators to appear and tell the truth before a truth commission. Amnesties may be granted in diverse manners: by a truth commission itself (e.g. South Africa),

---

<sup>38</sup> United Nations Office of the Special Adviser on Africa, DDR and Transitional Justice, 2007, p.3.

<sup>39</sup> United Nations Children's Fund, The Paris Principles, 2007, p.43.

<sup>40</sup> United Nations Children's Fund, Children and Conflict in a Changing World, 2009, p.71.

<sup>41</sup> Human Rights Watch, The International Criminal Court: How Nongovernmental Organisations Can Contribute To the Prosecution of War Criminals, 2004, p.2.

<sup>42</sup> Rome Statute, 1998.

<sup>43</sup> Rome Statute, 1998.

<sup>44</sup> Schabas, Truth Commissions and Courts: The Tension Between Criminal Justice and the Search for Truth, 2005, Introduction.

<sup>45</sup> Committee on International Conflict Resolution, International Conflict Resolution After the Cold War, 2000, p. 341.

<sup>46</sup> de Feyter, Out of the Ashes: Reparation for Victims of Gross Human Rights Violations, 2006, p.60.

<sup>47</sup> Verdoolaege, Reconciliation Discourse: The case of the Truth and Reconciliation Commission (Discourse Approaches to Politics, Society and Culture), 2009, p.8.

<sup>48</sup> Verdoolaege, Reconciliation Discourse: The case of the Truth and Reconciliation Commission (Discourse Approaches to Politics, Society and Culture), 2009, p.8.

<sup>49</sup> Verdoolaege, Reconciliation Discourse: The case of the Truth and Reconciliation Commission (Discourse Approaches to Politics, Society and Culture), 2009, p.8.

<sup>50</sup> American Non-Governmental Organizations Coalition for the International Criminal Court, The ICC and Alternative Justice Mechanisms in Africa, 2005, p.9.

<sup>51</sup> Crandall, Truth Commissions In Guatemala And Peru: Perpetual Impunity And Transitional Justice Compared, 2004, p.13.

<sup>52</sup> Crocker, Truth Commissions, Transitional Justice, and Civil Society, 2000, p.100.



by a state following the completion of a truth commission's activities (El Salvador), or they may result from political negotiations prior to the establishment of the truth commission (Sierra Leone).<sup>53</sup>

### *Children in the Context of International Law*

There are numerous international treaties that promote children's security. The following are among the most important:

The Universal Declaration of Human Rights (UDHR) and the Geneva Conventions are the foundation of international human rights law.<sup>54</sup> The UDHR specifically calls on the need for special care and protection for women and children in Article 25 (2): "Motherhood and childhood are entitled to special care and assistance."<sup>55</sup> The Fourth Geneva Convention (1949) and the subsequent Protocols (1977) outline necessary protection of civilians during armed conflict.<sup>56</sup>

The Convention on the Rights of the Child (CRC) is the first legally binding international instrument to incorporate the full range of human rights which are the civil, cultural, economic, political, and social rights.<sup>57</sup> In 1989, world leaders decided that children needed a special convention only for them because people under 18 years old often require special care and protection that adults do not.<sup>58</sup> Additionally, the leaders wanted to ensure that the world recognised the human rights of children.<sup>59</sup> The Convention sets out these rights in 54 articles.<sup>60</sup> It describes the basic human rights which children everywhere have: the right to survival, to develop to the fullest, protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural, and social life.<sup>61</sup> The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival, and development; and respect for the views of the child.<sup>62</sup> Every right described in the Convention adheres to the human dignity and harmonious development of every child.<sup>63</sup> The Convention protects children's rights by setting the benchmark in health care, education and legal, civil, and social services.<sup>64</sup> By agreeing to undertake the obligations of the Convention, national governments have committed themselves to protecting and guaranteeing children's rights.<sup>65</sup> Furthermore, they have agreed to hold themselves accountable for this commitment before the international community. States parties to the Convention are obliged to develop and implement all actions and policies in light of the best interests of the child.<sup>66</sup> The CRC Optional Protocol on the Involvement of Children in Armed Conflict<sup>67</sup>, which was adopted on May 25, 2000 by consensus of the UN General Assembly, raised the age for participation in armed conflict from 15 to 18 years of age and established a ban on compulsory recruitment below the age of 18.<sup>68</sup> The second CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography<sup>69</sup>, also adopted in May 2000, prohibits the sale, sexual exploitation, and forced labour of children.<sup>70</sup>

---

<sup>53</sup> Weissbrodt, *International Human Rights Law: An Introduction*, 2007, p.352.

<sup>54</sup> Pennegård, Article 5, 1999, p.124.

<sup>55</sup> United Nations General Assembly, *Universal Declaration of Human Rights*, 1948.

<sup>56</sup> Kwakwa, *The International Law of Armed Conflict: Personal and Material Fields of Application*, 1992, p.2.

<sup>57</sup> Hegarty, *Human Rights: An Agenda for the 21st Century*, 1999, p.171.

<sup>58</sup> Mower, *The Convention on the Rights of the Child: International Law Support for Children*, 1997, Introduction.

<sup>59</sup> Verhellen, *Convention on the Rights of the Child: Background, Motivation, Strategies, Main Themes*, 2000, p.76.

<sup>60</sup> Detrick, *A Commentary on the United Nations Convention on the Rights of the Child*, 1999, p.21.

<sup>61</sup> United Nations General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989.

<sup>62</sup> Mittal, *Child Development*, 2004, p.3.

<sup>63</sup> Verhellen, *Convention on the Rights of the Child: Background, Motivation, Strategies, Main Themes*, 2000, p.166.

<sup>64</sup> Hobbs, *Child Labor: A World History Companion*, 1999, p.49.

<sup>65</sup> Mower, *The Convention on the Rights of the Child: International Law Support for Children*, 1997, p.148.

<sup>66</sup> Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, 2008, p.301.

<sup>67</sup> United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (A/RES/54/263)*, 2000.

<sup>68</sup> United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (A/RES/54/263)*, 2000.

<sup>69</sup> United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (A/RES/54/263)*, 2000.

<sup>70</sup> United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (A/RES/54/263)*, 2000.

Although both documents entered into force in 2002, far fewer states have ratified the Optional Protocol than the initial CRC.<sup>71</sup>

The 1995 Beijing Platform for Action, adopted at the UN Fourth World Conference on Women, makes specific reference to advancing the rights and concerns of the “girl child.”<sup>72</sup>

The Rome Statute of the International Criminal Court includes provisions against the conscripting of children under the age of 15.<sup>73</sup> Article 8 specifically defines conscripting or using children in international or internal conflicts as a war crime.<sup>74</sup> In addition, the ICC statute gives itself no jurisdiction for children under the age of 18.<sup>75</sup> Together, these advances enable prosecution of the recruiter, rather than the child, before the ICC.

### ***UNICEF Innocenti Research Centre***

The UNICEF Innocenti Research Centre (IRC) in Florence, Italy, was established in 1988 to strengthen the research capability of UNICEF and to support its advocacy for children worldwide.<sup>76</sup> It is an international knowledge centre specialising in the effective implementation of the CRC in industrialised as well as developing countries.<sup>77</sup>

IRC research focuses on the safeguard of children from armed conflict.<sup>78</sup> With attention primarily given to questions concerning crimes committed against children in times of conflict and the participation of children as both victims and witnesses in transitional justice systems, including international and national courts and justice-seeking mechanisms, such as truth and reconciliation commissions (TRCs), this initiative aims to raise awareness and provide evidence through the assessment of experiences, good practices, and lessons learnt from the past.<sup>79</sup>

Providing a forum for international professional exchanges and consequently working with a network of academics, international experts, and practitioners in close cooperation with other UNICEF offices, the IRC undertakes and promotes cross-disciplinary knowledge-sharing and policy debate into all aspects of children’s rights.<sup>80</sup> The initiative contributes to the development of policy and programme responses by UNICEF and its partners, does the preliminary work for UNICEF country offices in assisting the TRCs, promoting reconciliation, violence prevention, and the consolidation of the rule of law, particularly with regard to the protection of children and adolescents involved in post-conflict justice system.<sup>81</sup>

### ***Legal Concerns and Safeguards for Children in Transitional Justice***

To date, no international court or tribunal has prosecuted anyone under the age of 18, and the ICC prohibits itself from any prosecution of children.<sup>82</sup> Whereas in national courts, children have been tried for atrocities committed during war. Some have been mistreated while in custody, were imprisoned with adult or juvenile criminal offenders, or were given the death penalty.<sup>83</sup> In Colombia, left-wing guerrilla forces recruited and used child soldiers or detained them in military institutions for desertion from the armed forces.<sup>84</sup> In 2001, civil society

---

<sup>71</sup> United Nations General Assembly, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (A/RES/54/263), 2000.

<sup>72</sup> United Nations, Platform for Action and the Beijing Declaration, 1996, p.145.

<sup>73</sup> Rome Statute, 1998.

<sup>74</sup> Rome Statute, 1998.

<sup>75</sup> Rome Statute, 1998.

<sup>76</sup> Ismael, *Child Poverty and the Canadian Welfare State: From Entitlement to Charity*, 2006, p.6.

<sup>77</sup> Oestreich, *Power and Principle: Human Rights Programming in International Organizations*, 2007, p.47.

<sup>78</sup> O’Flaherty, *The Human Rights Field Operation*, 2007, p.204.

<sup>79</sup> Morrison, *International Government Information and Country Information: A Subject Guide (How to Find It, How to Use It)*, 2004, p.280.

<sup>80</sup> United Nations Children’s Fund, *Financial Report and Audited Financial Statements for the Biennium Ended 31 December 2003 and Report of the Board of Auditors: United Nations Children’s Fund*, 2004, p.42.

<sup>81</sup> United Nations Children’s Fund, *Financial Report and Audited Financial Statements for the Biennium Ended 31 December 2003 and Report of the Board of Auditors: United Nations Children’s Fund*, 2004, p.42.

<sup>82</sup> Arts, *International Criminal Accountability and the Rights of Children*, 2006, p.184.

<sup>83</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers: Global Report 2008*.

<sup>84</sup> Mapp, *Human Rights and Social Justice in a Global Perspective: An Introduction to International Social Work*, 2007, p.92.

organisations, like Save the Children, in the Democratic Republic of the Congo advocated successfully for the abrogation of the death penalty verdicts against six children.<sup>85</sup>

At the national level, only one truth commission has committed itself to the special needs of children in its mandate, though most have listed children as victims and witnesses.<sup>86</sup> In Argentina, the National Commission and Disappeared Persons was required to “determine the whereabouts of children removed from the care of their parents or guardians...and to intervene as appropriate in organisms and tribunals for the protection of minors.”<sup>87</sup> Its final report includes details of crimes against children and adolescents.

In local judicial processes, children run the risk of not being granted access to international judicial standards. In Rwanda, children over the age of 14 at the time of the genocide may be judged as part of the Gacaca, a court system which has evolved from traditional cultural communal law enforcement procedures.<sup>88</sup> In this process, children do not have access to counsel and must plead for themselves publicly before the community.<sup>89</sup>

To involve children in diverse transitional justice mechanisms with regard to reconciliation efforts, special initiatives have been taken. In the South African Truth and Reconciliation Commission, special hearings and workshops were established for children to engage with the truth, justice, and reconciliation process.<sup>90</sup> In many societies, children are included in traditional healing practices and rituals of reconciliation.<sup>91</sup>

During armed conflict, children are targeted for the worst possible violence and abuse, including abduction, rape, and recruitment as child soldiers, and may be forced or coerced to partake in atrocities.<sup>92</sup> Because children are among the most affected by conflict they become victims and witnesses of these offences. The lack of accountability for conflict-related crimes against children may leave child victims vulnerable to more violation and abuse.<sup>93</sup>

Accountability in post-conflict situations may fulfil several important functions.<sup>94</sup> It makes a contribution to the process of healing and helps children understand that they are not the ones to take responsibility for what has happened.<sup>95</sup> By investigating and documenting violations committed, accountability processes raise public awareness of the effects of conflict on children.<sup>96</sup> Accountability may also help to break the cycle of violence, rebuild confidence in democracy and the rule of law, and support the legitimacy and authority of the new government.<sup>97</sup>

In recent years, truth, justice, and reconciliation processes have set out to turn attention specifically on crimes committed against children and have involved children proactively, for example, in hearing them as witnesses and through this including their testimonies in the taking of evidence.<sup>98</sup> The recent involvement of children and adolescents in providing testimony to international and national courts and truth commissions has shown that children play a key role in the process of truth-seeking both as participants and as members of their communities. But if children are to engage in transitional justice processes, their rights must be respected.<sup>99</sup> The review and

---

<sup>85</sup> Clark-Kazak, *Juvenile Justice and Child Soldiering: Trends, Challenges, Dilemmas*, 2006, p.319.

<sup>86</sup> Cohn, *The Protection of Children in Peacemaking and Peacekeeping Processes*, 1999, p.173.

<sup>87</sup> Cohn, *The Protection of Children in Peacemaking and Peacekeeping Processes*, 1999, p.173.

<sup>88</sup> Corey, *Retributive justice: The Gacaca courts in Rwanda*, 2004, p.73.

<sup>89</sup> Corey, *Retributive justice: The Gacaca courts in Rwanda*, 2004, p.73.

<sup>90</sup> Clark-Kazak, *Juvenile Justice and Child Soldiering: Trends, Challenges, Dilemmas*, 2006, p.319.

<sup>91</sup> Clark-Kazak, *Juvenile Justice and Child Soldiering: Trends, Challenges, Dilemmas*, 2006, p.319.

<sup>92</sup> United Nations Security Council, Security Council Resolution 1882 (S/RES/1882), 2009.

<sup>93</sup> United Nations Children’s Fund, *Supporting the Realization of Children’s Rights through a Rights-based Approach to Legislative Reform*, 2007, p.79.

<sup>94</sup> United Nations Children’s Fund, *Children and Conflict in a Changing World*, 2009, p.12.

<sup>95</sup> United Nations Children’s Fund, *Children and Conflict in a Changing World*, 2009, p.15.

<sup>96</sup> United Nations Children’s Fund, *Children and Conflict in a Changing World*, 2009, p.71.

<sup>97</sup> United Nations Children’s Fund, *Supporting the Realization of Children’s Rights through a Rights-based Approach to Legislative Reform*, 2007, p.15.

<sup>98</sup> Samuels, *Rule of Law Reform in Post-Conflict Countries*, 2006, p.10.

<sup>99</sup> United Nations Office of the High Commissioner for Human Rights, *Guidance on National Human Rights Institutions and Transitional Justice*, 2008, p.19.

analysis of emerging good practices on the involvement of children and adolescents in truth, justice, and reconciliation processes has brought a number of dilemmas forward.<sup>100</sup> Among other things, it is recognised that children and adolescents who have been recruited to participate in hostilities are primarily victims of armed conflict.<sup>101</sup> At the same time, it is known that some form of accountability for crimes committed by children is in their best interests and could account for processes of reconciliation and reintegration.<sup>102</sup>

When children engage in truth, justice, and reconciliation processes, new possibilities and new challenges are met. In a number of instances, child-friendly procedures have been introduced to safeguard the rights of children who become involved and to advance their protection throughout the process.<sup>103</sup> This may contribute to build children's confidence and restore their sense of justice in the social and political order while also establishing a mechanism of accountability for crimes committed against them.<sup>104</sup> But many questions remain how best to protect the rights of children involved as victims and witnesses in these regards.

Ideally children's participation should enforce and enhance their protection, and protection measures should enable participation.<sup>105</sup> In the long term, if children are excluded from transitional processes, they may become frustrated and vulnerable to a continuing cycle of violence, affecting future generations.<sup>106</sup> Failure to address their concerns also wastes the capacity and potential of children and adolescents to serve as multipliers for reconciliation and peacebuilding within their own communities.<sup>107</sup>

### **Conclusion**

As demonstrated, the political will, moral resolve, and actions must be reinforced in the field to maintain progress and fulfil the vision of universal implementation of international norms to end impunity. Legislative reform will be part of the results framework, be it a component of other results frameworks or a separate one. It is generally accepted that results in the area of legislative reform, as in other areas, must be expressed in terms of measurable changes in a timely manner to prepare the ground for sustainable peace. The most important challenge ahead for all actors is translating international standards into national action that may make a tangible difference in the lives of children affected by war.

How can universal adherence to international standards and norms be achieved? How can UNICEF assist to end impunity for violations against children and contribute to prioritise children's security? When monitoring and reporting are strengthened, how can justice for children be promoted? If there is to be lasting peace in a society emerging from conflict, justice for victims, especially children, must be incorporated into any peace and justice mechanisms. How can instruments be established to ensure that the voices of victims are heard? The decision about the kind of transitional justice approach must be made taking local needs into account, while learning from other experiences. Bearing in mind that each country's post-conflict needs are distinct, how can transitional justice mechanisms, such as truth commissions, respond to each country's specific set of circumstances?

### **Must Reads**

Cohn, Ilene (1999). *The Protection of Children in Peacemaking and Peacekeeping Processes*. *Harvard Human Rights Journal*, (12). Retrieved August 10, 2009, from <http://www.law.harvard.edu/students/orgs/hrj/iss12/cohn.shtml>

*This study examines the protection of children during peacemaking, peacekeeping, and the regional and multilateral institutions that now play a role in palliating conflicts around the world. It identifies*

---

<sup>100</sup> Clark-Kazak, *Juvenile Justice and Child Soldiering: Trends, Challenges, Dilemmas*, 2006, p.319.

<sup>101</sup> United Nations General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (A/RES/54/263)*, 2000.

<sup>102</sup> Council of Europe, *International justice for children*, 2009, p.56.

<sup>103</sup> Sottas, *Transitional Justice and Sanctions*, 2008, p.397.

<sup>104</sup> Borello, *A First Few Steps: The Long Road to a Just Peace in the Democratic Republic of the Congo*, 2004, p.5.

<sup>105</sup> United Nations Children's Fund, *Children and Conflict in a Changing World*, 2009, p.71

<sup>106</sup> United Nations, *World Youth Report 2005*, p.159.

<sup>107</sup> United Nations Children's Fund, *Peace-Building Strategies: Transition from Relief to Development: Why Children and Early Intervention Matter*, 2006, p.5.

