



SPECIAL SESSION FOR WORKING GROUP ON CHILDREN AND ARMED CONFLICT



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BACKGROUND GUIDE 2009



Official Welcome

Dear Delegates,

On behalf of the 2009 National Model United Nations-DC Conference team, especially your committee staff Roger Tseng and Cara Wagner, we would like to welcome you to the Special Session of the Working Group on Children and Armed Conflict. Everyone at NMUN-DC has worked diligently throughout the year to prepare for this conference, and we sincerely hope that you will conclude the weekend at the conference with a greater appreciation for global politics.

Model UN provides an excellent environment for delegates to learn and improve important life skills and academic knowledge. To begin, we have prepared this background guide to help you start your search in your country's policies and to understand the committee topics. During the conference, the intimate nature of this committee will ensure that you will rely not only on your knowledge but also your tact, oration and negotiation skills to fulfill your country's positions.

Child labor, particularly children in armed forces, remains a problem in the developing and underdeveloped nations. The Working Group on Children and Armed Conflict has a very specific portfolio within the realm of the United Nations and, while it has no formal enforcement powers, the cases and recommendations it presents to the Security Council and other international bodies play a significant role in bringing more awareness to this social pandemic.

We are privileged to play a role in your education experience here at NMUN-DC and look forward to working with all of you.

History of the Working Group on Children and Armed Conflict

The involvement of children in armed conflict is an issue the United Nations Security Council (UNSC) has continually worked on. Since 1999, the UNSC has passed several resolutions, all of which address the need for the prevention, protection, and treatment of children from armed conflict. In response to the works of the UNSC, the Secretary-General released his report on children and armed conflict (report S/2005/72). Chapter III, section B of the report, which aptly calls for a monitoring and reporting mechanism "to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict" in order for the international community to better address any issues in compliance, is of particular relevance to this committee.

In July 2005, the UNSC acted upon the recommendation of the Secretary-General and passed resolution 1612, formally establishing the Working Group on Children and Armed Conflict. The primary responsibility of the Working Group is to review the reports of the abovementioned mechanism; furthermore, the Working Group makes recommendations to the UNSC on issues pertaining to children and armed conflict, reviews the progress and implementation of action plans, and addresses inquiries from other organs of the United Nations. As a subsidiary body of the UNSC, the Working Group shall be composed of the current fifteen Member States of the Council; the five permanent Member States cannot exercise their vetoes in the Working Group. Furthermore, the Working Group is a report-writing committee whose aim is to produce a "Conclusions" report, which addresses the topic at hand, and to make recommendations to the UNSC.

I. Situation Concerning Child Soldiers in Myanmar

- How can the United Nations work with the government of Myanmar and with non-state actors to deter children from entering armed groups? How can we improve access, especially access of information, into contested areas or territories blocked by the Burmese government? Can improvements in individual and communal humanitarian assistance play a more important role in solving this crisis?
- How should the United Nations, more specifically the UNSC, react if Myanmar does not act to improve the situation? Should the UNSC enforce sanctions against Myanmar? What steps should Myanmar take until the international community has confidence in the country?

The Convention on the Rights of the Child of 1989 currently governs the international community in regards to the States' responsibilities to children, and the Convention's Optional Protocol on the Involvement of Children in Armed Conflict further outline States' commitment to outlaw child soldiers. At the time writing, Myanmar has only ratified the Convention and not the Optional Protocol. By allowing children to serve in the national army as well as other non-State armed groups, Myanmar has effectively violated the terms of the Convention, which is a legally-binding document, as Burmese children have their fundamental rights to education, leisure, and protection violated. Political unrest and a lack of enthusiasm from the national government have also made Myanmar a difficult country for the United Nations to engage with. The government of Myanmar, however, has implemented several mechanisms to prevent children from entering the armed forces. The Myanmar Defense Services and War Office Council set the minimum age of soldiers at eighteen and has begun age screening for all applicants. In February 2007, Myanmar signed a Supplementary Understanding with the International Labor Organization (ILO), allowing individuals to bring forth cases of forced labor (including forced child labor) to the ILO liaison officer in the capital city of Yangon. Myanmar has also set up several agencies, such as the Working Group for the Prevention of Military Recruitment of Underage Children, to engage with the international community. Between September 2007 and December 2008, the government had released 68 child soldiers from the national army back to the custody of their parents or legal guardians. Furthermore, nine military officers had been discharged for recruiting child soldiers, although the government did not clarify the consequences these officers faced.

