BAL BHARATI SCHOOL MUN

17TH August, 2013

COMMITTEE: HUMAN RIGHTS COUNCIL

AGENDA: RIGHTS OF WOMEN AND CHILDREN DURING AN ARMED CONFLICT
Message from the Executive Board

Dear Delegates

We welcome you to the Human Rights Council of the Bal Bharati Public School MUN. Before you go ahead and study this background guide, please keep in mind that this guide is merely to facilitate your research and not the entire research in itself. The background guide will have a basic outline of the agenda to help your understanding and our expectations from you as a delegate. Other than research, a few aspects that you should keep in mind while preparing are

- **Mandate**

Every council of the United Nations has a very specific mandate. The discussion of an agenda and proposal of solutions should be within the mandate of the committee.

- **Procedure**

The purpose of putting in the procedures in any council is to ensure a more organized and efficient debate. Although the executive board shall be fairly strict with the procedure, the discussion of agenda will be our priority.

- **Foreign Policy**

Following the foreign policy of your country is the most important aspect in a Model UN Conference. This is what differentiates a Model UN from any debating format. Violation of Foreign Policy is the worst thing a delegate can do.

- **Research**

Many times the delegates think that reading about an agenda and making notes is the most important aspect of research. No doubt. For a Human Rights Council, beside the facts one also has to be aware of the social structure and set up of different nations. This will help them analyze the reason behind the current Human Rights situation.

Looking forward to see you,

**Sakshi Aggarwal**  
Chairperson

**Abhinav Verma**  
Director
“All victims of human rights abuses should be able to look to the Human Rights Council as a forum and a springboard for action.”

- Ban Ki-moon, UN Secretary-General, 12 March 2007, Opening of the 4th Human Rights Council Session.

Human rights are fundamental to the United Nations. The Preamble of the Charter of the United Nations states that "We the peoples of the United Nations [are] determined... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."

The Human Rights Council is a charter based body, and has responsibility for the special procedures, including those originally established by the Commission on Human Rights. The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. The special procedures include special rapporteurs, special representatives, independent experts, and working groups, that investigate, discuss, and report on specific human rights issues under a country mandate or thematic mandate. It is composed of 47 Member States, which meets in at least three sessions per year in Geneva, Switzerland. The Office of the UN High Commissioner for Human Rights (OHCHR) is the secretariat for the Human Rights Council. The work in human rights is carried out by a number of bodies. When researching human rights issues, a distinction must be made between Charter-based and treaty-based human rights bodies.

**Charter based bodies:**

- Derive their establishment from provisions contained in the Charter of United Nations,
- Hold broad human rights mandates,
- Address an unlimited audience, and
- Take action based on majority voting.

**Treaty based bodies**

- Derive their existence from provisions contained in a specific legal instrument,
- Hold more narrow mandates (i.e., the set of issues codified in the legal instrument),
- Address a limited audience (i.e., only those countries that have ratified the legal instrument), and
WHAT IS WAR?

War is an organized and often prolonged armed conflict that is carried out by states and/or non-state actors. It is characterized by extreme violence, social disruption, and economic destruction. A war can be an internal conflict between two different sections or groups within the same country, which can be termed as a civil war (like the Vietnam War) or sectarian conflict (like between the Shia and Sunni Muslims). A war can also be a revolutionary war, wherein the people revolt against the government structure and the government may inflict violence on the civilian population, as seen in the recent Arab Revolution. External or Trans-national wars are also common to find, with the most famous example being the two World Wars wherein two nations or groups of nations were at war with each other.

Every War or armed conflict has widespread implications upon the civilian populace. Children and Women among civilians are probably the most vulnerable section of society who suffers inhuman miseries as the result of being occupied under armed conflicts. Since the time of the world war, the issue of children in armed conflicts has been raised in many significant meetings and inter-governmental conferences in the world, and a lot of International Conventions have been framed to protect the fundamental human rights of children and women trapped in armed conflict, and otherwise.

EXPLOITATION OF WOMEN’S RIGHTS DURING TIMES OF WAR

In today’s world, there are conflicts which involve women and children as approximately 90 percent of casualties among civilians. Though conflicts are lethal to all genders and populations, women are especially vulnerable. Women in war-torn societies are victimized with harsh forms of sexual violence, which is sometimes even exploited calculately to fulfill military or political purposes. The problem of this gender based violence persists even after a conflict has ended in forms of unwanted pregnancies, sexually transmitted infections and stigmatization, meaning shame and dishonor. Such sexual violence is a consequence of insecurity and impunity, and it usually goes hand-in-hand with discrimination and unfair laws. Other than health issues, it can also limit women to protect their own rights, including access to education, rights of financial independence and participation in governance and peace building.