*children's substantive needs, considers efforts made in some peace processes, and proposes alternatives. The focus is on what might be done to better ensure that children's rights are considered from the moment mediation efforts begin until the peacebuilding agenda is fully hammered out. Although many of the issues, such as human rights and peacekeeping, the potential use of regional peacekeepers and truth, justice and reconciliation, have produced a great deal of writing and debate, no one has yet examined the conflict resolution period from a children's rights perspective.*

Teitel, Ruti G. (2002). *Transitional Justice*. New York: Oxford University Press.  
*Teitel explores the recurring dilemma of how regimes should respond to evil rule, arguing against the prevailing view favouring punishment, yet contending that the law nevertheless plays a profound role in periods of radical change. Pursuing a comparative and historical approach, she presents a compelling analysis of constitutional, legislative, and administrative responses to injustice following political upheaval. She proposes a new normative conception of justice--one that is highly politicised--offering glimmerings of the rule of law that, in her view, have become symbols of liberal transition.*

United Nations. (2005). *World Youth Report 2005* (Monograph). Retrieved August 30, 2009, from <http://www.un.org/esa/socdev/unyin/documents/wyr05book.pdf>  
*The year 2005 marked ten years since the General Assembly adopted the World Programme of Action for Youth in 1995. This report, an official report to the General Assembly, called for a renewed commitment to the goals of the World Programme of Action, since over 200 million youth were living in poverty, 130 million youth were illiterate, 88 million were unemployed, and 10 million young people were living with HIV/AIDS. In the World Youth Report 2005, it is argued that too often, youth policy is driven by negative stereotypes of young people, including delinquency, drug abuse, and violence. What seems to be forgotten is that young people are a positive force for development, peace, and democracy.*

United Nations Children's Fund. (2006, October). *Peace-Building Strategies: Transition from Relief to Development: Why Children and Early Intervention Matter* [Brochure]. United Nations Publications. Retrieved August 30, 2009, from [http://www.google.de/url?sa=t&source=web&ct=res&cd=12&url=http%3A%2F%2Fwww.peacebuilding.jp%2Fseminar%2F061017unicef.pdf&ei=ceaaSsXbCZ\\_J\\_ga9tbHEBQ&usq=AFQjCNHL1zRiVhigmACmwmZf7NC0ZO3PJg&sig2=6WOHoVkb4KpyaYFSZoAy8Q](http://www.google.de/url?sa=t&source=web&ct=res&cd=12&url=http%3A%2F%2Fwww.peacebuilding.jp%2Fseminar%2F061017unicef.pdf&ei=ceaaSsXbCZ_J_ga9tbHEBQ&usq=AFQjCNHL1zRiVhigmACmwmZf7NC0ZO3PJg&sig2=6WOHoVkb4KpyaYFSZoAy8Q)  
*It is said that in nearly all emergencies, both natural disasters and in complex crises, well over half of the victims were children and women, and that the importance of the protection of civilians should be re-emphasised at all times, especially the protection of children and women. This paper focuses on the strongly supported efforts to enhance more reliable, predictable, and timely delivery of humanitarian assistance on the ground.*

United Nations Children's Fund. (2007, January). *Supporting the Realization of Children's Rights through a Rights-based Approach to Legislative Reform*. Retrieved August 6, 2009, from [http://www.unicef.org/Supporting\\_the\\_Realization\\_of\\_Childrens\\_Rights\\_Through\\_a\\_Rights\\_Based\\_Approach\\_To\\_Legislative\\_Reform.pdf](http://www.unicef.org/Supporting_the_Realization_of_Childrens_Rights_Through_a_Rights_Based_Approach_To_Legislative_Reform.pdf)  
*Work on legislative reform ensures the sustainability of all of the United Nations Children's Fund activities for the betterment of child survival, development, protection, and participation. This guidance document provides tools and information to facilitate the work of United Nations Children's Fund regional and country offices in the area of legislative reform. Using the guide will help offices to programme for legislative reform, create the necessary human resource capacity, and direct adequate financial resources towards legislative reform. It will also help to raise awareness of the need to pursue a human rights-based approach to legislative reform such that the reform moves beyond technical processes and translates into a holistic strategy for positive changes in society for the betterment of children's and women's lives.*

United Nations Children's Fund. (2009, April). *Children and Conflict in a Changing World* (Monograph). Retrieved August 7, 2009, from [http://www.unicef.org/publications/files/Machel\\_Study\\_10\\_Year\\_Strategic\\_Review\\_EN\\_030909.pdf](http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf)  
*The 1996 Machel Study challenged the world to recognise that "war affects every right of the child." This follow-up report analyses the progress -- and challenges -- of the subsequent decade. More than 40 UN agencies, non-governmental organisations, and academic institutions -- along with children from nearly*



100 countries -- contributed to this review, which was co-convened by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and United Nations Children's Fund. The Strategic Review is part of ongoing advocacy efforts to bring the issues of children in conflict to the forefront.

United Nations. General Assembly. (1948, December 10). *Universal Declaration of Human Rights*. Retrieved August 30, 2009, from <http://www.un.org/en/documents/udhr/>  
*On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act the Assembly called upon all Member states to publicise the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."*

United Nations. General Assembly. (1989, November 20). *Convention on the Rights of the Child (A/RES/44/25)*. Retrieved August 30, 2009, from <http://www2.ohchr.org/english/law/crc.htm>  
*The Convention's objective is to protect children from discrimination, neglect, and abuse. It is the principal children's treaty, covering a full range of civil, political, economic, social, and cultural rights. It grants rights for children in peacetime as well as during armed conflict, and provides for the implementation of those rights. The Convention serves as both a rallying point and a useful tool for civil society and individual people, working to protect and promote children's rights.*

United Nations Office of the High Commissioner for Human Rights. (2008, September 27). *Guidance on National Human Rights Institutions and Transitional Justice* (Monograph). Retrieved August 6, 2009, from [http://www.nhri.net/2009/NHRIs\\_Guidance%20Note%20TJ\\_Oct%2008.pdf](http://www.nhri.net/2009/NHRIs_Guidance%20Note%20TJ_Oct%2008.pdf)  
*This Guidance Note is intended to assist National Human Rights Institutions in their engagement on transitional justice, so they can best perform their institutional role of promoting and protecting human rights during the period of transition from conflict or totalitarian rule. The engagement of National Human Rights Institutions on transitional justice should seek to support processes that ensure accountability and combat impunity, provide remedies to victims, promote respect for the rule of law, and strengthen democracy and sustainable peace.*

United Nations. Security Council. (2004, August 23). *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies (S/2004/616)* [Report of the Secretary-General]. Retrieved August 4, 2009, from [http://www.undp.org/cpr/documents/jssr/ssr/rule\\_of\\_law\\_and\\_transitional\\_justice.pdf](http://www.undp.org/cpr/documents/jssr/ssr/rule_of_law_and_transitional_justice.pdf)  
*The following report provides a survey of the main transitional justice mechanisms and identifies some lessons learnt. It reaffirms the vital importance that the Council attaches to promoting justice and the rule of law, and post-conflict national reconciliation.*

## ***II. Preventing Sexual Violence against Children as a Weapon of War***

*"Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response."*<sup>108</sup>

### ***Understanding Sexual Violence and War***

The formation of the United Nations undeniably stemmed from the brutal and disheartening notions of war, and the destructive social, cultural, and political tendencies often left in its path.<sup>109</sup> Sadly, this destruction can transcend multiple generations through violent acts of sexual aggression against women and children.<sup>110</sup> This venue for political violence has debilitated millions of people who would have not otherwise been involved in political

---

<sup>108</sup> United Nations, *Article 38, The Vienna Declaration and Programme of Action*, 1993.

<sup>109</sup> United Nations Charter, 1945, *Chapter I*.

<sup>110</sup> United Nations Children's Fund, *Will You Listen? Young Voices from Conflict Zones*, 2007.

turmoil.<sup>111</sup> One of the main concerns for UNICEF is to assertively address sexual violence as a weapon of war, as it is a primary means for conflict to prolong itself through the torture, abuse, and dehumanization of women and children around the world.<sup>112</sup> This humanitarian effort will not be light-hearted, nor will it easily prevail over the cultural tensions that inspire militants to express their political disdain in the form of sexual abuse.

Dating back to primitive social pillaging, lasting through colonial gender enslavement, and carrying into modern rape camps for ethnically diverse peoples, sexual violence is a tragic human tendency that has evolved time and time again.<sup>113</sup> It is crucial that we acknowledge the truth about this behavior wherever it can be found, review and consider every known instance, and counter its intensity with a unified humanitarian campaign that seeks to preserve the physical, mental, and emotional integrity of women and children in times of peace and war.<sup>114</sup>

The role that UNICEF can play in this battle is pivotal, and the expectations for this committee during the 2010 NMUN conference could not be greater as we collectively pursue plausible diplomatic responses to such volatile human crises. Offered here is a background to the evolution of sexual violence as a weapon of war using case studies, counter-political movements, and field research from the leading actors in the fight against sexual violence as a weapon of war.

### ***Background Efforts and Previous Accords***

The last half-century has yielded several international conventions and reports that focus on the advancement and protection of women's rights, safety, and sanctity on a trans-regional basis. Among them, the Office of the High Commissioner for Human Rights (OHCHR's) Declaration on the Protection of Women in Emergency and Armed Conflict (1974) offers an insightful foundation for the political protection of women amidst hostile international conditions.<sup>115</sup> According to UNICEF research, more than 60 percent of sexual abuse cases concern girls; ultimately, this means action is needed to protect children of all genders and ages.<sup>116</sup> The overview report provided for this OHCHR declaration serves as a useful foundation for understanding later debates on the issue, such as the Beijing Declaration and Plan for Action, which outlines the necessity for rule of law in recognizing justice and equality for women and children throughout the international community.<sup>117</sup> Additionally, the UN Violence Study adhered these provisions to a wide-scale investigation of the environmental, social, and political variables contributing to sexual violence in 9 "geo-zoned" sections around the world.<sup>118</sup> The violence study is a useful resource for understanding the extent of collective action that will be required to reach solutions to the problem of global sexual violence.<sup>119</sup> Specifically, implementing the rule of law and establishing efficient rehabilitation programs stand as the biggest challenge. Moreover, the United Nations Child Protection Strategy deploys a plethora of solution-based recommendations for NGOs, state actors, and international organizations to utilize while formulating pro-active campaigns against sexual violence as a weapon of war.<sup>120</sup> Further, the UN Child Protection Strategy reveals a multi-faceted approach to preparing for and responding to instances of sexual violence, such as data collection, knowledge circulation, and mechanisms to review and update response practices. This strategy is administered through UNICEF, and is widely accepted as the most comprehensive guide to diffusing hostile environments, implementing development programs, and establishing national protection systems in order to localize efforts for the protection of children.<sup>121</sup>

---

<sup>111</sup> United Nations Children's Fund, *Protecting Children during Armed Conflict*, 2006.

<sup>112</sup> United Nations Children's Fund, *Eliminating Violence Against Children*, 2007. p 11.

<sup>113</sup> Heineman, *The History of Sexual Violence in Conflict Zones: Conference Report, 2008*; *The Journal of Sex Research*, *Explaining Wartime Rape*, 2004.

<sup>114</sup> United Nations, *Sexual Violence and Armed Conflict: United Nations Response*, 1998.

<sup>115</sup> Jack, *Gender and Armed Conflict Overview Report*, 2002.

<sup>116</sup> United Nations Children's Fund, *Protecting Children during Armed Conflict*, 2006.

<sup>117</sup> United Nations, Inter-Agency Network on Women and Gender Equality [IANWGE] *Sexual Violence and Armed Conflict*, 2000.

<sup>118</sup> Secretary-General's Report on Violence against Children A/61/299, 2006.

<sup>119</sup> International Bureau for Children's Rights, *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*, 2001.

<sup>120</sup> United Nations Children's Fund E/ICEF/2008/5/Rev.1, *UNICEF Child Protection Strategy*, 2003.

<sup>121</sup> United Nations Children's Fund E/ICEF/2008/5/Rev.1, *UNICEF Child Protection Strategy*, 2003.

Most of the recent political statements made regarding this issue are by-products of the Convention on the Rights of the Child, an international agreement that strives to universalize the interpretation of wellbeing for displaced children.<sup>122</sup> One inevitable result of wide scale sexual abuse against women is the trickling down of ramifications to their children, who often inherit disease, abandonment, or are ostracized as a result of shame from systematic rape, forced pregnancy, sexual slavery, or physical mutilation.<sup>123</sup> Thousands of children are forced to reconcile the isolation they incur as a result of these crimes without guidance or support in refugee camps, often subjecting them to further abuse early on in their lives.<sup>124</sup> Documented instances and detailed accounts of children living in vulnerable conditions have been recorded within several previous UNICEF reports.<sup>125</sup> These conditions include but are not limited to being raped while searching for firewood, being forced into prostitution, and being seriously harmed or killed upon resisting assault.<sup>126</sup>

Along with the Child Protection Strategy and the Violence Study, the Machel Study has been a pivotal instrument in implementing successful child protection systems at the local, national, and regional levels. Overall, it has assisted in raising awareness and reactive strategies for the full-scope of problems that are associated with sexual violence.<sup>127</sup> Among them, containing disease spread, offering education, establishing legal reform for justice against sexual crimes, in addition to revealing the true origins and nature of gender-based violence (GBV) are all very central focuses. The strategic 10-year review of this 1990 report exposes different action methods, field results from their implementation, and a thorough review of the governmental, diplomatic, and civil society interactions that aim to collectively reduce the negative impacts of sexual violence.<sup>128</sup>

### ***Collective Action and Working Relationships***

In light of the global nature of these conflicts it remains true that national and local collaboration will be the ultimate determinant for plausible solutions. As outlined by the violence study, a multitude of actors are going to have to share information, technical support, development assistance, and educational resources in order to establish a pragmatic response to wide-scale sexual violence.<sup>129</sup> Among these actors, the World Health Organization (WHO), UNESCO, the United Nations High Commissioner for Refugees (UNHCR), the Child Rights Information Network (CRIN) could play major organizational roles in implementing reactive/rehabilitating plans. Moreover, National Human Rights Institutions (NHRI's), NGOs, faith-based organizations, legal professionals, and transnational civil society will all be critical to have alongside UNICEF in these endeavors.<sup>130</sup> This will become increasingly clear, as non-governmental aid campaigns have been on a consistent rise since the 1990's.<sup>131</sup> These interactions are going to be vital as non-governmental actors spur active aid projects abroad while creating cordial outlets for government aid subsidies.<sup>132</sup> Ultimately, though, the role of UNICEF could not be more central in facilitating cooperation among all of these plausible actors.

Action from non-governmental organizational leaders can be noted in many instances as well, as seen within the Urgent Action Fund (UAF), which, since 1997, has supported 23 interventions in support of the human rights of women and girls in 16 conflict areas in various regions around the world.<sup>133</sup> In association with the Ford Foundation, along with the International Center for Human Rights and Democratic Development (ICHRDD) and Women's Commission for Refugee Women and Children, these groups have established a human rights presence in

---

<sup>122</sup> United Nations Children's Fund, *Convention on the Rights of the Child*, 1990.

<sup>123</sup> United Nations Children's Fund, *The State of the World's Children*, 1996.

<sup>124</sup> Pilch, *Rape as Genocide: The Legal Responses to Sexual Violence*, 1999; Swiss and Giller, *Rape as a Crime of War*, 1993.

<sup>125</sup> United Nations Children's Fund, *Will You Listen? Young Voices from Conflict Zones*, 2007.

<sup>126</sup> United Nations Children's Fund, *The State of the World's Children*, 1996.

<sup>127</sup> United Nations Children's Fund, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009.

<sup>128</sup> United Nations Children's Fund, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009.

<sup>129</sup> United Nations, A/61/299, 2006, *Violence Study*.

<sup>130</sup> Jack, *Gender and Armed Conflict Overview Report*, 2002.

<sup>131</sup> McCoskey, *NGOs in the Aid Community: Do Funding Source or Economic Conditioning Matter to Decisions of Country or Activity Involvement? 2009*.

<sup>132</sup> McCoskey, *NGOs in the Aid Community: Do Funding Source or Economic Conditioning Matter to Decisions of Country or Activity Involvement? 2009*.

<sup>133</sup> Urgent Action Fund and the Women's Commission for Refugee Women and Children, *Gender Audit of Reconstruction Programmes in Southeast Europe*, 2000.

some of the most desperate regions in the world.<sup>134</sup> The Women's Commission is the only American organization that is dedicated exclusively to raising awareness for women and youth that have been displaced by armed conflict and persecution.<sup>135</sup>

It is vital that these efforts remain collaborative and diverse, as there are many dynamics prior to, during, and after cases of sexual violence as an instrument of war. This can be noted from previous field missions, such as in the Former Republic of Yugoslavia, where treating victims of mass rape and forced pregnancy was further complicated by fear and anxiety to receive help.<sup>136</sup> Such dehumanizing acts often carry longstanding psychological impacts, which are intensified by the fragility of youth.<sup>137</sup> The Journal of the American Medical Association exemplified this during an international inquiry on the medical ramifications of sexual abuse against women and children. Here it was noted that shame and embarrassment of the victims complicated the processes of documenting cases of abuse, assessing medical needs, and implementing pragmatic rehabilitation programs.<sup>138</sup> This dilemma was brought to the attention of the UN in light of the 1993 Yugoslavia peacekeeping mission. Fortunately, medical and development assistance experts were able to push for the UN to indoctrinate a universal definition of mass rape as a war crime as a result of their observed barriers to treatment.<sup>139</sup> The wide-ranging gaps in aid are one of the many barriers to progress for this specific issue. In addition to difficult rehabilitation environments, codifying rape in national legal parameters, government corruption, lack of education, and disease all conjoin to make an extremely painful social, cultural, and political quandary for this issue. A primary example can be noted in the case of the Sudanese Federal Government's alleged role in empowering Janjaweed massacres and rape campaigns throughout refugee establishments across Sudan.<sup>140</sup>

### *Africa's Case Study*

There have been many well-known instances of sexual violence against women and children in Africa. In particular, the Democratic Republic of the Congo, Rwanda, Sudan, and Sierra Leone remain prevalent examples of states' inability to impose protection, prevention, and rehabilitation for crimes of sexual violence.<sup>141</sup> The central and western Africa region remains troubled by guerilla insurgencies that rely on sexual violence, murder, and massacre as a main instrument to advance their agenda of ethnic cleansing and territorial possession.<sup>142</sup> In cases such as Sudan, government involvement is widely believed; however, the facts regarding the extent to which they are involved and the accountability they should possess remains unfound.<sup>143</sup> It is undeniable that governments' wide-scale lack of accountability and blurred roles in these crises further complicate an already volatile political environment. In the case of Sierra Leone and Liberia, longstanding conflicts over territorial control and ethnic purification have permitted ongoing destruction and sexual violence as a means of control; guerilla movements have caused an enormous wave of forced displacement, which has further jeopardized the safety and protection of millions of women and children over the last decade.<sup>144</sup> Such large occurrences of sexual pillaging and GBV led to over 53 million displaced persons in the middle of the 1990's, 80 percent of whom were women and children.<sup>145</sup> As a result of either burned or seized property, murdered family members, contracted diseases, or simply fear of future attacks women and children are forced to seek refuge in internally displaced persons (IDP) camps.<sup>146</sup> These large-

---

<sup>134</sup> Urgent Action Fund and the Women's Commission for Refugee Women and Children, *Gender Audit of Reconstruction Programmes in Southeast Europe*, 2000.