However, the multitude of non-state actors in Myanmar has made the elimination of child soldiers nationally inconsistent. Including the national forces, the Tatmadaw Kyi, there are a total of ten armed groups in Myanmar. The Karen National Liberation Army and the Karenni Army have attempted to conclude action plans with the United Nations through UNSC resolution 1612, but their efforts have been blocked by the government. The 2009 report on children and armed conflict in Myanmar by the Secretary-General (report S/2009/278) presents numerous cases in which children were voluntarily accepted or were forced to participate in armed activities by the State-sanctioned forces or by non-State actors. In fact, the Tatmadaw Kyi has the most number of reported cases of child soldiers compared to other armed groups. The government also restricts the freedom of movement of international aid workers within Myanmar; workers are seldom allowed to enter territories not affected by Cyclone Nargis, and, on the occasion that there is access, their work is hindered by the presence of government escorts. In particular, UNICEF has not been allowed access to any children released from the military through the government's own mechanism. These impediments have prevented dialogue between the United Nations and the national government as well as the numerous non-State actors to establish policies to eliminate the presence of child soldiers in the country.

II. Disarmament, Demobilization, Reintegration (DDR) for Child Soldiers

- How can local communities be better integrated into child DDR programs to foster support of child soldiers and negate the damaging effects of armed conflict? How can cooperation between governments and armed groups in regards to DDR of child soldiers be increased in order to ensure success and sustainability? What can be done to address the special needs of female child soldiers during DDR?
- What is required of local communities to support reintegration throughout conflict and how can governments and the international community better aid them and these programs? How should the United Nations and its programs and agencies be incorporated into and assist the reintegration process?

During armed conflict children are extremely vulnerable and are often recruited, forced, or enlisted into combat. As such, it is the obligation of the international community to establish and ensure successful disarmament, demobilization, and reintegration (DDR) programs as called for in Article 39 of the Convention of the Rights of the Child. Child DDR programs differ from adult DDR programs for a number of reasons, and as the involvement of child soldiers becomes more severe, so does the need for specialized DDR programs. These specially designed programs have to occur continuously throughout a conflict in order to ensure the safety of children. False information and lack of access to conflict areas, due to both governments and armed groups, often make implementation of such programs very difficult. Lack of cooperation from conflict-stricken communities due to minimal resources, distrust of the children, and fear of retaliation from armed groups also hinder the successful

implementation of DDR programs. Nonetheless, local communities are a fundamental element of success for the rehabilitation of child soldiers because of the role they play in children's lives. Child soldiers need medical and psychological aid, skills training, special attention, and assistance in their reintegration to school and the community.

Community support is essential for both male and female combatants. As child soldiers are demobilized and returned to society, it is important to educate not only the children but also the community of the needs facing these children. Educating the community of the trauma and violence faced by these children is imperative, as is the reassurance of the community's safety in order to ease the fear of repercussions. Correspondingly, communities can face strain on their resources in order to accommodate reintegration. This makes the support and cooperation of the government even more important. In order to support a DDR program throughout a conflict, communities require a significant amount of aid. The strength of economic, education, and social structures are all tested during reintegration. Because child DDR programs require continuous implementation regardless of the stage of the conflict, the needs and interests of child soldiers are often neglected in order to preserve the needs of the community during the conflict. However, reintegration would provide more benefits than harm if proper DDR programs were established. By training and re-educating child soldiers of all ages, they can then contribute to the community as well as to the peace process; as opposed to being isolated and more than likely returning to armed forces and dismantling potential peace processes.

In accordance with UNSC resolution 1325, special attention to female child soldiers is also crucial. As with age, DDR programs are not often customized to gender. However, due to gender inequalities in society, if given the choice communities will often send a girl to fight. Also, because of the sexual exploitation, which they are often subjected to by armed groups, and the results thereof, female child soldiers require unique medical, psychological, and educational assistance during reintegration. Governments and armed forces often use all means possible to conceal their use of children, especially girls. According to the 2008 Child Soldiers Global Report, in the Democratic Republic of the Congo only 3000 or 15% of the total number of girls were reintegrated. Girls fear leaving the armed forces, as they may have to take on roles such as wives or domestic servants to their commanders. Otherwise, they often fear the repercussions from the community. With the amount of sexual exploitation faced by girls in conflict, girls frequently return as young mothers or with sexually transmitted diseases. Communities shun them and families disown them as damaged goods. Now faced with additional inequalities on top of previously established societal norms, these girls have nowhere to turn and are forced to learn to raise a family alone without any prospect of familial or financial security. These three aspects of DDR programs are the least developed and require the urgent attention of the international community as the use of child soldiers increases in conflicts today.

III. Preventing Grave Crimes Against Children: The Case of Kyungu Mutanga & Thomas Lubanga

- What are the lessons learned from the conflict in the Democratic Republic of the Congo, the cases against both Kyungu Mutanga & Thomas Lubanga, and how can they be applied to conflicts today in order to prevent crimes against children and end impunity? How can current action plans and partnerships to prevent grave crimes against children be strengthened and improved?
- Considering the conditions of a nation leading up to and during conflict, how can prevention be encouraged and the safety of children ensured during these time periods?

Although illegal under international law, there are armed groups, as well as governments, who still subscribe to the use of child soldiers. Significant headway, however, has been made in recent years in bringing offenders to justice. Kyungu "Gedeon" Mutanga was a commander of the Mai-Mai, an armed rebel group in the Democratic Republic of the Congo (DRC). He was accused, tried, and convicted of crimes against humanity and war crimes, which includes the recruitment and use of child soldiers during the period of 2003-2006. Thomas Lubanga, who served as commander-in-chief in the Forces patriotiques pour la libération du Congo (FPLC) in the DRC, is currently being tried in the International Criminal Court (ICC) in The Hague for crimes against humanity and war crimes for the use and abuse of child soldiers during the conflict. This trial is the first of its kind from the ICC and has led to subsequent warrants for similar criminals, including former President of Liberia, Charles Taylor. Correspondingly, the trial of Kyungu Mutanga was brought on largely because of the recommendations and conclusions of this Working Group. It is clear that steps are being made to prosecute those guilty of grave crimes against children, including the use of child soldiers, and ending impunity. These include the establishment of the Monitoring and

Reporting Mechanism (MRM), which is supervised by the Working Group, and the Optional Protocol to the Convention on the Rights of the Child on Children and Armed Conflict. Such frameworks require the cooperation between United Nations agencies, regional organizations, non-governmental organizations, national governments, and armed groups in order to ensure the success of children's safety. Such cooperation is often difficult to find in conflict zones. Utilizing the lessons learned from previous atrocities can help strengthen future practices of crime prevention. As the world's population and conflicts increase, armed forces employ every avenue for recruitment of combatants, which will lead to the exploitation of children. It is for this reason that renewal of commitments to prevention frameworks must be made and the implementation of action plans be initiated.