<sup>135</sup> Women's Refugee Commission, *Untapped Potential: Displaced Youth*, 2005.

<sup>136</sup> Pilch, *Rape as Genocide: The Legal Responses to Sexual Violence*, 1999; Swiss and Giller, *Rape as a Crime of War*, 1993.

<sup>137</sup> Pilch, *Rape as Genocide: The Legal Responses to Sexual Violence*, 1999; Swiss and Giller, *Rape as a Crime of War*, 1993.

<sup>138</sup> Swiss and Giller, *Rape as a Crime of War*, 1993.

<sup>139</sup> International Bureau for Children's Rights, *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*, 2001.

<sup>140</sup> McFerran, *Curse of the Janjaweed*, 2007.

<sup>141</sup> United Nations Children's Fund, *The Impact of Conflict on Women and Girls in West and Central Africa and the UNICEF Response*, 2003, p 5.

<sup>142</sup> United Nations Children's Fund, *The Impact of Conflict on Women and Girls in West and Central Africa and the UNICEF Response*, 2003; Physicians for Human Rights, *The use of rape as a weapon of war in the conflict Darfur, Sudan*, 2004.

<sup>143</sup> Physicians for Human Rights, *The Use of Rape as a Weapon of War in the Conflict Darfur, Sudan*, 2004.

<sup>144</sup> United Nations Children's Fund, *The Impact of Conflict on Women and Girls in West and Central Africa and the UNICEF Response*, 2003.

<sup>145</sup> United Nations Children's Fund, *The State of the World's Children*, 1996.

<sup>146</sup> United Nations Children's Fund, *Massive Displacement in North Kivu following Attack Near IDP Camps*, 2007.

scale refugee scenarios not only destabilize the livelihoods and societal roles of women and children, but also further subject them to more abuse given the susceptibility refugee camps are to attacks.<sup>147</sup>

### **Obstacles**

Many different variables stifle proficient action against sexual violence in conflict zones. Among them, the most overlying is the fundamental lack of the rule of law in many of the countries and communities where these abuses take place.<sup>148</sup> Lacking legal measures not only contributes to absent justice for rape victims, but also invite further corruption in impartial governments. Additionally, there are a plethora of cultural notions that make identifying and treating victims extremely difficult.<sup>149</sup> Specifically, women and children who have experienced severe trauma often lack the emotional and social capability to disclose their experiences to rehabilitation personnel.<sup>150</sup> This not only challenges the process of treatment, but also disrupts the data collection process, making it more difficult for actors to equip themselves with the resources truly needed to address the problem of sexual violence. This introduces the obstacle of lacking education in vulnerable environments: in particular, disease awareness, outlets for support, abuse treatment, and community planning for abuse prevention.<sup>151</sup> Moreover, the efforts to prevent sexual violence as a weapon of war currently rest mostly in the hands of global action networks instead of localized agencies. It is widely understood that in order to combat this issue holistically, it will require profound cooperation from regional, national, and local organizations.<sup>152</sup> Without this collaboration, the task of mitigating cultural barriers, lapses in education, and judicial shortcomings will remain a daunting one.

### **Conclusions**

Finding closure to the millions of past unjust instances of sexual abuse as a weapon of war will continue to share priority with preventing future occurrences for the humanitarian community. UNICEF should be considered a pillar resource for this fight, as it has overseen dozens of impositions that resulted in protection and support for displaced women and children. It is clear that UNICEF has the most relevant role, as their reports, research, and involvement in countries across the world pertain exactly to defending children and the mothers they rely on for growth, nourishment, and survival. Revitalizing mothers' confidence and protecting the future opportunities for their sons and daughters is the most important fight we could concern ourselves with at this point in time. While this can be overseen through many venues, it remains true that preventing sexual violence satisfies the overall mission statement of UNICEF in all that it does. Establishing legal sanctity for justice, rehabilitating those who have fallen victim to these crimes, and rallying local and national support even in un-aligned locations is what lies ahead for this political battle. This mission also includes discovering ways we can prevent instances of sexual violence in the future. The fight against sexual violence as a weapon of war epitomizes the struggle over sovereignty versus human rights, which in every capacity represents the grander struggle of achieving international political harmony. It should be our greatest hope, and expectation, that working together on this painful subject can bring us together in discovering new ways to innovate diplomacy and human assistance where it is most needed.

Introducing the means of planning, personnel, resources, and enforcement for preventing sexual violence as a weapon of war will be the main concern for UNICEF for this issue. Also, the extent to which global action groups must rely on local, national, and regional support in more volatile areas will remain a central obstacle in this debate. As members of the international community, the alignment of different scaled governments and actors will be the greatest challenge.

### **Must Reads**

---

<sup>147</sup> Jack, *Gender and Armed Conflict Overview Report*, 2002, p. 14.

<sup>148</sup> International Bureau for Children's Rights, *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*, 2001.

<sup>149</sup> Pilch, *Rape as Genocide: The Legal Responses to Sexual Violence*, 1999.

<sup>150</sup> Urgent Action Fund and the Women's Commission for Refugee Women and Children, *Gender Audit of Reconstruction Programmes in Southeast Europe*, 2000.

<sup>151</sup> United Nations, *Sexual Violence and Armed Conflict: United Nations Response*, 1998.

<sup>152</sup> United Nations Children's Fund, *Eliminating Violence Against Children*, 2007, p 67.



Harvey, Raechel. International Bureau for Children's Rights (2001). *Children and Armed Conflict: A Guide to International Humanitarian and Human Rights Law*. July 21, 2009, from: [www.essex.ac.uk/armedcon/story\\_id/000044.pdf](http://www.essex.ac.uk/armedcon/story_id/000044.pdf)

*This is a thorough inquiry to the paradoxical aid process for sexual violence prevention and rehabilitation. It mentions the elements of shame in victims, as well as the local and national bureaucracies that blur international aid efforts. In addition, it analyzes the wide-ranging lapses in rule of law and pragmatic protection for women and children in developing countries.*

Jack, Amani El. Bridge Institute of Development. *Gender and Armed Conflict Overview Report*. July 21, 2009, from Web site: <http://74.125.47.132/search?q=cache:pindzRoCjeoJ:www.bridge.ids.ac.uk/reports/cep-conflict-report.pdf+gender+and+armed+conflict&cd=1&hl=en&ct=clnk&client=firefox-a>

*This 50-page report addresses many different aspects of Gender Based Violence (GBV). Primarily to understand types and stages of armed conflict so that dynamic and scope of impacts can be assessed Jack examines the types and efficiency of humanitarian interventions, the mainstreaming of organization, as well as recommendations for the policy quandaries.*

Office of the Special Representative of the Secretary-General for Children and Armed Conflict in collaboration with UNICEF. (2009). *Machel Study 10-Year Strategic Review: Children and conflict in a changing world* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/publications/index\\_49985.html](http://www.unicef.org/publications/index_49985.html)

*This thorough review of the Machel Report heavily focuses on the Child protection strategy as well as the national and local legal infrastructures that must be aligned in order to adequately secure the future protection of women and children in conflict. Aside from mentioning the importance of child development and diplomatic engagement, it continues to examine the roles of disease, famine, malnutrition, displacement, and sexual exploitation as variables in the policy dilemma.*

United Nations, United Nations Children's Fund. (2007). *Eliminating Violence Against Children* [Data file]. Retrieved Sep 5, 2009, from UNICEF Web site: [http://www.unicef.org/protection/index\\_publications.html](http://www.unicef.org/protection/index_publications.html)

*This is a very good synopsis of plausible policy solutions that should be welcomed to the aid process of alleviating sexual violence as a weapon of war. It includes preventive strategies, education and organization development, as well as proficient rehabilitation methods for instances when abuse has already occurred.*

United Nations, United Nations Children's Fund. (2003). *The Impact of Conflict on Women and Girls in West and Central Africa and the UNICEF Response* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/publications/index\\_25262.html](http://www.unicef.org/publications/index_25262.html)

*What begins as a historical account of the evolution of sexual violence as a weapon of war turns into a review of the Geneva Conventions throughout the mid 20<sup>th</sup> century—up until the 1990's when the problem was most rampant in the former Yugoslav Republic. From there, the UNICEF report refers to many human rights conferences (such as the Vienna Conference on human rights in 1993) as well as the NGO communities role in responding to damage caused by sexual violence.*

### **III. Implementation of the Convention of the Rights of the Child in Order to Combat Child Exploitation**

*“When shall we have a world in which life is based on a sense of caring, sharing, true love and the protection of all societies and individuals from all forms of abuse, discrimination and exploitation?”<sup>153</sup>*

#### ***Historical and Legal Framework***

For centuries, humanity has sought to regulate human behavior and action in order to maintain an orderly society.<sup>154</sup> Early legislative efforts rarely included children amongst those who were afforded basic human rights.<sup>155</sup> Towards the end of the 20<sup>th</sup> century, the international community fought to include the protection and acknowledgement of

<sup>153</sup> Final Appeal: Statement by children and young people at the 2nd World Congress against Commercial Sexual Exploitation of Children, Yokohama, 2001.

<sup>154</sup> Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, 2008, pp.2-14.

<sup>155</sup> Verhellen, *Convention on the Rights of the Child: Background, Motivation, Strategies, Main Themes*, 2000, pp.11-27.

human rights for children resulting in the Convention on the Rights of the Child (CRC) which recognizes children as separate beings with inherent rights equal to all.<sup>156</sup>

This quest began in 1924 when the League of Nations adopted the first Declaration on the Rights of a Child.<sup>157</sup> In 1945, the United Nations Charter endorsed human rights and fundamental freedoms for all people.<sup>158</sup> In 1948, the United Nations (UN) adopted the Universal Declaration of Human Rights which recognized that children have rights.<sup>159</sup> Several additional Declarations of the Rights of a Child were adopted, the last one in 1959.<sup>160</sup> However, in 1979, Poland noted at the 20th Anniversary Commemoration of the Declaration that the legal definition of children's rights remained faulty, and thus the protection of children could not be ensured.<sup>161</sup> Subsequently, a group of non-governmental organizations (NGOs) including the United Nations Children's Fund and Save the Children, along with UN human rights experts developed the 54 Articles of the CRC which were adopted in 1989 and entered into force in 1990.<sup>162</sup>

In May of 2000, the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, which prohibits the conscription or participation in armed conflicts for those below the age of 18, and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, which prohibits the sale, slavery, or sexual exploitation of children, were added to the CRC.<sup>163</sup> These came into force in 2002. They are periodically supplemented by General Comments from the Committee on the Rights of a Child.<sup>164</sup> In 2006, the rights of disabled children included in the CRC were expanded through the Convention on the Rights of Persons with Disabilities.<sup>165</sup>

### ***Using the Convention to Combat Child Exploitation***

The CRC is the first universal and unconditional legally binding international convention to include the full range of human rights.<sup>166</sup> It sets forth each child's right to develop to the fullest; to protection from harmful influences; abuse and exploitation; and to participate fully in family, cultural, and social life.<sup>167</sup> The CRC's core principles include the right to life, survival, and development; non-discrimination, promotion of the child's best interests, and respect for the child's views, affirming that all rights are inherent, indivisible, interdependent, and implicit.<sup>168</sup> Children's rights are also outlined in the International Convention on Civil and Political Rights, the International Convention on Economic and Social Rights, the Convention on the Elimination of All Forms of Discrimination of Women, the Beijing Platform for Action (rights of female children), the Palermo Protocols, and the Rome Statute of the International Court.<sup>169</sup> But it is the Convention which outlines the actions required from each State Party within its national judicial system to implement CRC articles in order to provide all children a life with dignity and the ability to thrive.<sup>170</sup>

### ***The Role of the United Nations Children's Fund in the Implementation of the Convention***

---

<sup>156</sup> United Nations Children's Fund, "Rights under the Convention on the Rights of a Child," Convention on the Rights of a Child, 1989.

<sup>157</sup> League of Nations, Declaration of Rights of a Child, 1924.

<sup>158</sup> United Nations Conference on International Organization, United Nations Charter, 1945.

<sup>159</sup> United Nations General Assembly, Universal Declaration of Human Rights, 1948.

<sup>160</sup> United Nations General Assembly, Declaration of Rights of a Child, 1959.

<sup>161</sup> Office of the United Nations High Commissioner for Human Rights, Legislative History of the Convention on the Rights of the Child, 2007, p.xxxvii.

<sup>162</sup> Office of the United Nations High Commissioner for Human Rights, Legislative History of the Convention on the Rights of the Child, 2007, p.xxxix.

<sup>163</sup> United Nations Children's Fund, Optional Protocols to the Convention on the Rights of the Child, 2000.

<sup>164</sup> Office of the United Nations High Commissioner for Human Rights, Committee on the Rights of the Child - General Comments, 2002.

<sup>165</sup> de Alba, The Rights of the Child in the Convention on the Rights of Persons with Disabilities, 2007.

<sup>166</sup> United Nations Children's Fund, "Rights under the Convention on the Rights of a Child," Convention on the Rights of a Child, 1989.

<sup>167</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

<sup>168</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

<sup>169</sup> Office of the United Nations High Commissioner for Human Rights, International Law, 2009.

<sup>170</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

UN bodies, including the United Nations Children's Fund (UNICEF) and NGOs, work towards the implementation of, and compliance with the CRC.<sup>171</sup> UNICEF forges partnerships to help create political will on the part of Member States to implement and adopt CRC principles through their national legislation.<sup>172</sup> It also monitors and reports on Member States, provides teams on the ground to work with local organizations, promotes awareness through the media, and reports as well as publicizes violations immediately.<sup>173</sup> One of UNICEF's partners is the UNICEF Innocenti Research Centre (IRC). The IRC supports the implementation of the CRC in industrialized as well as developing countries, monitors the evolving situation of children, helps to collect child-related data, and influences child-related policy decisions through its invaluable research.<sup>174</sup> It documents issues related to the implementation of the CRC and it provides forums for discussions, the exchange of information, knowledge and experiences between practitioners, experts, and researchers at venues, such as the World Congress.<sup>175</sup>

### ***Implementation of the Convention and the Status of Implementation***

State parties to the CRC commit themselves to protecting and ensuring the rights of children within their nation and those affected by their actions abroad.<sup>176</sup> They accept the mandate to implement its actions and policies and the responsibility to be accountable for their actions and progress.<sup>177</sup> Nearly all 192 members of the UN have signed or ratified the Convention with the exception of the United States and Somalia.<sup>178</sup> The U.S. reservations include conflicts between the articles of the CRC and the U.S. Constitution.<sup>179</sup> Both of Somalia's governments have ratified the Convention but as neither officially represents the nation, their ratification of the CRC is invalid.<sup>180</sup>

Implementation of the Convention requires that legislative measures be taken by Member States to include its articles within their laws, educate their nation about its articles, train required professionals, and set aside budgets for the fulfillment of the Convention articles.<sup>181</sup> The Committee on the Right of the Child, UNICEF, IRC and various NGOs monitor and evaluate the compliance progress of Member States.<sup>182</sup>

Nearly all Member States have passed local legislation providing some form of a legal basis to realize children's rights.<sup>183</sup> Some Member States, such as South Africa, have passed legislation to incorporate the principles of the Convention into national law.<sup>184</sup> Others, such as Norway, Spain, Sweden, and Wales have created legal mechanisms through which children can file complaints.<sup>185</sup> Many nations have now instituted bodies responsible for the monitoring of progress in the areas related to children's rights.<sup>186</sup> Progress has been made in establishing children's courts apart from the adult court system, demobilizing child soldiers, mortality and morbidity rates, health care improvements, enrollment in primary education, improvement in housing rights, reduction in child labor, registration of childbirths, which allow children to be tracked for school enrollment and other programs, disaster response, and relief efforts.<sup>187</sup> Examples include: Expanded access to life-saving health interventions which has reduced the overall under-five mortality rate to below 10 million for the first time, nearly 1.2 billion people gained access to improved drinking water and sanitation facilities between 1990 and 2004, the number of children working

---

<sup>171</sup> United Nations Children's Fund Innocenti Research Centre, About Us, 2009.

<sup>172</sup> United Nations Children's Fund, Focus Areas, 2009.

<sup>173</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

<sup>174</sup> United Nations Children's Fund Innocenti Research Centre: Progress report and proposed activities for 2006-2008, 2005.

<sup>175</sup> United Nations Children's Fund, Focus Areas, 2009.

<sup>176</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

<sup>177</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

<sup>178</sup> United Nations Treaty Collection, Convention on the Rights of the Child (A/RES/44/25), Ratification, 2009.

<sup>179</sup> Crary, U.S. clash brewing over global Rights of Child pact, 2009.

<sup>180</sup> United Nations Treaty Collection, Convention on the Rights of the Child (A/RES/44/25), Ratification, 2009.

<sup>181</sup> United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989.

<sup>182</sup> United Nations Committee on the Right of a Child, General Measures of Implementation of the Convention on the Rights of a Child, 2003.

<sup>183</sup> United Nations Children's Fund Innocenti Research Centre, Independent Institutions Protecting Children's Rights, 2001.

<sup>184</sup> United Kingdom All Parliamentary Group for Children Conference, The UN Convention on the Rights of the Child: International Perspectives, 2009.

<sup>185</sup> United Nations Children's Fund Innocenti Research Centre, Independent Institutions Protecting Children's Rights, 2001.

<sup>186</sup> United Nations Children's Fund Innocenti Research Centre, Independent Institutions Protecting Children's Rights, 2001.