As defined by the Special Representative for the Secretary-General for Children and Armed Conflict, the six categories of grave crimes against children are: killing or maiming of children; recruitment or use of children as soldiers attacks against schools or hospitals; denial of humanitarian access for children; abduction of children; and rape and other grave sexual abuse of children. The question of prevention leads down two different paths. Firstly, the local community has the ability to provide alternate opportunities to children. While demobilization and recruitment practices operate during and after times of conflict, prevention practices are increasingly in necessity. Prevention of Recruitment, Demobilization, and Reintegration (PDR) programs are often what organizations such as UNICEF refer to rather than DDR programs, as they are specific to child soldiers. These programs are becoming more common as counterparts to DDR programs. Along with justice and legal measures as a means of prevention, development is crucial. This includes engaging children in community activities in order to provide opportunities other than combat. Secondly, adapting peace-building processes to ensure that corruption of power does not lead to steering children down the path of war is important, as was the case with Kyungu Mutanga and Thomas Lubanga. Inclusion of children and local communities along with governments and leaders of armed forces will allow for increases success of child protection. Communication among international organizations, non-governmental organizations, national governments, and local communities, is crucial. Ignoring past atrocities such as the violations committed by Kyungu Mutanga and Thomas Lubanga is no longer an option. Their indiscretions are public images of all who violate the rights of the child and commit such grave crimes. As stated in the Convention of the Rights of the Child, "... the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." Yet this can only be guaranteed with prevention and protection measures.

Annotated Bibliography

History of the Working Group on Children and Armed Conflict

United Nations. Office of the Special Representative of the Secretary-General for Children and Armed Conflict (2009). *Home – Children and Armed Conflict*. Accessed July 11, 2009, from <http://www.un.org/children/conflict/english/index.html>.

This is the home page for the Working Group on Children and Armed Conflict. A wealth of information on past actions, statements, and reports is available here. The site serves as a good starting point for delegates to research proposals not mentioned in the background guide.

United Nations. Security Council. (2005). *Security Council Resolution 1216*. Accessed July 11, 2009, from <http://www.un.int/wcm/webdav/site/somalia/shared/documents/statements/1121709555.pdf>.

This resolution sets out the basis and framework for the Working Group on Children and Armed Conflict. The Security Council emphasizes the need to have an accurate and objective reporting mechanism and at the same time stresses that national governments need to cooperate with the UN. Article 8 of the resolution lays out the responsibilities of the Working Group, which includes drafting recommendations to the Security Council.

United Nations. Security Council. (2005, February 9). *Children and armed conflict: report of the Secretary-General (S/2005/72)*. Accessed July 11, 2009, from http://www.unicef.org/emerg/files/SG_report_cac.pdf.

This is the 2005 report by the Secretary General on children and armed conflict. Of importance to the Working Group is chapter III of the report, which outlines the Secretary General's plan for the reporting and monitoring mechanism now embodied by the Working Group. The report specifies how and what sort of information is gathered.

I. Situation Concerning Child Soldiers in Myanmar

Coalition to Stop the Use of Child Soldiers. (2008). *Child Soldiers Global Report 2008*. Accessed August 1, 2009, from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. 2008 marks the third issue of this report by the Coalition to Stop the Use of Child Soldiers. Countries are scrutinized by the NGO through recruitment methods, recruitment age, international commitments to stop child soldiers, and how child soldiers are kept active in the armed forces. The chapter on Myanmar outlines the progress the country has made but also how much more work needs to be done to completely eliminate Burmese children from participating in warfare.

United Nations. General Assembly. (1989, November 20). *Convention on the Rights of the Child (A/RES/44/25)*. Accessed July 28, 2009, from <http://www.un.org/documents/ga/res/44/a44r025.htm>. The Convention, passed in 1989, sets out the political, cultural, and civil rights of children of Member States. In contrast to most national laws, especially those based on common law, the Convention addresses the needs of the children in their best interests. While the Optional Protocol sets out provisions more closely related to child soldiers, Myanmar, who ratified the Convention in 1991, has violated several articles of the Convention by allowing children to serve in armed groups.

United Nations. General Assembly. (2000, May 25). *Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (A/RES/54/263)*. Accessed July 28, 2009, from <http://www.un-documents.net/a54r263.htm>. Annex I of this resolution addresses the involvement of children in armed conflict. It reaffirms that children should not be involuntarily recruited into the national armed forces or the armed branch of any non-State group. Member States who ratified this protocol must also assure that mechanisms for the social and political reintegration of children affected by armed conflict exist. Presently Myanmar is not a signatory to the resolution in its entirety.