<sup>187</sup> United Nations Children's Fund, Children's Rights, 2001.

in hazardous labor has decreased by 26%, there has been a reduction in child soldiers to approximately 250,000; and school meals are being offered in India in response to a CRC mandate.<sup>188</sup>

Yet, children's rights are still being violated through exploitation, abuse, poverty, and armed conflict.<sup>189</sup> The Mid-Term Review of the UN Special Session on Children (2007) outlined the key issues that continue to threaten children's rights and urged international cooperation and assistance in resolving them.<sup>190</sup> Concerns include Member States that have ratified the Convention with reservations and those violating the Convention by not doing everything possible to prevent the exploitation of children.<sup>191</sup> The following five major problem areas require international cooperation to fulfill the mandates of the CRC: 1) Sexual exploitation of children, 2) Child trafficking and child labor, 3) Child soldiers, 4) Child marriages, and 5) Violence against children.

### ***Sexual Exploitation of Children***

UNICEF and the United Nations Population Fund (UNFPA) estimate that there are nearly 2 million children exploited in prostitution or pornography worldwide.<sup>192</sup> Forms of sexual exploitation of children include trafficking in children for this purpose, prostitution, sex tourism, "pleasure marriages", pornography, and internet crimes.<sup>193</sup> The causes can involve high poverty and unemployment levels, demand, homelessness, coercion, population density, migration, low value attached to education, family dysfunction, a cultural obligation to help support the family, survival, previous sexual or physical abuse, presence of military troops, and HIV/AIDS.<sup>194</sup> In Nepal, close to 12,000 children are trafficked for sexual exploitation each year.<sup>195</sup> 84% of child prostitutes interviewed in Tanzania had been sexually abused by law enforcement officers.<sup>196</sup> UNICEF estimates that there are 60,000 child prostitutes in the Philippines.<sup>197</sup> The CRC has not significantly deterred sexual exploitation of children as the financial rewards are immense.<sup>198</sup> International agencies who have been working together to combat exploitation, recommend utilizing pressure from the media and other Member States, expanding education programs, instituting children's courts, expanding the use of ombudsmen, working to resolve poverty issues, strengthening border security, dealing with illegal trafficking, and continuing to promote international cooperation between the UN, governments and NGOs to solve the problem of child exploitation.<sup>199</sup>

### ***Child Trafficking and Child Labor***

Making up 50% of trafficked persons, approximately 1.5 million children are trafficked annually and subjected to various forms of exploitation, resulting in coercion, sale, abuse, and even death.<sup>200</sup> An estimated 158 million children aged 5-14 are child laborers who work in hazardous conditions in mines, or with chemicals and machinery, or as servants, or as sex workers.<sup>201</sup> The International Programme on the Elimination of Child Labor (IPEC) works in 88 countries with employers' and workers' organizations, government agencies, businesses, NGOs, the media, the legislature, and the judiciary to eliminate child labor.<sup>202</sup> IPEC defines child labor as "work that deprives children of

---

<sup>188</sup> United Kingdom All Parliamentary Group for Children Conference, The UN Convention on the Rights of the Child: International Perspectives, 2009.

<sup>189</sup> United Nations, Statement by the President of the Security Council, 2009.

<sup>190</sup> United Nations, Mid-Term Review of the UN Special Session on Children, 2007.

<sup>191</sup> United Nations, Statement by the President of the Security Council, 2009.

<sup>192</sup> Youth Advocate Program International, Commercial Sexual Exploitation of Children (CSEC) and Child Trafficking, 2009.

<sup>193</sup> International Programme on the Elimination of Child Labour, Facts on commercial sexual exploitation of children, 2004.

<sup>194</sup> Preparation for the World Congress III Against Sexual Exploitation of Children and Adolescents, 2008.

<sup>195</sup> International Programme on the Elimination of Child Labour, Facts on Commercial sexual exploitation of children, 2004.

<sup>196</sup> International Programme on the Elimination of Child Labour, Facts on Commercial sexual exploitation of children, 2004.

<sup>197</sup> United Nations Children's Fund, Factsheet: Child Trafficking in the Philippines, 2004

<sup>198</sup> Preparation for the World Congress III Against Sexual Exploitation of Children and Adolescents, 2008.

<sup>199</sup> United Nations Children's Fund. Expert Consultation: Legal Frameworks, Procedures and Enforcement: Preventing and Responding to Sexual Exploitation of Children and Adolescents in Preparation for World Congress III against Sexual Exploitation of Children and Adolescents, 2008.

<sup>200</sup> United Nations Children's Fund Innocenti Research Centre, Trafficking in Human Beings, Especially Women and Children in Africa, 2003.

<sup>201</sup> International Labour Conference 95<sup>th</sup> Session, The End of Child Labour: Within Reach, 2006.

<sup>202</sup> International Labour Conference 95<sup>th</sup> Session, The End of Child Labour: Within Reach, 2006.

their childhood, their potential and their dignity, and that is harmful to physical and mental development.”<sup>203</sup> Most UN legislation, including the CRC, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children prohibits trafficking for any reason.<sup>204</sup> This Protocol, which came into force in 2003, contains the first detailed and internationally binding definition of trafficking in children.<sup>205</sup> Other legislation includes The Worst Forms of Child Labor Convention of the ILO, which came into force in 1999, and defines the worst forms of labor mandating that State Parties prohibit these forms of work by law and The International Convention on the Protection and Rights of All Migrant Workers and Members of Their Families which protects migrant workers by prohibiting slavery or forced work.<sup>206</sup>

### ***Child Soldiers***

It is estimated that two million children died in armed conflicts between 1995 and 2005, close to six million were permanently injured, and more than 14 million were forcibly displaced from their homes between 2003 and 2006.<sup>207</sup> Many of these children participate in these conflicts as “Child Soldiers” and are either forcibly conscripted or “volunteer” out of fear, abject poverty, or because they are orphans.<sup>208</sup> They are witnesses to or participants in unspeakable acts of violence which damage them for life and suffer violence, abuse, hunger, lack of medical care, and death.<sup>209</sup> Article 38 of the CRC, the Paris Principles, and Article 8.2.26 of the Rome Statute of the International Criminal Court prohibit the use of children as soldiers, considering this a war crime.<sup>210</sup> Yet, many Member States party to this legislation are ill-equipped, unprepared, or unwilling to provide the assistance necessary for the rehabilitation and treatment of such children allowing them to heal and become reintegrated into society.<sup>211</sup>

### ***Child Marriages***

Member States, such as India, Somalia, and Iran, are struggling with child marriage.<sup>212</sup> The percentage of girls already married between the ages of 15-19 in selected countries include: The Democratic Republic of Congo at 74%, Niger at 70%, Afghanistan at 54%, Bangladesh at 51%, Honduras at 30%, and Iraq at 28%.<sup>213</sup> Article 16 of the Universal Declaration of Human Rights states that persons must be at "full age" when married and that marriage should be entered into "freely" and with "full consent."<sup>214</sup> Article 16 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women states that child marriages are illegal.<sup>215</sup> The International Conference on Population and Development (Principle 9, Action 4.18 and Action 5.5) declared that the minimum age for marriage should be raised and enforced.<sup>216</sup> The effects of child marriage are detrimental to the health of the child and can include difficult childbirth, damage to the reproductive organs, increased incidence of HIV, and cancer.<sup>217</sup> UNICEF calls attention to child marriage as part of its broader approach to gender discrimination which undermines the rights of women and children.<sup>218</sup> UNICEF’s Global Girl’s Education Programme ensures that girls have an equal opportunity at education which is instrumental in delaying marriage and important for the overall development of girls and young women.<sup>219</sup>

---

<sup>203</sup> International Labour Conference 95<sup>th</sup> Session, *The End of Child Labour: Within Reach*, 2006.

<sup>204</sup> Office of the United Nations High Commissioner for Human Rights, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, 2000.

<sup>205</sup> Office of the United Nations High Commissioner for Human Rights, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, 2000.

<sup>206</sup> United Nations, *The International Convention on the Protection and Rights of All Migrant Workers and Members of Their Families*, 2003.

<sup>207</sup> United Nations, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, 2005.

<sup>208</sup> Singer, *Children at War*, 2005, pp.37-57.

<sup>209</sup> Singer, *Children at War*, 2005, pp.57-70.

<sup>210</sup> United Nations Children’s Fund, *The Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups*, 2007.

<sup>211</sup> United Nations, *Security Council Update Report No.2 Children and Armed Conflict*, 2008.

<sup>212</sup> United Nations Children’s Fund Innocenti Research Centre, *Early Marriage: Child Spouses*, 2001.

<sup>213</sup> United Nations Children’s Fund Innocenti Research Centre, *Press Release: Child Marriages must Stop*, 2001.

<sup>214</sup> United Nations General Assembly, *Universal Declaration of Human Rights*, 1948.

<sup>215</sup> United Nations, *Convention on the Elimination of all Forms of Discrimination against Women*, 1979.

<sup>216</sup> United Nations, *International Conference on Population and Development- ICDP Programme of Action*, 1994.

<sup>217</sup> Clark, *Early Marriage and HIV Risks in Sub-Saharan Africa*, 2006.

<sup>218</sup> United Nations Children’s Fund, *Early marriage: A harmful traditional practice*, 2005.

<sup>219</sup> United Nations Children’s Fund Innocenti Research Centre, *Early Marriage: Child Spouses*, 2001.

## ***Violence against Children***

The 2006 Report to the UN submitted by Paulo Sérgio Pinheiro, the Special Rapporteur to the Secretary-General, discusses violence against children in the home and family, academic and care settings, justice institutions, the workplace, and the community.<sup>220</sup> It found that not only does this violence still exist but only 24 nations fully prohibit violence against children.<sup>221</sup> Violent child abuse is often accepted as part of the national culture.<sup>222</sup> This is inconsistent with the Universal Declaration on Human Rights, the CRC, the International Covenant on Civil and Political Rights, the UN Standard Minimum Rules for the Administration of Juvenile Justice, and the UN Guidelines for the Prevention of Juvenile Delinquency.<sup>223</sup> The resistance by State parties to the incorporation of CRC requirements regarding violence against children into their national laws may be a result of approaches that are not designed within the local context, rendering them ineffective and possibly counterproductive.<sup>224</sup>

## ***Conclusion***

Political will on the part Member States is necessary to fulfill the universal implementation of the Convention.<sup>225</sup> UNICEF, the Committee on the Right of a Child, and other UN bodies must assist State Parties in developing and implementing legislative reform tailored to the needs of their respective country, if necessary through sanctions.<sup>226</sup> Difficult challenges include the withdrawal of Member States reservations, greater global efforts towards the elimination of poverty, and the ratification of the Optional Protocols by all Member States.<sup>227</sup> The creation of an international court accessible to children and independent national bodies specific to the representation of children's rights with the power to implement national legislation are two possible solutions to implementation issues.<sup>228</sup>

Has the Convention proven effective in curbing all forms of child exploitation? How can UNICEF assist in increasing its effectiveness? How can information gathered through monitoring and reporting be used to improve children's circumstances? Considering each nation's unique culture and economic situation how can universal compliance with internationally ratified standards be enforced? How influential has participation by children proven to be in formulating policies combating the exploitation of children?

## ***Must Reads***

Blanchet-Cohen, Natasha. (2009). *Children, Agency and Violence: In and Beyond the United Nations Study on Violence against Children*. Retrieved August 31, 2009, from [http://www.unicef-irc.org/publications/pdf/iwp\\_2009\\_10.pdf](http://www.unicef-irc.org/publications/pdf/iwp_2009_10.pdf)

*This paper examines how the CRC has made a difference in the lives of children, and the role of child agency as it relates to child protection. In spite of reforms, fund allocations, plans, and conferences the paper contends that there is a lack of evidence of the impact of all these actions on the lives of children. With respect to child protection there is a lack of evaluations of interventions designed to prevent children from being exploited, abused, or neglected. It also contends that the prevailing child protection models commonly neglect local community assets which can play a critical role.*

International Labour Conference 95<sup>th</sup> Session. (2006). *The End of Child Labour: Within Reach*. Retrieved August 31, 2009, from <http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/rep-i-b.pdf>

---

<sup>220</sup> United Nations General Assembly, World Report on Violence against Children, 2006.

<sup>221</sup> The Global Initiative to End All Corporal Punishment of Children, Statistics, 2009.

<sup>222</sup> United Nations Children's Fund Innocenti Research Centre, *A Study on Violence Against Girls*, 2009.

<sup>223</sup> United Nations, Report of the independent expert for the United Nations study on violence against children, 2006.

<sup>224</sup> Blanchet-Cohen. *Children, Agency and Violence: In and Beyond the United Nations Study on Violence Against Children*, 2009.

<sup>225</sup> United Nations, Statement by the President of the Security Council, 2009.

<sup>226</sup> United Nations, Statement by the President of the Security Council, 2009.

<sup>227</sup> United Nations Children's Fund, *The Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups*, 2007.

<sup>228</sup> United Kingdom All Parliamentary Group for Children Conference, *The UN Convention on the Rights of the Child: International Perspectives*, 2009.

This is the Global Report of the Director-General under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. This latest report indicates that significant changes have been made in reducing the amount of child labor in developing countries but that there is still much work to be done. It specifically addresses the end of child labour and the resources necessary to accomplish this goal. This report emphasizes the need for international political support which is vital to ending child labour. The document discusses the need for economic growth but not as an isolated mechanism to end child labor. It must be accompanied by progressive policies, education for all children, jobs for adults, and human rights.

Office of the United Nations High Commissioner for Human Rights. Legislative History of the Convention on the rights of the child. Vols. 1 and 2. Retrieved August 31, 2009, from <http://www.scslat.org/web/publicaciones/interna.php?xid=267&xfontmore=1&xleng=i&xopep=5>  
This is the most detailed, and comprehensive history available regarding the CRC. Nearly 2000 pages discuss the efforts leading up to the development of the CRC, the impetus for its creation, the nations, NGOs and other parties involved, related legislation, the development of the Optional Protocols, implementation, articles which were submitted but not included, and the numerous drafts of the CRC. The document was ten years in the making.

United Nations Children's Fund Innocenti Research Centre -Innocenti Digest. (March 2001). Early Marriage: Child Spouses. Retrieved August 31, 2009, from <http://www.unicef-irc.org/publications/pdf/digest7e.pdf>

This digest looks at the reasons for the perpetuation of early marriage, and its possible increase in populations under stress, examines the harmful impact of the practice, and offers positive guidelines to end the practice of early marriage in conjunction with the CRC. It contends that early marriage has serious physical, intellectual, psychological, and emotional effects on children. It eliminates the ability to pursue education and to grow. It nearly always leads to premature pregnancies, difficult childbirth, and a lifelong subservience to the family and husband. Their biggest goal is to raise awareness in developing countries about the negative impact of child marriage.



## ***Annotated Bibliography***

### ***Committee History***

Fasulo, L. (2004). *An Insider's Guide to the UN*. New Haven and London: Yale University Press. *Providing a general overview to the United Nation (UN), it is a comprehensive guide for delegates to get familiar with the United Nation system. The author provides key information on the UN body and highlights the function of committees within the UN. Delegates will gain in insight into the function, activity and role of their committee within the UN body. Furthermore it addresses specific topics including human rights and peacekeeping, which might be of interest to delegates.*

United Nations, United Nations Children's Fund. (n.d.). *Matrix: UNICEF Focus Areas and the Millennium Agenda*. Retrieved August 01, 2009, from UNICEF Web site: [http://www.unicef.org/mdg/28184\\_28228.htm](http://www.unicef.org/mdg/28184_28228.htm) *This web page provides a chart with concise information on UNICEF's Millennium Agenda and Focus Areas during the years 2006 to 2009. It explains the Millennium Summit Declaration and Millennium Development Goals and the Organizational Focus Areas for UNICEF's Medium-Term Strategic Plan 2006-2009.*

United Nations, United Nations Children's Fund. (n.d.). *Members, 2009 Executive Board*. In *UNICEF Executive Board*. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/about/execboard/index\\_42661.html](http://www.unicef.org/about/execboard/index_42661.html) *The web page includes various charts listing the Executive Board of UNICEF. Furthermore it provides delegates with information on the election and the composition of the Executive Board in 2009 to 2011.*

United Nations, United Nations Children's Fund. (n.d.). *Second round of Child Health Days aims to boost child survival in Somalia*. Retrieved September 06, 2009 from UNICEF Web site: [http://www.unicef.org/infobycountry/somalia\\_51054.html](http://www.unicef.org/infobycountry/somalia_51054.html) *The article introduces a campaign undertaken by UNICEF to improve children's health in Somalia. It illustrates the progress made in cooperation with partners and donors. As an example of humanitarian action in Sub-Saharan Africa, this article might draw attention to other activities of the committee.*

United Nations, United Nations Children's Fund. (n.d.). *Teaching mothers healthy habits in India*. Retrieved September 06, 2009 from UNICEF Web site: [http://www.unicef.org/infobycountry/india\\_51066.html](http://www.unicef.org/infobycountry/india_51066.html) *With health and nutrition being one of the largest sectors of emergency funding and funding in this article gives a first hand account of how UNICEF cooperates with state governments to educate mothers in terms of health and nutrition for themselves and their children. Delegates may use this article to find further information on the actions taken by UNICEF in Asia and in general.*

United Nations, United Nations Children's Fund. (n.d.). *UNICEF*. Retrieved July 21, 2009, from <http://www.unicef.org/infobycountry/industrialized.html> *This Web site, provides delegates with country specific information by giving an overview of action undertaken by UNICEF in the particular country. Delegates may use this source to find relevant information on other countries and programs as well as actions undertaken by UNICEF worldwide.*

United Nations, United Nations Children's Fund. (2004). *UNICEF at a Glance* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/publications/index\\_19020.html](http://www.unicef.org/publications/index_19020.html) *This document briefly comprises the key information about UNICEF. It includes an historical overview and names the mandate and activities in regards to the United Nations Millennium Development Goals for 2015.*

United Nations, United Nations Children's Fund. (2006). *1946-2006 Sixty Years for Children* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: [http://www.unicef.org/publications/index\\_36603.html](http://www.unicef.org/publications/index_36603.html) *This document provides a detailed chronological overview on the history of UNICEF by looking in chapters of ten years at the development, achievement and recognition of rights, the Millennium Development Goals and the challenges ahead. It covers the first sixty years of UNICEF developing from what originally used to be emergency fund to a program and development agency.*

### ***I. Legal Concerns and Safeguards for Children in Transitional Justice***

American Non-Governmental Organizations Coalition for the International Criminal Court. (2005, October 13). *The ICC and Alternative Justice Mechanisms in Africa* [Brochure]. United Nations Association of the United States of America. Retrieved August 28, 2009, from [http://www.google.de/url?sa=t&source=web&ct=res&cd=2&url=http%3A%2F%2Fwww.amicc.org%2Fdocs%2FCIC%2520Alternative%2520Justice%2520Africa.pdf&ei=6ESYSqjdK5SCnOOQrcnEBA&usg=AFQjCNFvmudaUCa vfu7daip9V9iW-uLtlQ&sig2=m2JjOXm\\_-nd63vjhyzG1A](http://www.google.de/url?sa=t&source=web&ct=res&cd=2&url=http%3A%2F%2Fwww.amicc.org%2Fdocs%2FCIC%2520Alternative%2520Justice%2520Africa.pdf&ei=6ESYSqjdK5SCnOOQrcnEBA&usg=AFQjCNFvmudaUCa vfu7daip9V9iW-uLtlQ&sig2=m2JjOXm_-nd63vjhyzG1A)

*It has been argued that the International Criminal Court has been designed to impose a Western model of justice on African societies. Others claim that its trials are incompatible with African traditional justice mechanisms and fear that they might interfere with reconciliation processes in countries affected by nationwide conflicts. This paper addresses these concerns by explaining the nature and origin of the conflicts that are presently being investigated by the Office of the Prosecutor, as well as the reasons for the International Criminal Court involvement. It also provides information on past experiences in peace and reconciliation in Africa and assesses the advisability of using alternative justice mechanisms in post-conflict societies.*

Arts, Karin (2006). *International Criminal Accountability and the Rights of Children*. From Peace to Justice. Cambridge: Cambridge University Press.