United Nations. Security Council. (2008, July 25). *Conclusions on children and armed conflict in Myanmar (S/AC.51/2008/8)*. Accessed July 11, 2009, from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SAC%2051%202008%208.pdf>. For committee proceedings, this document serves as a working model of the report that the body should draft by the end of the conference. The Conclusions document written by the Working Group reassesses the situation in a specific country and provides recommendations to the Security Council, the Secretary-General, and any other office or body deemed necessary by the Working Group. In this report, the Working Group reiterated the necessity of unhindered access by the United Nations to information and expressed concern regarding the lack of progress by non-State armed groups.

United Nations. Security Council. (2009, March 26). *Children and armed conflict: report of the Secretary-General (S/2009/158)*. Accessed July 11, 2009, from <http://www.undemocracy.com/S-2009-158.pdf>. This is the 2009 report from the Secretary-General on children and armed conflict and contains the latest information on the progress countries have made in regards to the elimination of children from their armed forces. As mentioned in the report and in the background guide, there are inconsistencies between the words and actions of Myanmar and the Burmese government and non-state actors have not fully cooperated with the UN. The report also explains in detail the progress of UN activities not related to specific countries, such as the success of the reporting and monitoring mechanism.

United Nations. Security Council. (2009, June 1). *Report of the Secretary-General on children and armed conflict in Myanmar (S/2009/278)*. Accessed July 11, 2009, from <http://daccessdds.un.org/doc/UNDOC/GEN/N09/350/00/PDF/N0935000.pdf?OpenElement>. This is a report specifically written to assess the situation of child soldiers in Myanmar. As mentioned in Report S/2009/158, none of the non-State actors in Myanmar has signed an action plan with the UN. This report explains in more detail the situation with each of these groups as well as field case studies and recommendations to the Security Council.

II. Disarmament, Demobilization, Reintegration (DDR) for Child Soldiers

Child Soldiers Global Report. (2009). *Facts and figures of child soldiers*. Retrieved July 30, 2009, from <http://www.childsoldiersglobalreport.org/content/facts-and-figures-child-soldiers>
This summary of the facts and statistics of child soldiers from the report provides quick information. It also links to the full report, which contains more helpful research for further research on child soldiers. This report includes discussion of Disarmament, Demobilization, and Reintegration (DDR) information.

United Nations. Disarmament, demobilization and reintegration Resource Centre. (2009). *Children and DDR*. Retrieved July 10, 2009, from http://unddr.org/iddrs/05/30.php?search_phrase=child_soldiers#startLoc.
This report by the UN DDR Resource Center discusses issues facing children affected by armed conflict during DDR. It presents the basic guiding principles and conventions relating to children in armed conflict with a specific section on child soldiers. Additionally it includes the role of local communities and issues facing girls in armed forces.

United Nations. Disarmament, Demobilization and Reintegration Resource Centre. (2009). *Women, gender and DDR*. Retrieved July 30, 2009, from http://unddr.org/iddrs/05/index.php?search_phrase=girls#startLoc.
This report by the UN DDR Resource Center deals with gender issues in armed conflict and during DDR. It presents the facts in regards to combatants and civilians. It also differentiates between age differences in terms of the issues faces women and girls.

United Nations. Office of the Special Representative for the Secretary-General on Children and Armed Conflict. (2009). *Disarmament, demobilization and reintegration programmes for children*. Retrieved July 10, 2009, from <http://www.un.org/children/conflict/english/ddrforchildren.html>.
The Office of the Special Representative for the Secretary-General on Children and Armed Conflict web site hosts information on the Security Council Working Group. This Web site discusses DDR programs specifically designed for children and the issues facing the international community. It contains links to basic frameworks such as the Paris Principles as well as provides specific and current examples.