*This book explores to what extent international law instruments and international criminal accountability mechanisms help to counter violations of children's rights during and after armed conflicts. It also analyses current practices in international criminal accountability mechanisms, such as the International Criminal Court and the Special Court for Sierra Leone.*

Borello, Federico (2004, October). *A First Few Steps: The Long Road to a Just Peace in the Democratic Republic of the Congo* [Brochure]. International Center for Transitional Justice. Retrieved August 30, 2009, from [http://www.google.de/url?sa=t&source=web&ct=res&cd=5&url=http%3A%2F%2Fwww.ictj.org%2Fimages%2Fcontent%2F1%2F1%2F115.pdf&ei=t7qaSs61JluwnOO57J2GDg&usg=AFQjCNFgap5j1G\\_3aA313zzHx\\_T7HU555g&sig2=hpwwUr-KC1PhyttDc\\_xrjA](http://www.google.de/url?sa=t&source=web&ct=res&cd=5&url=http%3A%2F%2Fwww.ictj.org%2Fimages%2Fcontent%2F1%2F1%2F115.pdf&ei=t7qaSs61JluwnOO57J2GDg&usg=AFQjCNFgap5j1G_3aA313zzHx_T7HU555g&sig2=hpwwUr-KC1PhyttDc_xrjA)

*This paper analyses the benefits of a hybrid court, with a combination of international and domestic resources, vis-à-vis the alternatives of domestic trials, and fully international tribunals. Hybrid courts seem to address many of the criticisms of international tribunals, such as cost and efficiency, while adding a level of independence and authority that may be missing from domestic courts. However, a hybrid court cannot restore confidence in local institutions as domestic efforts can, and it still represents a significant financial investment that some argue would be best made in repairing the domestic legal system. This paper argues that if a hybrid court is ever established in the Democratic Republic of the Congo, it should be based upon an open and consultative process in which the views of civil society and victims of human rights abuse are taken into account. This paper outlines the policy issues that need to be confronted in this discussion.*

Clark-Kazak, Christina (2006). *Juvenile Justice and Child Soldiering: Trends, Challenges, Dilemmas*. In C. W. Greenbaum, *Protection of Children During Armed Political Conflict: A Multidisciplinary Perspective* (pp. 311-328). Antwerpen: Intersentia.

*Accountability issues related to child soldiering present challenges to child protection and reconciliation of war-torn communities. Impunity for recruiters fuels the use of child soldiers in violation of international law. Moreover, in the absence of appropriate judicial and reconciliation processes for child soldiers accused of crimes, these children often are denied their rights, suffer psycho-social effects, and/or face challenges as they attempt to reintegrate into communities. This paper is intended as a first step towards increased awareness and understanding of criminal justice and accountability issues facing child soldiers. It outlines legal dilemmas regarding criminal responsibility and provides some preliminary recommendations to ensure appropriate juvenile justice processes for child soldiers.*

Coalition to Stop the Use of Child Soldiers. (2008). *Child Soldiers: Global Report 2008* (Monograph). Retrieved August 30, 2009, from [http://www.google.de/url?sa=t&source=web&ct=res&cd=2&url=http%3A%2F%2Fwww.childsoldiersglobalreport.org%2Ffiles%2Fcountry\\_pdfs%2FFINAL\\_2008\\_Global\\_Report.pdf&ei=k7GaSoygBIWqsAak3oCeBQ&usg=AFQjCNGAvru0UfFB86uE0k91hQtPi7FYHQ&sig2=kH6wqbH4P5WQAL9Zfu79DA](http://www.google.de/url?sa=t&source=web&ct=res&cd=2&url=http%3A%2F%2Fwww.childsoldiersglobalreport.org%2Ffiles%2Fcountry_pdfs%2FFINAL_2008_Global_Report.pdf&ei=k7GaSoygBIWqsAak3oCeBQ&usg=AFQjCNGAvru0UfFB86uE0k91hQtPi7FYHQ&sig2=kH6wqbH4P5WQAL9Zfu79DA)

*The Child Soldiers Global Report 2008 details how a near global consensus that children should not be used as soldiers and strenuous international efforts have failed to protect tens of thousands of children from war. When*

*armed conflict exists, children will almost inevitably become involved as soldiers. The report examines issues of justice and accountability in relation to child recruiters and begins to explore some of the issues involved. It highlights the problems associated with disarmament, demobilisation, reintegration in most countries. Girls in particular continue to be excluded from official programmes – whether by design or default – despite well-documented information of their involvement in armed conflict and their need for disarmament, demobilisation, reintegration programmes which respond to their particular needs. Programmes to support the sustainable reintegration of former child soldiers have been inadequate and many returning children have received no support; and funding has been lacking in many cases.*

Committee on International Conflict Resolution. (2000). *International Conflict Resolution After the Cold War*. Washington D.C.: National Academies Press.

*To help develop insights for conflict resolution practitioners, the Committee examines evidence on the effectiveness of a dozen approaches to managing or resolving conflict in the world. It considers recent applications of familiar strategies such as threats of force, economic sanctions, and negotiations. It also assesses some less familiar approaches, including truth commissions, engineered electoral systems, and autonomy arrangements.*

Corey, Allison (2004, January). Retributive justice: The Gacaca courts in Rwanda. *African Affairs*, 103(410), 73-89. *After decades of cycling violence between Hutu and Tutsi groups in Rwanda and Burundi, violence peaked in 1994 with a genocide of Tutsis in Rwanda, during which the Hutu majority slaughtered 800,000 Tutsi and moderate Hutus, leaving the country with 120,000 accused genocidaries awaiting trial. Rwanda's Gacaca courts were established as a response to the backlog of untried genocide cases. These courts disturbingly distinguish between genocide and war crimes committed during the same era, trying only those accused of genocide. This article argues that the Gacaca process will contribute to the insecurity of all Rwandan citizens in the future, since it pursues inequitable justice, accentuates the ethnic divide and will be interpreted as revenge.*

Council of Europe. (2009). *International justice for children*. Strasbourg: Council of Europe.

*This book discusses the principles of child-friendly justice at international level and examines monitoring mechanisms and current systems of admissibility, determining how easy or difficult it is for children to gain access to them. This publication also identifies the obstacles to be overcome and proposes concrete ways to remove them through specific recommendations to governments, international organisations, and monitoring bodies. This work is a solid contribution to making international justice accessible, friendly, and meaningful to children, thus ensuring that children's rights safeguarded by conventions are concrete and not just theoretical.*

Crandall, Joanna (2004, April). Truth Commissions In Guatemala And Peru: Perpetual Impunity And Transitional Justice Compared. *Peace Studies Journal*, (4), 13. Abstract retrieved August 9, 2009, from <http://www.google.de/url?sa=t&source=web&ct=res&cd=1&url=http%3A%2F%2Fwww.peacestudiesjournal.org.uk%2Fdl%2Fperpetualimpunity.PDF&ei=BX63SbnbDpfAmsgOh65zUDw&usg=AFQjCNFIZJwxSJ9GG38z0Fwp-Q4zZ79tWQ&sig2=yM9Z7EKqzbLeW2dkCi5kJw>

*This article explores the truth and reconciliation processes in Guatemala and Peru concluding that justice, in the form of legal prosecutions, must follow the truth-seeking process in order for there to be any form of meaningful reconciliation.*

Crocker, David (2000). Truth Commissions, Transitional Justice, and Civil Society. In *Truth v. Justice: The Morality of Truth Commissions* (pp. 99-121). Princeton University Press.

*Noting the increasing recourse to truth commissions to deal with past, systematic violations of human rights, Crocker maintains that they must be supplemented with other measures, including trials and judicial punishment. Additionally, he argues for the importance of a nation's civil society and even international civil society in the success of truth commissions and the transition to democracy. Crocker thus frames issues pertaining to the purposes and work of truth commissions in terms of transitional justice – that is, the effort to reckon with past abuses without undermining emerging democracy. On these bases, Crocker discusses the strengths and limitations of truth commissions, domestic civil society and transitional justice, and international civil society and transitional justice.*

de Feyter, Koen (2006). *Out of the Ashes: Reparation for Victims of Gross Human Rights Violations*. Antwerpen: Intersentia.

*This book is a collection of the papers presented in the International Conference on Reparations, held in Feb 2005, in Brussels. It is published in the context of the research project on reparations for gross and systematic violations of human rights, conducted by the universities of Antwerp and Leuven.*

Detrick, Sharon (1999). *A Commentary on the United Nations Convention on the Rights of the Child*. The Hague: Martinus Nijhoff Publishers.

*This book provides a commentary on the United Nations Convention on the Rights of the Child which was adopted by the General Assembly of the United Nations on November 20, 1989. Part One contains a general introduction to the Convention on the Rights of the Child and deals with matters such as the drafting history, the contents, direct application, horizontal effects, limitations, the Committee on the Rights of the Child, and the Convention's final provisions. Part Two contains an article-by-article commentary. The aim of which is not to give an interpretation of the precise nature and scope of States parties' obligations but rather to identify the materials or sources which provide guidance in that regard. In the identification of such materials, attention has been paid to the general rules of treaty interpretation, as set forth in the Vienna Convention on the Law of Treaties.*

Hegarty, Angela (1999). *Human Rights: An Agenda for the 21st Century*. London: Routledge Cavendish.

*This book brings together established and emerging human rights scholars, practitioners, and activists to propose a human rights agenda for the 21st century. It fuses solid academic research, specialist knowledge, and practical experience of human rights issues and problems to present a coherent and thought provoking exploration of the new and emergent themes in this exciting area.*

Hobbs, Sandy (1999). *Child Labor: A World History Companion*. Santa Barbara: ABC-CLIO.

*From Dickensian exploitation of orphans to the after-school jobs of American students, child labour continues to generate controversy. Surveying working children from the Industrial Revolution to the present day, child labour takes the subject beyond the usual third world confines as it looks at traditional children's occupations, from chimney sweeps in Victorian Britain to child actors in TV commercials. This book is an encyclopaedia of terms, concepts, countries, regions, jobs, contexts, organisations, activists, and problems associated with child labour around the world, with an emphasis on experiences in the United States and Great Britain.*

Human Rights Watch. (2004, September). *The International Criminal Court: How Nongovernmental Organisations Can Contribute To the Prosecution of War Criminals* [Brochure]. Retrieved August 27, 2009, from <http://hrw.org/backgrounders/africa/icc0904/icc0904.pdf>

*This guide answers some of the frequently asked questions about the Court. In particular it explains how non-governmental organisations can contribute to the Court's work of prosecuting war crimes, crimes against humanity, and genocide at the international level. It does so by answering frequently asked questions about the International Criminal Court and the way non-governmental organisations can contribute to its efforts.*

Ishay, Micheline R. (2008). *The History of Human Rights: From Ancient Times to the Globalization Era* (2nd ed.). Berkeley: University of California Press.

*Ishay's treatment seeks to survey how those qualities have been defined and it leans decidedly toward the theoretical, a caution to readers preferring inspirational stories. Ishay presents a spectrum of writers on human rights whom she links through time on themes, such as the friction between individual and group rights, or the rights of man versus the prerogatives of the state, as the problem was put in the Enlightenment. It is one of six chronological periods into which the subject is organised, beginning with ancient religious commentary on rights. Following discussion of the Enlightenment's liberal legacy, Ishay develops socialist conceptions of group rights that arose from the Industrial Revolution and that also echo in contemporary concerns with globalisation.*

Ismael, Shereen (2006). *Child Poverty and the Canadian Welfare State: From Entitlement to Charity*. Alberta: The University of Alberta Press.

*In 2005, 1.2 million children in Canada were living below the poverty level. This represents a 20% increase since 1989, the year that the federal government unanimously passed a resolution to eliminate child poverty by 2000. To understand the state of children's welfare, child poverty, and the Canadian welfare state this book reviews Canadian social policy reform and discovers that the welfare of poor children is a casualty of the war on the welfare state launched by opposing political ideologies. This study surveys the shift from entitlement to charity from the perspective of social policy reform.*

Kwakwa, Edward K. (1992). *The International Law of Armed Conflict: Personal and Material Fields of Application*. Dordrecht: Kluwer Academic Publishers.

*The underlying rationale for the international humanitarian law of war is the protection of individuals and victims of war. This book is a contribution to the study of human rights in general and humanitarian law in particular. It contains detailed information and analysis of the law and practice relating to international armed conflict involving irregular combatants. The discussion focuses on the most controversial provisions of Additional Protocol I to the Geneva Conventions: The classification of wars of national liberation, the treatment of guerrillas and mercenaries upon capture, reprisals, and the question of supervision and implementation in such conflicts.*

Mapp, Susan C. (2007). *Human Rights and Social Justice in a Global Perspective: An Introduction to International Social Work*. New York: Oxford University Press.

*An eye-opening overview of international human rights and social justice, this exemplary introductory text focuses on current global problems of pressing concern for social workers. Mapp addresses difficult topics, such as healthcare, violence against women, war and conflict, forced labour, and child soldiers in an accessible manner that encourages thinking critically about such problems, researching the issues, and getting involved with organisations that are working on them.*

Méndez, Juan E. (1997, May). Accountability for Past Abuses. *Human Rights Quarterly*, 19(2), 255-282. Abstract obtained from *Human Rights Quarterly*, 1997, 19.

*This study focuses on the debates about holding perpetrators of massive human rights violations accountable. It also focuses on the experience, in Latin America and elsewhere, of attempts to restore truth and justice to the legacy of abuse remaining from the recent past.*

Mittal, Sujata (2004). *Child Development*. Delhi: Isha Books.

*Children are the building blocks of a nation. If they are provided the right kind of development, they contribute to the nation's growth in a big way, when they grow up. This set in three volumes is focused on the subject and takes into account the various factors that influence a child's development. This book deals with the emotional and behavioural aspects of a child's personality and takes up the issues of child psychology and possibilities of child abuse in the prevailing environment.*

Morrison, Andrea M. (2004). *International Government Information and Country Information: A Subject Guide (How to Find It, How to Use It)*. Santa Barbara: Greenwood Press.

*Global issues are of paramount importance in a networked world of rapid, almost instant, dissemination of information via the Internet, and researchers, students, government officials, policy makers, and data users need access to a ready reference source to current government information on an international and national level. The purpose of this volume is to introduce the wide variety of international information resources that are available on a given subject, from such sources as international governmental organisations, national governments, organisations, universities, and commercial publishers.*

Mower, Alfred G. (1997). *The Convention on the Rights of the Child: International Law Support for Children*. Santa Barbara: Greenwood Press.

*Mower deals first with the significance, origin, and development of the Convention on the Rights of the Child, then describes and analyses its substantive content, procedures, and mechanisms for the Convention's implementation. He concludes with an examination of the factors that are most likely to determine the rate of progress toward the realisation of the convention's goals. Based on official records, relevant secondary sources, and observations of members of the Convention's implementary organ, the book will be of considerable use to scholars and researchers in the fields of human rights and children's welfare.*

Oestreich, Joel (2007). *Power and Principle: Human Rights Programming in International Organizations*. Washington D.C.: Georgetown University Press.

*Power and Principle is a comparative study of how and why inter-governmental organisations integrate human rights standards into their development operations. It focuses on the process of policy innovation in three inter-governmental organisations related to the United Nations: the United Nations Children's Fund, the World Bank, and the World Health Organization. In his comprehensive analysis, Oestreich uses case studies to demonstrate how their policies have evolved during the past two decades to reflect important human rights considerations.*



O'Flaherty, Michael (2007). *The Human Rights Field Operation*. Hampshire: Ashgate.

*This volume assesses the development of human rights field operations of the United Nations and other inter-governmental organisations. It makes a substantial contribution to the debate and understanding with regard to the sector's underlying doctrine. The book, unprecedented in its scope, addresses the range of aspects of the nature, role, and activities of field operations. It draws together the reflections of academics, policy makers, and field practitioners. Its analysis is located within the context of applicable normative and ethical frameworks, assessment of former and current practice, and examination of complementary and analogous experiences.*

Pennegård, Ann-Marie Bolin (1999). Article 5. In G. Alfredsson, *The Declaration of Human Rights: A Common Standard of Achievement* (pp. 121-146). Springer.

*This volume celebrates the 50th anniversary of the Universal Declaration of Human Rights. In so doing, it offers a comprehensive and systematic treatment of the rights and duties contained in the Universal Declaration of Human Rights, in the light of its history, the intentions of its drafters, and the standard-setting activities and monitoring efforts which have grown out of its existence. Each article of the Universal Declaration of Human Rights is treated in a separate chapter; each chapter is written by a different author, all scholars from, or associated with, the Nordic countries, and all active in human rights work, either academically or in the field.*

Rome Statute. (1998). Retrieved August 30, 2009, from <http://untreaty.un.org/cod/icc/statute/romefra.htm>

*The Rome Statute of the International Criminal Court is the treaty that established the International Criminal Court. It was adopted at a diplomatic conference in Rome on July 17, 1998 and it entered into force on July 1, 2002. As of June 2009, 108 states are party to the statute. Chile became the 109<sup>th</sup> state party on September 1, 2009 and a further 39 states have signed but not ratified the treaty. Among other things, the statute establishes the court's functions, jurisdiction, and structure.*

Samuels, Kirsti (2006). *Rule of Law Reform in Post-Conflict Countries* [Data file]. Retrieved August 6, 2009, from [http://siteresources.worldbank.org/INTCPR/Resources/WP37\\_web.pfd](http://siteresources.worldbank.org/INTCPR/Resources/WP37_web.pfd)

*This paper aims to provide a tour of horizon of common operational initiatives and policy approaches adopted by agencies and institutions involved in the area of rule of law reform in fragile or post-conflict countries and identify key lessons highlighted in the policy literature.*

Schabas, William (2005). Introduction. In *Truth Commissions and Courts: The Tension Between Criminal Justice and the Search for Truth* [Introduction]. Springer. (Original work published 2005)

*In recent years, the two primary vehicles for the pursuit of post-conflict justice have been criminal prosecutions and alternative truth-seeking mechanisms. Although methods differ, the goal of accountability is fundamentally similar, yet more often than not the relationship between truth commissions and courts is viewed as one that is prone to conflict and difficulty. This book explores the tension between the work of truth commissions and criminal courts in addressing serious human rights abuses in post-conflict situations. Drawing on country examples, such as Guatemala, Sierra Leone, Peru, East Timor, Ghana, and Northern Ireland, this collection of essays examines how truth commissions and courts have dealt with victims, relatives, and perpetrators and how the mechanisms have interacted at a practical level. The contribution of these differing approaches to the overall aim of national reconciliation is also assessed.*

Sottas, Eric (2008, June). Transitional Justice and Sanctions. *International Review of the Red Cross*, 90(870), 397.

Abstract retrieved August 7, 2009, from [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-870-p371/\\$File/irrc-870\\_Sottas.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-870-p371/$File/irrc-870_Sottas.pdf)

*Transitional justice aims at once to restore victims' dignity, build confidence between warring groups, and foster the institutional changes needed to cause a new relationship within the population, to usher in the rule of law without endorsing practices that amount to total or partial impunity. In situations of post-conflict, however, governments are also faced with other pressing needs. This article explores the relationship between these needs and transitional justice mechanisms and critically evaluates their influence on the forms justice has taken in post-conflict situations.*

United Nations. (1996). *Platform for Action and the Beijing Declaration*. United Nations Department of Public Information.

*The Fourth World Conference on Women represents a new watershed in the movement for securing equality, development, and peace for women everywhere in the world. This publication contains the complete text of the*

*Beijing Declaration and Platform for Action. It also contains the statement of United Nations Secretary-General Boutros Boutros-Ghali, read at the conclusion of the conference.*

United Nations Children's Fund. (2004, October). *Financial Report and Audited Financial Statements for the Biennium Ended 31 December 2003 and Report of the Board of Auditors: United Nations Children's Fund* (Monograph). United Nations Publications.

*This publication is a full report of the board of auditors on the United Nations Children's Fund financial and management issues for the biennium ended December 31, 2003.*

United Nations Children's Fund. (2007, February). *The Paris Principles* [Brochure]. Retrieved August 27, 2009, from <http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>

*This detailed set of guidelines is a significant political-level initiative expressed by the strong commitment of 78 Member States, including a number of conflict-affected countries, to the Paris Commitments and the Principles and Guidelines on Children Associated With Armed Forces or Armed Groups. It provides guidelines on the disarmament, demobilisation and reintegration of all categories of children associated with armed groups.*

United Nations. General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (A/RES/54/263)*. Retrieved August 30, 2009, from <http://www2.ohchr.org/english/law/crc-conflict.htm>

*The United Nations General Assembly adopted the Optional protocol on the involvement of children in armed conflict to the Convention on the Rights of the Child in Annex I of a resolution on May 25, 2000. The protocol came into force on February 12, 2002. The protocol requires of ratifying governments to ensure that while their armed forces can accept volunteers below the age of 18, they can not be conscripted and "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". Non-state actors and guerrilla forces are forbidden from recruiting anyone under the age of 18 for any purpose. Currently, 128 states were party to the Protocol while another 28 have signed and have yet to ratify.*

United Nations. General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (A/RES/54/263)*. Retrieved August 30, 2009, from <http://www2.ohchr.org/english/law/crc-sale.htm>

*On May 25, 2000, acting without a vote, the United Nations General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which requires States Parties to prohibit these activities. Each State party is required to ensure the full coverage of certain acts and activities under its criminal or penal law, whether the offences are committed domestically or transnationally, or on an individual or organised basis. The offences include, among other things, offering, delivering or accepting a child for the purpose of sexual exploitation, transfer of its organs for profit, or its engagement in forced labour, and producing, distributing, disseminating, or possessing child pornography.*

General Assembly. 60th Session. (2005, October 24). *2005 World Summit Outcome (A/RES/60/1)*. Retrieved August 6, 2009, from [http://data.unaids.org/Topics/UniversalAccess/WorldSummitOutcome\\_Resolution\\_24Oct2005\\_en.pdf](http://data.unaids.org/Topics/UniversalAccess/WorldSummitOutcome_Resolution_24Oct2005_en.pdf)  
*At the 2005 World Summit, world leaders met at the United Nations to forge an action plan for promoting international security, advancing human rights, reforming the United Nations, and achieving the Millennium Development Goals by 2015. The final Summit outcome document provided a renewed global endorsement of the Millennium Development Goals, and built on the major international agreements of recent years to consolidate a practical plan of action.*

United Nations Office of the Special Adviser on Africa. (2007, June). *DDR and Transitional Justice* [Brochure]. Retrieved August 27, 2009, from

[http://www.google.de/url?sa=t&source=web&ct=res&cd=3&url=http%3A%2F%2Fhuwu.org%2Fafrika%2Fosaa%2Fspeeches%2Fddr%2520and%2520tj%2520in%2520afrika%2520-%2520english.pdf&ei=DlqWSoriAYqGsAbZ5sivDQ&usq=AFQjCNEyfx2CQq-4F3\\_1\\_LIQXq9nZ3f\\_bw&sig2=mWh7DSIHwL7onEBLVXffLQ](http://www.google.de/url?sa=t&source=web&ct=res&cd=3&url=http%3A%2F%2Fhuwu.org%2Fafrika%2Fosaa%2Fspeeches%2Fddr%2520and%2520tj%2520in%2520afrika%2520-%2520english.pdf&ei=DlqWSoriAYqGsAbZ5sivDQ&usq=AFQjCNEyfx2CQq-4F3_1_LIQXq9nZ3f_bw&sig2=mWh7DSIHwL7onEBLVXffLQ)

*This issue paper focuses on the disarmament, demobilisation, reintegration programmes and transitional justice in Africa. These programmes tend to be implemented, and even developed, in relative isolation from each other, which*



*not only misses opportunities for coordination but also hampers their ability to implement disarmament, demobilisation, reintegration and successfully achieve long term reintegration and reconciliation.*

United Nations. Security Council. 6176th Meeting. (2009, August 4). *S/RES/1882*. Retrieved August 6, 2009, from [http://www.un.org/children/conflict/\\_documents/SC-RESOLUTION1882-2009.pdf](http://www.un.org/children/conflict/_documents/SC-RESOLUTION1882-2009.pdf)

*This Security Council Resolution addresses the issue that children continue to account for a considerable number of casualties resulting from killing and maiming in armed conflicts, including as a result of deliberate targeting, indiscriminate, and excessive use of force, indiscriminate use of landmines, cluster munitions and other weapons and use of children as human shields. In addition, the resolution stresses the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children in the context of and associated with armed conflict, including the use or commissioning of rape and other forms of sexual violence in some situations as a tactic of war.*

Verdoolaege, Annelies (2008). *Reconciliation Discourse: The case of the Truth and Reconciliation Commission (Discourse Approaches to Politics, Society and Culture)* (27th ed.). John Benjamins Publishing Company. *This book analyses the South African Truth and Reconciliation Commission from an ethnographic and linguistic point of view. The central proposition of this book is that the Truth and Reconciliation Commission can be regarded as a mechanism that leads to the hegemony of specific discourses, thus exercising power. The analysis illustrates how, through a certain type of reconciliation discourse constructed at the Truth and Reconciliation Commission hearings, a reconciliation-oriented reality took shape in post-Truth and Reconciliation Commission South Africa.*

Verhellen, Eugene (2000). *Convention on the Rights of the Child: Background, Motivation, Strategies, Main Themes* (3rd ed.). Antwerp: Garant.

*In this book the relationship between education and the human rights project, or specifically the children's rights projects, plays a fundamental role. This book deals specifically with views and theories on children's rights. It contains extensive information on background, motivation, strategies, and main trends.*

Weissbrodt, David (2007). *International Human Rights Law: An Introduction*. University of Pennsylvania Press. *The overview traces the history of human rights, from early philosophical and religious ideas and theories of natural law to modern formulations. The second section contains concise summaries of the substantive principles of and practices relevant to self-determination, equality, life, slavery, torture, fair trial, detention, privacy, health, food, housing, and clothing, as well as emerging rights such as sustainable development, environmental health, peace, and security from terrorism. A final section describes United Nations human rights procedures (both Charter-based and treaty-based); criminal procedures; African, European, inter-American, and other regional systems; national institutions and processes, truth and reconciliation commissions, and non-governmental organisations.*

## ***II. Preventing Sexual Violence against Children as a Weapon of War***

Gottschall, Jonathan. "Explaining Wartime Rape." *The Journal of Sex Research* (2004). Retrieved from: [http://findarticles.com/p/articles/mi\\_m2372/is\\_2\\_41/ai\\_n6112867/](http://findarticles.com/p/articles/mi_m2372/is_2_41/ai_n6112867/)

*This article divulges the competing philosophies and theories to sexual violence as an instrument of warfare. Both psychological and political, it examines the variables leading up to using sexual violence as an instrument to advance a political agenda, as well as the basis of using it as cultural artifact.*

Heineman, Elizabeth. "The History of Sexual Violence in Conflict Zones: Conference Report". *Radical History Overview, issue 101* (2008). Retrieved Sep 5, 2009 from: <http://rhr.dukejournals.org/cgi/reprint/2008/101/5>

*This article analyzes the human rights framework within transnational movements that undermine women and children. Within the porous human right framework she examines, Heinemen spends a great deal of time analyzing the political history of sexual violence and the talks that have unraveled regarding its prevention in recent history.*

McCoskey, Suzanne. *The Journal of Humanitarian Assistance* (2009). *NGO's in the Aid Community: Do Funding Source or Economic Conditioning Matter to Decisions of Country or Activity Involvement?* Retrieved Oct 1, 2009 from UNICEF Website: <http://jha.ac/2009/02/23/ngos-in-the-aid-community-do-funding-source-or-economic-conditioning-matter-to-decisions-of-country-or-activity-involvement/>

*This article examines the nature of non-governmental interventions in the past 2 decades. Asserting that the number*

of NGO outlets for international aid has skyrocketed, it continues to expand on the logistical benefits of including civil society organizations on the frontlines of human assistance campaigns. It includes statistics, figures, and projections for what the NGO community could do for aid given the reconciliation of third-party interests.

McFerran, Ann (2007). "Curse of the Janjaweed". *Times Online*. Retrieved Oct 1, 2009 from Website:

<http://www.timesonline.co.uk/tol/news/world/africa/article2489206.ece>

*Curse of the Janjaweed draws closely on the issues relating to sexual violence in Chad and Sudan as a result of the ambiguous involvement of the Sudanese government, in addition to the proxy maliciousness that was carried on for them by 'devils on horseback' as a result of ethnic tensions in heavily displaced areas.*

Pilch, Frances T. *Rape as Genocide: The Legal Responses to Sexual Violence*. United States Air Force Academy (1999). July 21, 2009, from:

<http://74.125.113.132/search?q=cache%3AfoD6Xr1Q368J%3Awww.ciaonet.org%2Fwps%2Fpif01%2Fpif01.pdf+rape+as+genocide&hl=en>

*This publication analyzes the importance of understanding genocide in legal contexts—which has been a central controversial aspect for human rights law for many decades. Within it, Pilch examines the previous attempts at establishing criminal tribunals to ensure justice for rape victims (such as the ICTY and ICTR) in addition to questioning the enforcement of internationally recognized protocols such as the Geneva Convention.*

Physicians for Human Rights (2004). *The use of rape as a weapon of war in the conflict Darfur, Sudan*. Program on Humanitarian Crises and Human Rights; Harvard School of Public Health October 2004 [Data file]. Retrieved July 21, 2009, from web site: <http://physiciansforhumanrights.org/library/report-2004-oct-darfurrape.html>

*This is a through report overseen by the Harvard School of public Health that attempts to explain the individual, community, and national ramifications of sexual violence in Sudan particularly. It explains the nature of abuse that has been suffered by many, and examines the plausible (and tested) avenues for political responses.*

Swiss, Shana and Joan E. Giller (1993). *Journal of the American Medical Association (JAMA)*. Rape as a Crime of War. Retrieved July 21, 2009, from: <http://jama.ama-assn.org/cgi/content/abstract/270/5/612>

*This article was very useful for determining the long-standing obstacles to aid assistance. Among these obstacles, verification of medical data, along with cultural gray areas are examined in their respective roles for delivering treatment, prevention, and rehabilitation where it is most needed.*

United Nations General Assembly, Secretary-General's Report on Violence against Children A/61/299 (2006).

*Violence Study*. Retrieved July 21, 2009, from: [www.unviolencestudy.org](http://www.unviolencestudy.org)

*This General Assembly declaration specifies many attributes of the Child Protection Strategy, as well as the Convention on the Rights of the Child. Chiefly, it called on evidence from 9 different geo-graphic zones that sought to explain the statistics on displaced women and children, instances of systemic rape, in addition to recovery efforts that have already been explored.*

United Nations, Inter-Agency Network on Women and Gender Equality [IANWGE] (2000). *Sexual Violence and Armed Conflict: United Nations Response*. [Data file]. Retrieved July 21, 2009, from:

<http://www.un.org/womenwatch/daw/public/w2apr98.htm#part2>

*This article summarizes the attempts that have been made by the U.N and NGO community regarding sexual violence as a weapon of war. Asserting that this is a travesty that affects women and men, women 2000 spends a great deal of time tracing the historical foundations of sexual violence—in addition to the provisional shortcomings of international conventions such as the Geneva Protocols.*

United Nations Security Resolution, *On Women, Peace, and Security*. S/RES/1325 (2000). Retrieved from:

[www.un-documents.net/sr1325.htm](http://www.un-documents.net/sr1325.htm)

*This Security Council Resolution reaffirms the Beijing Declaration and Platform for Action regarding gender equality and peace in the 21<sup>st</sup> century. It calls for a universal interpretation on GBV and palatable policies to standardize consequences for crimes such as sexual violence.*

United Nations, United Nations Children's Fund. (2006). *Child Protection Information Sheets* [Data file]. Retrieved Sep 5, 2009, from UNICEF Web site: [http://www.unicef.org/protection/index\\_publications.html](http://www.unicef.org/protection/index_publications.html)

*These data tables reveal several statistics regarding systematic rape, number of displaced women and children*

*affected by sexual violence, displacement trends, and testimonies regarding experiences in IDP camps and dangerous living environments.*

United Nations, United Nations Children's Fund. (1990). *Convention on the Rights of the Child* [Data file].

Retrieved July 21, 2009, from UNICEF Web site: <http://www.unicef.org/crc>

*This 1990 resolution concerning the rights of children explains how and why the UN calls for universalized policies concerning returning missing children, monitoring and securing the growth and development of youth, and parental connection while children are unable to provide for themselves. It examines the extent to which states should be bound to ensure the most nourishing environments for children when discretion must be applied.*

United Nations, United Nations Children's Fund, (1996). *Sexual Violence as a Weapon of War* [News Feature]

Retrieved Oct 1, 2009 from UNICEF Website: <http://www.unicef.org/sowc96pk/sexviol.htm>

*This press release stemmed from the 1996 report on the conditions of the children of the world, which included figures on the number of women and children affected by these crimes, in addition to the numerous aggressors that are ultimately responsible for their suffering. It calls mostly on examples from central and western Africa, while it calls on supporting evidence from eastern Europe as well.*

United Nations, United Nations Children's Fund Press Centre. (2007). *Massive Displacement in North Kivu Following Attack Near IDP Camps*. Retrieved Oct 1, 2009 from UNICEF Website:

[http://www.unicef.org/media/media\\_41784.html](http://www.unicef.org/media/media_41784.html)

*This news feed is an example of how sudden attacks on rural villages in the most affected portions of Africa can quickly turn into rapidly escalating disease epidemics in addition to malnourishment as nearly 600,000 people have had to be promptly evacuated and put into an IDP camp. These camps concentrate the need for basic living materials and further subject refugees to ongoing violence as a result of their obvious lack of protection.*

United Nations, United Nations Children's Fund E/ICEF/2008/5/Rev.1, (2003). *UNICEF Child Protection Strategy* [Data file]. Retrieved July 21, 2009, from UNICEF Web site: <http://www.unicef.org/protection/index.html>

*This UNICEF report examines the necessary conditions for successful child monitoring systems that should be accepted on a transnational basis. National Protection Systems, as they are mentioned, aim to localize the efforts that are missing in ensuring the protection and development of youth in vulnerable environments. Further, it mentions the importance and priority of ensuring the progressive development of children across the world.*

United Nations, United Nations Children's Fund in collaboration with the Office of the Special Representatives of the Secretary-General for Children and Armed Conflict, Global Youth Action Network [GYAN], United Nations Population Fund [UNFPA], and Women's Commission for Refugee Women and Children. (2007). *Will You Listen? Young Voices from Conflict Zones* [Data file]. Retrieved July 21, 2009, from UNICEF Web site:

[http://www.unicef.org/publications/index\\_41267.html](http://www.unicef.org/publications/index_41267.html)

*This UNICEF report is a compiled anthology of personal statements from children who have been adversely affected by sexual violence in conflict zones. It is their personal insight on the living conditions, the abuse they endured, and the lack of relief they were offered. Details go as far explaining what age violence became a part of their lives, what they saw their families endure, and what consequences they suffered when trying to resist these forced conditions. Also, these testimonies reflect the nature of insurgent and paramilitary occupations in different war-torn nations across the globe.*

Urgent Action Fund. (2000). *Gender Audit of Reconstruction Programmes in South Eastern Europe* [Data file].