United Nations. Office of the Special Representative for the Secretary-General on Children and Armed Conflict. (2009). *The Situation of girls in war*. Retrieved July 10, 2009, from <http://www.un.org/children/conflict/english/girlsinwar.html>.
This Web site discusses the need of the international community to pay specific attention to the need of girls in armed conflict due to the extraordinary vulnerability. Issues raised include sexual exploitation and the inequalities and discrimination of girls upon returning from conflict. In addition, it lists specific issues, which the international community should pay special attention to in regards to girls in war.

United Nations. Security Council. (2000, October 31). *Resolution 1325 (S/RES/1325)*. Retrieved July 10, 2009, from http://www.un.org/events/res_1325e.pdf.
This resolution was passed on October 31 by the members on the UNSC to build on the preceding Beijing Platform, which discussed the rights of women. Resolution 1325 specifically discusses the imperative role which women and girls play in conflict and post-conflict situations. To exclude them is to lose a vital aspect of successful peace-building programs, including DDR programs.

III. Preventing Grave Crimes Against Children: The Case of Kyungu Mutanga & Thomas Lubanga

International Criminal Court. (2008) *ICC 1/04-01/06. The Prosecutor v. Thomas Lubanga Dyilo*. Retrieved July 11, 2009, from <http://www2.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200106/democratic%20republic%20of%20the%20congo?lan=en-GB>.
This is a summary of the current case on trial at the International Criminal Court against Thomas Lubanga. It provides the vital statistics of the case as well as links to further information regarding the case and the charges against Mr. Lubanga. The ICC Web site provides information regarding current and

past cases relative to this topic. Since this is the first trial of its kind at the ICC, exploring this case through the ICC as well as the information that the ICC has to offer should prove helpful to research.

United Nations. Office of the High Commissioner for Human Rights. (1989, November 20). *Convention on the rights of the child*. Retrieved July 10, 2009, from <http://www2.ohchr.org/english/law/crc.htm>.
The Member States of the United Nations passed the Convention on the Rights of the Child in 1989, marking a fundamental step in international law. This convention deals with all aspects on children's rights under international law, including those of children in armed conflict. It recognizes the unique interests and needs of children as a specific group in human rights. Topics covered range from basic human rights of the child to the rights of a child in reintegration.

United Nations. Office of the High Commissioner for Human Rights. (1989, November 20). *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*. Retrieved July 11, 2009, from <http://www2.ohchr.org/english/law/pdf/crc-conflict.pdf>.
This report is an optional protocol added to the Convention on the Rights of the Child in order to fully deal with the issues facing children in armed conflict. It discusses grave crimes against children, prevention mechanisms, and requirements of Member States in order to ensure the safety of children. This serves as the doctrine for a child's basic rights during and after armed conflict.

United Nations. Office of the Special Representative for the Secretary-General on Children and Armed Conflict. (2009) *Ending the most grave violations against children*. Retrieved July 11, 2009, from <http://www.un.org/children/conflict/english/themostgraveviolations.html>.
This Web site highlights the gravest violations against children as defined by the UN. They are: "killing or maiming of children; recruitment or use of children as soldiers; attacks against schools or hospitals; denial of humanitarian access for children; abduction of children; rape and other grave sexual abuse of children." In addition, it discusses prevention processes and mechanisms as well as issues facing them.

United Nations. Office of the Special Representative for the Secretary-General on Children and Armed Conflict. (2009) *International Tribunals*. Retrieved July 11, 2009, from <http://www.un.org/children/conflict/english/internationaltribunals.html>.
This Web site discusses the progress which the international community has made in bringing offenders to justice. Specifically, it refers to the current Thomas Lubanga case on agenda at the International Criminal Court and the accusations made against him. These allegations include the recruitment and use of children under the age of 15 in armed conflict.

United Nations. Office of the Special Representative for the Secretary-General on Children and Armed Conflict. (2009) *Working to end impunity*. Retrieved July 10, 2009, from <http://www.un.org/children/conflict/english/workingtoendimpunity.html>.
This Web site discusses the issues facing the international community in regards to the impunity of war criminals. Specifically is discusses those who have violated the rights of children during armed conflict. It refers directly to the case of Thomas Lubanga.