Retrieved July 21, 2009, from UNICEF Web site: <http://www.urgentactionfund.org/index.php?id=159>

*This Gender Audit reviews the reconstruction programs established for South Eastern Europe. The specific focus is the impact of these programs on women and girls, including consideration of whether and how the international community is ensuring the participation of women in rehabilitation and reconstruction efforts.*

Women's Refugee Commission (2005). "Untapped Potential: Displaced Youth". Retrieved Oct 1, 2009 from Website <http://www.womensrefugeecommission.org/programs/youth/79-untapped-potential-displaced-youth->

*This review introduces the Women's Refugee Commission's Displaced Youth Initiative—which is a 3-year global research campaign to strengthen training and deployment of recovery assistance for displaced persons. Mainly, the*

*initiative focuses on education, employment, and community restructuring assessments. These projects take place in areas that have been adversely affected by displacement.*

### **III. Implementation of the Convention of the Rights of the Child in Order to Combat Child Exploitation**

Clark, Shelley. Early Marriage and HIV Risks in Sub-Saharan Africa. Retrieved August 31, 2009, from [http://harrisschool.uchicago.edu/about/publications/working-papers/pdf/wp\\_04\\_06.pdf](http://harrisschool.uchicago.edu/about/publications/working-papers/pdf/wp_04_06.pdf)

Clark goes over the high risks of HIV that are associated with early marriage in sub-Saharan Africa. This risk is present because of the high number of girls who are sexually active at a very young age. The document also addresses socio-economic status of these women.

Crary, David. (April 29, 2009). U.S. Clash Brewing Over Global Rights of Child Pact. Retrieved August 31, 2009, from <http://www.msnbc.msn.com/id/30481716/>

A global children's rights treaty, ratified by every U.N. member except the United States and Somalia, has so alarmed its American critics that some are now pushing to add a parental rights amendment to the Constitution as a buffer against it. According to the article, some say it now has a better time of being ratified than ever before. Those who oppose the treaty claim that it will interfere with parental authority. Supporters consider it an invaluable instrument for the protection of children's basic rights and feel that global efforts to protect and ensure those rights are lessened by the U.S. refusal to fully ratify the convention.

de Alba, Luis. A. (2007). The Rights of the Child in the Convention on the Rights of Persons with Disabilities. Retrieved August 31, 2009, from

[http://www.swisshumanrightsbook.com/SHRB/shrb\\_02\\_files/347\\_07%20de%20alba.pdf](http://www.swisshumanrightsbook.com/SHRB/shrb_02_files/347_07%20de%20alba.pdf)

de Alba goes into the CRC in regards to persons with disabilities. This is important due to the specific nature of its content regarding children with disabilities. De Alba contends that the Convention addresses the situation of children with disabilities in a comprehensive manner. He further contends that there are 200 million children with disabilities in the world who need special attention because of their particular situation. These children continue to deal with discrimination and are prevented from enjoying even their most basic rights. De Alba expands upon the CRC and children with disabilities and children with disabilities in the existing legal framework.

Final Appeal. (2001). Statement by children and young people at the 2nd World Congress against Commercial Sexual Exploitation of Children, Yokohama. Retrieved August 31, 2009, from

[http://csecworldcongress.org/PDF/en/Yokohama/Outcome\\_documents/Young%20People%20Final%20Appeal%20n%20Yokohama.pdf](http://csecworldcongress.org/PDF/en/Yokohama/Outcome_documents/Young%20People%20Final%20Appeal%20n%20Yokohama.pdf)

The young people who participated in the 2nd World Congress against Commercial Sexual Exploitation of Children in Yokohama in 2001 put out a statement, as did UNICEF and many NGOs. Yet, their heartfelt statement asking the world to provide the few things they need to survive, peace, love, and security was made all the more poignant by the suffering many of these children had experienced. The enrichment of the Congress through their participation inspired the organizers of the recent Congress to invite a contingent of 300 young people.

International Programme on the Elimination of Child Labour. Facts on Commercial Sexual Exploitation of Children. Monograph. (March 2004). Retrieved August 31, 2009, from <http://www.ilo.org/childlabour>

This factsheet provides background information and statistics with respect to the commercial sexual exploitation of children. Commercial sexual exploitation of children is the exploitation by an adult with respect to a child or an adolescent accompanied by a payment in money or in kind to the child or adolescent (male or female) or to one or more third parties. The ILO considers commercial sexual exploitation of children a violation of the human rights of children and adolescents and a form of economic exploitation similar to slavery, forced labour, and a crime.

Ishay, Micheline. (2008). The History of Human Rights: From Ancient Times to the Globalization Era (2nd ed.). University of California Press.

This book outlines the history of the struggle for human rights from ancient times to today. Pertinent documents are included. Ishay illustrates how the history of human rights has evolved from one era to the next through texts, cultural traditions, and creative expression. Writing with verve and extraordinary range, she develops a framework for understanding contemporary issues from the debate over globalization to the intervention in Kosovo to the climate for human rights after September 11, 2001. The only comprehensive history of human rights available, the book will be essential reading for anyone concerned with humankind's quest for justice and dignity.



League of Nations, & United Nations. (1924). Declaration of the Rights of a Child. Retrieved August 31, 2009, from <http://www.un-documents.net/gdrc1924.htm>

As one of the first documents to recognize the rights of a child, this declaration is essential in the first steps toward building a future for the rights of a child. The Declaration was written in 1924 and was the first of its kind to recognize the rights of the child. The Declaration mandates that children be cared for, fed, nurtured, and rehabilitated when necessary.

Office of the United Nations High Commissioner for Human Rights. (2009). International Law. Retrieved August 31, 2009, from <http://www2.ohchr.org/english/law/>

*This website is a repository of the full text of all human rights treaties and documents. Information is also provided on issues and new legislation. Additional data is available for human rights bodies and links to their sites are listed.*

Office of the United Nations High Commissioner for Human Rights. (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Retrieved August 31, 2009, from

<http://www2.ohchr.org/english/law/pdf/protocoltraffic.pdf>

[http://www.unodc.org/documents/treaties/Special/2000\\_Protocol\\_to\\_Prevent\\_2C\\_Suppress\\_and\\_Punish\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/treaties/Special/2000_Protocol_to_Prevent_2C_Suppress_and_Punish_Trafficking_in_Persons.pdf)

*The Protocol, which supplements the United Nations Convention against Transnational Organized Crime, establishes the first common international definition of trafficking in persons. It is designed to prevent and combat such crime. It highlights the problems associated with trafficking in persons that lead to inhuman, degrading, and dangerous exploitation. It provides measures to be taken against perpetrators with respect to criminal prosecution, and protective and rehabilitative measures for victims.*

Office of the United Nations High Commissioner for Human Rights Committee on the Rights of the Child. Day of General Discussion on Violence Against Children Within the Family and In Schools: Report of the Global Initiative to End All Corporal Punishment of Children. Retrieved August 31, 2009, from

<http://www.crin.org/docs/resources/treaties/crc.28/GlobalInitiative.pdf>

The Global Initiative seeks to end corporal punishment both in the home and at school. The Initiative also states that the Convention on the Rights of the Child must be promoted for the well being of children. Finally, the Initiative stressed the importance of ending all humiliating forms of corporal punishment.

Office of the United Nations High Commissioner for Human Rights Committee on the Rights of the Child. (2002). General Comments. Retrieved August 31, 2009, from <http://www2.ohchr.org/english/bodies/crc/comments.htm>

*The Committee on the Rights of the Child publishes its interpretation of the content of human rights provisions in the form of General Comments to supplement the CRC and the associated optional protocols. General comments have been issued on the following subjects: The right of the child to be heard, indigenous children and their rights under the Convention, children's rights in juvenile justice, the rights of children with disabilities, the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, implementing child rights in early childhood, treatment of unaccompanied and separated children outside their country of origin, general measures of implementation for the CRC, adolescent health, HIV/AIDS, and the rights of the child, the role of independent human rights institutions, and the aims of education.*

Office of the United Nations High Commissioner for Human Rights Committee on the Rights of the Child. (2003). General Measures of Implementation of the Convention on the Rights of a Child. Retrieved August 31, 2009, from

[http://www.swisshumanrightsbook.com/SHRB/shrb\\_02\\_files/347\\_03%20bellamy%20pais.pdf](http://www.swisshumanrightsbook.com/SHRB/shrb_02_files/347_03%20bellamy%20pais.pdf)

The General Measures of Implementation of the Convention on the Rights of a Child include: Law reform, institutional reform, including independent institutions for children's rights, monitoring the progress in implementation, a comprehensive national agenda for the implementation, allocation of resources to children to the maximum extent of their availability, education, training and awareness-raising on children's rights, and participation of the civil society including children. The Committee on the Rights of the Child has emphasized the fundamental importance of these measures to the effective realization of the whole range of rights contained in the CRC and has issued a specific General Comment on the general measures of implementation.

Preparation for the World Congress III against Sexual Exploitation of Children and Adolescents. (November 2008). International Cooperation for Preventing and Responding to Sexual Exploitation of Children and Adolescents: The

Role of International Actors and Donors Summary Report. Retrieved August 31, 2009, from [http://www.unicef-irc.org/article.php?id\\_article=101](http://www.unicef-irc.org/article.php?id_article=101)

This report provides an overview of the current situation, statistics, and the agenda for the World Congress. The document includes ways in which the international community has been preventing and responding to sexual exploitation of children.

Singer, Peter W. (2005). Children at War. Pantheon Books.

Children at War examines the disturbing and escalating phenomenon of the use of children as soldiers. Singer, an internationally recognized expert in modern warfare, introduces the brutal reality of armed conflict child soldiers. He explains how and why children are recruited, indoctrinated, trained, and converted to soldiers and outlines the consequences for global security.

The Global Initiative to End All Corporal Punishment of Children, Statistics. (2009). Retrieved August 31, 2009, from <http://www.endcorporalpunishment.org/pages/frame.html>

The Global Initiative to End All Corporal Punishment of Children works with the UN, UNICEF, and NGOs to combat corporal punishment against children. It seeks to persuade countries to ratify the CRC and set the legal infrastructure in place nationally to implement the ratified articles. The website offers comprehensive information, deep statistics and data regarding the problem, and a newsletter which functions as a monthly report on progress being made.

United Kingdom All Parliamentary Group for Children Conference, The UN Convention on the Rights of the Child: International Perspectives. (June 2, 2009). The UN Convention on the Rights of the Child: International Perspectives. Retrieved August 31, 2009, from [http://www.ncb.org.uk/pdf/090602\\_APPGC\\_UNCRCint.pdf](http://www.ncb.org.uk/pdf/090602_APPGC_UNCRCint.pdf)  
NCB is a non-profit organization located in the United Kingdom that is dedicated to advancing the health and well-being of all children and young people across every aspect of their lives and providing them with a powerful and authoritative voice. It is intimately involved with UNICEF and holds regular conferences on the CRC. UN representatives, one of the original authors of the CRC, and members of Parliament participated in this meeting at which the progress of the CRC was discussed along with recommendations for better implementation of the CRC Articles.

United Nations. (2003). The International Convention on the Protection and Rights of All Migrant Workers and Members of Their Families. Retrieved August 31, 2009, from <http://www2.ohchr.org/english/law/cmw.htm>  
The Convention entered into force on July 1, 2003. There were approximately 190 million migrants in 2005. This Convention seeks to protect migrant workers' rights by guaranteeing equality of treatment, and the same working conditions for migrants and nationals. The Convention provides these rights to migrants and their families including their children.

United Nations. International Conference on Population and Development-ICDP Programme of Action. Retrieved August 31, 2009, from <http://www.un.org/popin/icpd2.htm>

This conference provides a Programme of Action for population and development. It discusses education, population as well as sustainable development. The report encompasses a wide range of topics, such as reproductive health. It claims that resources have been available to resolve these issues but access to them has been limited.

United Nations. (2009). Statement by the President of the Security Council at the 6114th meeting of the Security Council, held on April 29, 2009, in connection with the Council's consideration of the item entitled "Children and armed conflict". Retrieved August 31, 2009, from

<http://www.unhcr.org/refworld/type.PRESSTATEMENTS..49fff5762.0.html>

This document is a statement made by the president of the Security Council. The President speaks on the issue of children involved in armed conflict in his statement. Possible solutions and recommendations were also stated. The document is a condemnation of the continuing recruitment and use of children in armed conflict in violation of applicable international law, killing and maiming of children, rape and other sexual violence, abductions, denial of humanitarian access to children, and attacks against schools and hospitals by parties to armed conflict.

United Nations. (1979). Convention on the Elimination of all Forms of Discrimination against Women. Retrieved August 31, 2009, from <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

Adopted in 1979 by the UN General Assembly, the Convention functions as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women. By ratifying the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms. The Convention ensures women's equal access to, and equal opportunities in, political and public life, education, health, and employment. It is the only human rights treaty which recognizes the reproductive rights of women. Female children are also recognized as having rights through this convention.

United Nations. (2008). Security Council Update Report No.2 Children and Armed Conflict. Retrieved August 31, 2009, from <http://www.securitycouncilreport.org/site/pp.aspx?c=gIKWLeMTIsG&b=4343539&printmode=1>  
The report crystallizes the ongoing issues in areas which adversely affect children that continue to be challenging. Children are still being conscripted or otherwise brought into armed conflict situations in which they are used as soldiers, mine sweepers, sexual “slaves”. Child sexual exploitation, physical and mental abuse, torture, marriages, labor, and hunger and neglect continue nearly unabated. The report makes the Security Council’s unhappiness clear and encourages stronger action.

United Nations. (2007). Mid-Term Review of the UN Special Session on Children. Retrieved August 31, 2009, from [http://www.unicef-irc.org/knowledge\\_pages/resource\\_pages/ombuds/final\\_statement.pdf](http://www.unicef-irc.org/knowledge_pages/resource_pages/ombuds/final_statement.pdf)  
*This 5-year review focuses on the challenging issues that remain seriously problematic for children world-wide, such as sexual exploitation, violence, use in armed conflicts, heavy and dangerous labor, and climate change. The report makes recommendations, and urges nations to work together to create progress in these areas for children.*

United Nations Children’s Fund. (2004). Factsheet: Child Trafficking in the Philippines. Retrieved August 31, 2009, from <http://www.unicef.org/media/files/ipulocaltrafficking.doc>  
Per UNICEF, an estimated 60,000 to 100,000 children in the Philippines are involved in prostitution rings. The main causes of child trafficking in the Philippines include poverty, low economic development in communities of origin, gender inequality, lack of job opportunities, large family sizes, and sex tourism. UNICEF works with local organizations to try to help lessen the problem, and provide alternatives for children.

United Nations Children’s Fund. (2001). Children’s Rights. Retrieved August 31, 2009, from <http://www.un.org/cyberschoolbus/briefing/children/children.pdf>  
*This document provides a comprehensive overview of the Convention and supplements it with data. Statistics are included for both the issues the CRC has been designed to combat and the successes of the Convention so far.*

United Nations Children’s Fund. (2000). Optional Protocols to the Convention on the Rights of the Child. Retrieved August 31, 2009, from [http://www.unicef.org/crc/index\\_protocols.html](http://www.unicef.org/crc/index_protocols.html)  
*The United Nations General Assembly adopted two Optional Protocols to the Convention in 2000 to increase the protection of children from involvement in armed conflicts and from sexual exploitation. The Optional Protocol on the involvement of children in armed conflict establishes 18 as the minimum age for compulsory recruitment. The Optional Protocol on the sale of children, child prostitution and child pornography draws special attention to the criminalization of these serious violations of children's rights.*

United Nations Children’s Fund. (2009). Focus Areas. Retrieved August 31, 2009, from [http://www.unicef.org/mdg/28184\\_28228.htm](http://www.unicef.org/mdg/28184_28228.htm)  
*The United Nations Children’s Fund has eight areas upon which it focuses: Eliminating poverty and hunger, providing universal primary education, supporting gender equality and empowerment of women, minimizing child mortality, protecting maternal health, eradicating HIV/AIDS, malaria and other diseases, promoting environmental sustainability, and engaging in global partnership for development. Its main goal is to create a child-friendly world.*

United Nations Children’s Fund. (2009). Rights Under the Convention on the Rights of the Child. Retrieved August 31, 2009, from [http://www.unicef.org/crc/index\\_30177.html](http://www.unicef.org/crc/index_30177.html)  
Here, UNICEF delineates the rights afforded to children under the Convention. This Convention provides safeguards for children as well as options in times of hardships. The CRC was the first instrument to incorporate the complete range of international human rights— including civil, cultural, economic, political, and social rights as well as aspects of humanitarian law.



United Nations Children's Fund. (October 13, 2008). Expert Consultation: Legal Frameworks, Procedures and Enforcement: Preventing and Responding to Sexual Exploitation of Children and Adolescents In Preparation for World Congress III against Sexual Exploitation of Children and Adolescents. Retrieved August 31, 2009, from [http://www.unicef-irc.org/knowledge\\_pages/resource\\_pages/worldcongress3/bern\\_consultation/newell.pdf](http://www.unicef-irc.org/knowledge_pages/resource_pages/worldcongress3/bern_consultation/newell.pdf)  
This report provides an analysis of the legal frameworks and legislation still required to implement and enforce the articles of the CRC and its Protocol with respect to the sexual exploitation of children. The CRC affirms the status of all children as having equal human rights. It includes explicit rights to protection from all forms of violence and exploitation, including sexual exploitation.

United Nations Children's Fund. (2005). Early Marriage: A Harmful Traditional Practice. Retrieved August 31, 2009, from [http://www.unicef.org/publications/files/Early\\_Marriage\\_12\\_lo.pdf](http://www.unicef.org/publications/files/Early_Marriage_12_lo.pdf)  
Here, UNICEF, again, addresses the harmful practice of early marriage in different cultures of the world, such as Southeast Asia, parts of the Middle East and India. In many parts of the world parents support the marriage of their daughters while they are still children hoping that the marriage will benefit them both financially and socially while at the same time eliminating some of the financial burden on the family. Child marriage is a violation of human rights which compromises the development of girls and often results in early pregnancy and social isolation.

United Nations Children's Fund. (2005). Report of the Special Representative of the Secretary-General for Children and Armed Conflict, UNGA Doc A/60/335. Retrieved August 31, 2009, from [http://www.unicef.org/emerg/files/report\\_SRSG\\_cac.pdf](http://www.unicef.org/emerg/files/report_SRSG_cac.pdf)  
The report gives an overview of the agenda for war-affected children, highlights the progress that has been achieved and identifies the principal elements of the "era of application" campaign for the enforcement of existing international child protection norms and standards on the ground. The report states that collaborative efforts over the past several years have resulted in advances on the agenda for war-affected children. Yet, in spite of the tangible progress that has been made, the situation for children in situations of conflict remains grave and unacceptable. The key elements of the "era of application" campaign include the review, naming and listing of parties committing grave child rights violations, the initiation of dialogue with offending parties leading to the preparation and implementation of action plans to halt grave abuses, the implementation of a monitoring and reporting mechanism on grave child rights violations, and ensuring accountability.

United Nations Children's Fund. Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups. Retrieved August 31, 2009, from [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/paris-principles-commitments-300107/\\$File/ParisPrinciples\\_EN%5B1%5D.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/paris-principles-commitments-300107/$File/ParisPrinciples_EN%5B1%5D.pdf)  
These were adopted during the International Conference "Free Children from War", February 2007 in Paris, and have been endorsed by 76 countries. Designed for practitioners responsible for implementing programs in support of involved children, these seek to combat the unlawful recruitment or use of children by armed forces or armed groups, to prevent the occurrence of this phenomenon by mitigating the underlying social causes, to secure the release of children concerned, to support their social reintegration, and to ensure that they are afforded the greatest protection possible.

United Nations Children's Fund Innocenti Research Centre. (March 2009). A Study on Violence Against Girls: Report on the International Girl Child. Retrieved August 31, 2009, from [http://www.unicef-irc.org/publications/pdf/violence\\_girls\\_eng.pdf](http://www.unicef-irc.org/publications/pdf/violence_girls_eng.pdf)  
This publication includes a background document and summarizes the discussions and outcomes of the International Conference on Violence against the Girl Child which addressed gaps in knowledge, research, and responses to violence against girls in the home and family. The study recommends calling on States to ensure that programs to counter violence are designed and implemented from a gender perspective that takes into account the different risks faced by girls and boys. The findings show that violence against children is a matter of grave concern, cutting across boundaries of culture, class, education, income, gender, ethnic origin, and age.

United Nations Children's Fund Innocenti Research Centre. (2009). About Us. Retrieved August 31, 2009, from <http://www.unicef-irc.org/aboutIRC/whatwedo.html>  
*One of UNICEF's partners in helping to implement the articles of the CRC and monitor the progress being made with said implementation is the UNICEF Innocenti Research Centre (IRC). The IRC supports the implementation of the CRC in industrialized as well as developing countries, monitors the evolving situation of children, helps to collect child-related data, and influences child-related policy decisions through its invaluable research. It*

*documents issues related to the implementation of the CRC and it provides forums for discussions; the exchange of information, knowledge, and experiences between practitioners, experts, and researchers at venues, such as the World Congress.*

United Nations Children's Fund Innocenti Research Centre. (2005). Progress report and proposed activities for 2006-2008. Retrieved August 31, 2009, from [http://www.unicef-irc.org/aboutIRC/boardpaper\\_2006-2008.pdf](http://www.unicef-irc.org/aboutIRC/boardpaper_2006-2008.pdf)  
*The report discusses the IRC's three-year plan and provides a detailed outline of its success to date, as well as the challenges it faces going forward. The report provides some detailed statistics with respect to successes and recommendations for future action required to implement the CRC.*

United Nations Children's Fund Innocenti Research Centre -Innocenti Digest. (June 2001). Independent Institutions Protecting Children's Rights. Retrieved August 31, 2009, from <http://www.unicef-irc.org/publications/pdf/digest8e.pdf>  
This digest provides a detailed analysis of the status of the development and implementation of national independent human rights bodies for children. The digest puts forward compelling arguments to demonstrate the need for these institutions and their impact. The digest elaborates on and discusses the growth of human rights institutions, the creation of the ombudsmen, the impact of the CRC, and the functions of human rights institutions. The term ombudsman with respect to children's rights implies broader based institutions which monitor, promote, and protect children's rights.

United Nations Children's Fund Innocenti Research Centre. (2001). Press Release: Child Marriages must Stop. Retrieved August 31, 2009, from <http://www.unicef.org/newsline/01pr21.htm>  
This press release is associated with a report which examines many of the implications of child marriage, from its restriction of personal freedom to its impact on health and education. Early marriage has profound physical, intellectual, psychological, and emotional consequences, eliminating educational opportunities and chances for personal growth. It can also involve premature pregnancy, higher rates of maternal mortality, and a higher chance of contracting sexually-transmitted infections including HIV/AIDS.

United Nations Children's Fund Innocenti Research Centre. (2003). Trafficking in Human Beings, Especially Women and Children in Africa. Retrieved August 31, 2009, from [http://www.unicef.org/uk/campaigns/publications/pdf/trafficking\\_inn.pdf](http://www.unicef.org/uk/campaigns/publications/pdf/trafficking_inn.pdf)  
*The report provides an in-depth thorough analysis of the trafficking phenomenon in Africa. It reviews the circumstances and environment that lead to trafficking of women and children. It reviews the current status of the CRC and other trafficking legislation with respect to ratification, implementations, and enforcement. It shows the difference in viewpoint between the "first" world which has ratified to a great degree vs. the Third World which has not and explores the reasons. It also provides recommendations to improve the situation.*

United Nations General Assembly. (December 10, 1948). Universal Declaration of Human Rights. Retrieved August 31, 2009, from <http://www.un.org/en/documents/udhr/>  
This document published in the early years of the UN has been instrumental in the understanding of human rights. This declaration provided Member States with the fundamental principles that outline the rights that every person is entitled to. Since its adoption all human rights advances have been based upon the Universal Declaration of Human Rights.

United Nations Conference on International Organization. (1945). United Nations Charter. Retrieved August 31, 2009, from <http://www.un.org/en/documents/charter/>  
The United Nations Charter is one of the documents upon which human rights conventions and treaties are built. The Charter of the United Nations was signed on June 26, 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on October 24, 1945. It governs the structure of the UN, the Security Council, the Statute of the International Court of Justice, and other UN bodies.

United Nations General Assembly, Convention on the Rights of the Child (A/RES/44/25), 1989. Retrieved August 31, 2009, from <http://www.unicef.org/uk/store/downloads/D21FE68C-1A06-4CF8-82EB-4D69149C5CE1/UNCRC.pdf>

This website provides the text of the CRC in its entirety. The Convention's objectives are rooted at the basic idea the protection of children. It also provides children with rights during times of conflict as well as in times of peace. The Convention serves as a base for Member States to implement the rights of a child. The site has links that include both the status of ratifications for other international human rights treaties, declarations by Member States regarding international human rights treaties and a link that will allow for access to the Committee on the Rights of the Child.

United Nations General Assembly. (1959). Declaration of Rights of a Child. Retrieved August 31, 2009, from [http://www.un.org/Docs/asp/ws.asp?m=A/RES/1386\(XIV\)](http://www.un.org/Docs/asp/ws.asp?m=A/RES/1386(XIV))

As the official declaration on the rights of a child entered into force in 1959, this document is an extremely important in laying the groundwork for future protocols in the rights of a child. It is one of the basis documents for the CRC.

United Nations General Assembly. (November 20, 1989). Convention on the Rights of the Child (A/RES/44/25). Retrieved August 31, 2009, from <http://www.un-documents.net/a44r25.htm>

This website provides the text of the CRC in its entirety. The Convention's objectives are rooted at the basic idea the protection of children. It also provides children with rights during times of conflict as well as in times of peace. The Convention serves as a base for Member States to implement the rights of a child. The site has links that include both the status of ratifications for other international human rights treaties, declarations by Member States regarding international human rights treaties and a link that will allow for access to the Committee on the Rights of the Child.

United Nations General Assembly. (August 29, 2006). World Report on Violence against Children. Retrieved August 31, 2009, from

<http://www.unicef.org/violencestudy/I.%20World%20Report%20on%20Violence%20against%20Children.pdf>

The report of the independent expert for the UN study on violence against children, Paulo Sérgio Pinheiro, was submitted to the UN pursuant to General Assembly resolution 60/231. This report provides a global picture of violence against children and proposes recommendations to prevent and respond to this issue. This study brings to the attention of the highest level of the UN the horrific scale of all forms of violence suffered by girls and boys at the hands of adults throughout the world. The study process and outcome are also an affirmation of the involvement and capacity of children. Children have been engaged in the study to an unprecedented degree. Their presence, their humanity, input and commitment enriched every aspect of the study. Children's hopes and expectations demand that States act now with real urgency to fulfill their obligations to children as rights-holders.

United Nations Treaty Collection. (2009). Convention on the Rights of the Child (A/RES/44/25), Ratification.

Retrieved August 31, 2009, from <http://treaties.un.org/Pages/Home.aspx?lang=en>

The Treaty Collection provides the complete text of a treaty, the historical and background information, and the statistics on its ratification. It also provides information on which countries had reservations and what these were.

Verhellen, Eugene. (n.d.). Convention on the Rights of the Child: Background, Motivation, Strategies, Main Themes (3rd ed.). Coronet Books.

This book outlines the fundamental connection between education and human rights and how children's rights play a major role. The author also outlines the theories on children's rights as well as specific information on the background and strategies of the CRC.

Youth Advocate Program International. (2009). Commercial Sexual Exploitation of Children (CSEC) and Child Trafficking. Retrieved August 31, 2009, from <http://www.yapi.org/csec/>

Youth Advocate Program International promotes and protects the rights and well-being of the world's youth, giving particular attention to children victimized by conflict, exploitation, and state and personal violence. YAP works to prevent and eliminate the worst forms of child labor, the use of children in armed conflict, commercial sexual exploitation of children, and the practice of incarcerating children as adults. They partner with the NGO Committee on UNICEF and UN Study on Violence against Children. The website contains comprehensive information on problematic areas including sexual exploitation.

# Rules of Procedure

## Introduction

1. These rules shall be the only rules which apply to the Committee for Development Policy (hereinafter referred to as “the Commission”) and shall be considered adopted by the Commission prior to its first meeting.
2. For purposes of these rules, the Committee Director, the Assistant Director(s), the Under Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the “Secretariat”.
3. Interpretation of the rules shall be reserved exclusively to the Director-General or his or her designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations, and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson, or acting chairperson of the Commission.

## I. SESSIONS

### **Rule 1 - Dates of convening and adjournment**

The Commission shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

### **Rule 2 - Place of Sessions**

The Commission shall meet at a location designated by the Secretary-General.

## II. AGENDA

### **Rule 3 - Provisional agenda**

The provisional agenda shall be drawn up by the Secretary-General and communicated to members of the United Nations at least 60 days before the opening of the session.

### **Rule 4 - Adoption of the agenda**

The agenda provided by the Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting in the Commission. Items on the agenda may be amended or deleted by the Commission by a two-thirds majority of the members present and voting.

*The vote described in this rule is a procedural vote and as such, observers are permitted to cast a vote. For purposes of this rule, “those present and voting in the Commission” means those delegates, including observers, in attendance at the session during which this motion comes to vote*

### **Rule 5 - Revision of the agenda**

During a session, the Commission may revise the agenda by adding, deleting, deferring or amending items. Only

important and urgent items shall be added to the agenda during a session. Permission to speak on a motion to revise the agenda shall be accorded only to three representatives in favor of, and three opposed to, the revision. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Commission so decides by a two-thirds majority of the members present and voting.

*For purposes of this rule, the determination of an item as of "important and urgent character" is subject to the discretion of the Secretariat, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Commission to be placed on the agenda. The votes described in this rule are substantive votes, and as such, observers are not permitted to cast a vote. For purposes of this rule, "the members present and voting" means members (not including observers) in attendance at the session during which this motion comes to vote.*

#### **Rule 6 - Explanatory memorandum**

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

### III. SECRETARIAT

#### **Rule 7 - Duties of the Secretary-General**

1. The Secretary-General or his/her designate shall act in this capacity in all meetings of the Commission.
2. The Secretary-General shall provide and direct the staff required by the Commission and be responsible for all the arrangements that may be necessary for its meetings

#### **Rule 8 - Duties of the Secretariat**

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Commission, and shall distribute documents of the Commission to the Members of the United Nations, and generally perform all other work which the Commission may require.

#### **Rule 9 - Statements by the Secretariat**

The Secretary-General, or his/her representative, may make oral as well as written statements to the Commission concerning any question under consideration.

#### **Rule 10 - Selection of the President**

The Secretary-General or his/her designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, inter alia, chair the committee for the duration of the session, unless otherwise decided by the Secretary-General.

#### **Rule 11 - Replacement of the President**

If the President is unable to perform his/her function, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

#### IV. LANGUAGES

##### **Rule 12 - Official and working language**

English shall be the official and working language of the Commission.

##### **Rule 13 - Interpretation**

Any representative wishing to address any United Nations body or submit a document in a language other than English must provide translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the translation must be within the set time limit.*

##### **Rule 14 - Quorum**

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Commission are present. The presence of representatives of a majority of the members of the body concerned shall be required for any decision to be taken.

*For purposes of this rule, "members of the Commission" and "members of the body" are based on the number of total members (not including observers) in attendance for the first night's session*

##### **Rule 15 - General powers of the President**

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Commission and over the maintenance of order at its meetings. She or he shall rule on points of order. She or he may propose to the Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use his or her discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference. For purposes of this rule, the President's power to "propose to the Commission" entails his or her power to "entertain" motions, and not to move the body on his or her own motion.*

##### **Rule 16**

The President, in the exercise of his or her functions, remains under the authority of the Commission.

##### **Rule 17 - Points of order**

During the discussion of any matter, a representative may rise to a point of order, which shall be decided

immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, "the members present and voting" mean those members (not including observers) in attendance at the session during which this motion comes to vote.*

#### **Rule 18**

A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

#### **Rule 19 - Speeches**

1. No one may address the Commission without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Commission, and the President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.
3. When debate is limited and a speaker exceeds the allotted time, the President shall call him or her to order without delay.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, if the President determines that the Commission in large part does not want to deviate from the limits to the speaker's time as it is then set, and that any additional motions will not be well received by the body, the President, in his or her discretion, and on the advice and consent of the Secretariat, may rule as dilatory any additional motions to change the limits of the speaker's time.*

#### **Rule 20 - Closing of list of speakers**

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with consent of the Commission, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Commission.

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Commission. A motion to close the speaker's list is within the purview of the Commission and the President should not on his own motion move the body.*

#### **Rule 21 - Right of reply**

If a remark impugns the integrity of a representative's State, the President may permit a right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that "impugns the integrity of a representative's State" is one*



*directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All rights of reply shall be made in writing addressed to the Secretariat and shall not be raised as a point or motion. The Reply shall be read to the body by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.*

#### **Rule 22- Suspension of the meeting**

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

#### **Rule 23 - Adjournment of the meeting**

During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Commission shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the Commission's next regularly scheduled meeting the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last session of the Commission.*

#### **Rule 24 - Adjournment of debate**

A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded only to two representatives favoring and two opposing the adjournment, after which the motion shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

#### **Rule 25 - Closure of debate**

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Commission favors the closure of debate, the Commission shall immediately move to vote on all proposals introduced under that agenda item.

#### **Rule 26 - Order of motions**

Subject to rule 21, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

**Rule 27 - Proposals and amendments**

Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the representatives present who would like the Commission to consider the proposal or amendment. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Commission unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the body for all purposes, including subsequent amendments.

*For purposes of this rule, "representatives present" is based on the number of total representatives (including observers) in attendance at the first night's session. For purposes of this rule, all "proposals" shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Commission by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of that working paper. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution/report. After approval of a working paper, the proposal becomes a draft resolution/report and will be copied by the Secretariat for distribution to the Commission. These draft resolutions/reports are the collective property of the Commission, and as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.*

**Rule 28 - Withdrawal of motions**

A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

**Rule 29 - Reconsideration of a topic**

When a topic has been adjourned, it may not be reconsidered at the same session unless the Commission, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

*For purposes of this rule, "those present and voting" mean those representatives, including observers, in attendance at the session during which this motion comes to vote.*

**V. VOTING****Rule 30 - Voting rights**

Each member of the Commission shall have one vote.

*This section applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to “member(s)” do not include observers, who are not permitted to cast votes on substantive matters.*

### **Rule 31 - Request for a vote**

A proposal or motion before the Commission for decision shall be voted upon if any member so requests. Where no member requests a vote, the Commission may adopt proposals or motions without a vote.

*For purposes of this rule, “proposal” means any draft resolution/report, an amendment thereto, or a portion of a draft resolution/report divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without vote.*

### **Rule 32 - Majority required**

1. Unless specified otherwise in these rules, decisions of the Commission shall be made by a majority of the members present and voting.

2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative states as “present and voting” during the attendance roll call for the session during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.*

### **Rule 33 - Method of voting**

1. The Commission shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

*Only those members, who designate themselves as “present” or “present and voting” during the attendance roll call or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote, and as such, no others will be called during a roll call vote. Any representatives replying “pass,” must, on the second time through respond with either “yes” or “no.” A “pass” cannot be followed by a second “pass” for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment*

1. When the Commission votes by mechanical means, a non-recorded vote shall replace a vote by the show of placards and a recorded vote shall replace a roll call. A representative may request a recorded vote. In the case of a recorded vote, the Commission shall dispense with the procedure of calling out the names of the members.

2. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

**Rule 34 - Explanation of vote**

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President immediately after voting on the topic has come to an end.*

**Rule 35 - Conduct during voting**

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connections with the actual process of voting.

**Rule 36 - Division of proposals and amendments**

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, "most radical division" means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is "most radical" is subject to the discretion of the Secretariat, and any such determination is final.*

**Rule 37 - Amendments**

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

*An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect perambulatory clauses.*

**Rule 38-Order of voting on amendments**

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, “furthest removed in substance” means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is “furthest removed in substance” is subject to the discretion of the Secretariat, and any such determination is final.*

**Rule 39 - Order of voting on proposals**

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Commission decides otherwise, be voted on in order in which they were submitted.

**Rule 40 - The President shall not vote**

The President shall not vote but may designate another member of his or her delegation to vote in his or her place.

VII. CREDENTIALS

**Rule 41 - Credentials**

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

**Rule 42**

The Commission shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

VII. PARTICIPATION OF NON-MEMBERS OF THE COMMISSION

**Rule 43 - Participation of non-Member States**

1. The Commission shall invite any Member of the United Nations that is not a member of the Commission and any other State, to participate in its deliberations on any matter of particular concern to that State.
2. A committee or sessional body of the Commission shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.
3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

*If the Commission considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation again. Delegates invited to the Commission according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Commission is no longer required.*

**Rule 45 - Participation of national liberation movements**

The Commission may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

**Rule 46 - Participation of and consultation with specialized agencies**

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled:

- a) To be represented at meetings of the Commission and its subsidiary organs;
- b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Commission or of the subsidiary organ concerned.

**Rule 47 - Participation of non-governmental organization and intergovernmental organizations**

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the General Assembly and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Commission on the recommendation of the Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Commission on questions within the scope of the activities of the organizations.