- SEXUAL SLAVERY AND TRAFFICKING- Being almost inseparable, sexual slavery and trafficking of women is one of the most likely consequences of a war-like situation. Women are trafficking into other countries, sometimes as rewards for the winning parties, to be used in forced labor schemes, most likely forced prostitution. They are forced into marriage or sexual relations with members of opposing groups through abduction or coercion.

- WAR RAPES- War rapes are rapes committed by soldiers, other combatants or civilians during armed conflict or war, or during military occupation, distinguished from sexual
assaults and rape committed amongst troops in military service. Rape as a weapon of war - Increasingly it is seen that rape and sexual abuse are not just by-products of war, but also a deliberative military strategy. From the systematic rape of women in Bosnia, to an estimated 200,000 women raped during the battle for Bangladeshi independence in 1971, to Japanese rapes during the 1937 occupation of Nanking - the past century offers too many examples. It is mostly used a strategy for ethnic cleansing, as impregnating women of a community with a particular gene pool may at last lead to destruction of the opposing community completely. It is used as a measure to destabilize communities and sow terror. The Geneva Conventions and it's protocols explicitly prohibit wartime rapes and the International Criminal Tribunal on Rwanda also made a landmark judgment to this effect by defining rape as a crime of Genocide under the International Law.

The effects of war rapes or using rape as a weapon of war are widespread-

i) Physical effects- Traumatic injuries and unwanted disease, which is hard to treat in these situations because of disruption of medical aid channels.

ii) Psychological Effects- Post-traumatic stress disorder is very common to find among the victims

iii) Effects on Perpetrators- Many cases pointed out that the rapists themselves are taken into a feeling of guilt and hate, which may develop into a PTSD and eventually leads to suicides and irrational choices.

iv) Unwanted Children- The conflict regions in such cases are flooded with “rape babies”, overburdening the region with orphans.

• HEALTH ISSUES- In a conflict situation, health systems are already undermined, and sanctions put up by other nations further worsen the situation. War and displacement leads to a rise in infectious diseases and epidemics, which coupled with unsanitary conditions can lead to fatal implications.

• SOCIO-ECONOMIC CONDITIONS- Conflict and post-conflict times notices a large percentage of feminization of poverty, besides lack of education and job opportunities, churning the female population into a spiral of oppression.

The cases of exploitation of women in times of war are abundant throughout the course of history, ranging from British accounts of Indian Rebels raping English girls or women to European Colonist strategy to justify the colonization of the places they had conquered. During World War-II, the exploitation reached its peak with ‘comfort women’ emerging in Japan, claims against the US Army of raping approximately 1,336 women in the Battle of Okinawa and the Soviet Army indulging in similar manner in their bases in China or Europe. Women have been the foremost bearers of atrocities in Genocidal and ethnic conflicts as well, with more than 20,000 reported rapes in the former Yugoslavia which led to the contention of rape becoming a war crime, which was followed by the incidence of an estimated 250,000 to 300,000 rapes during the Rwandan Genocide.
EXPLOITATION OF THE RIGHTS OF CHILDREN DURING WAR-

The wounds inflicted by armed conflict on children - physical injury, gender-based violence, psychosocial distress, are affronts to every impulse that inspired the United Nations Convention on the Rights of the Child. Armed conflict affects all aspects of child development - physical, mental and emotional. Such effects accumulate and interact with each other.

The disruption of food supplies, the destruction of crops and agricultural infrastructures, the disintegration of families and communities, the displacement of populations and the destruction of educational and health services and of water and sanitation systems, all take a heavy toll on children. Children are killed every year, in numbers that may extend to thousands of thousands, as a direct or consequential result of knife wounds, bullets, bombs and landmines, even by their participation as forced soldiers, but many more die of malnutrition and disease caused or accelerated by armed conflict.

Worldwide, hundreds of thousands of children under 18 have been affected by armed conflict. They are recruited into government armed forces, paramilitaries, civil militia and a variety of other armed groups. Often they are abducted at school, on the streets or at home. Others enlist "voluntarily", usually because they see few alternatives. Yet international law prohibits the participation in armed conflict of children aged under the age of 18. It means that in reality girls and boys illegally and under force, participate in combat where frequently they are injured or killed. Others are used as spies, messengers, porters, servants or to lay or clear landmines. Girls are at particular risk of rape and other sexual abuse. Such children are robbed of their childhood and exposed to terrible dangers and to psychological and physical suffering.

Another added concern is of recruitment of these children into extremist factions or organized groups to fight the war. The past years have shown an increasing trend of children being used as suicide bombers, especially by the Taliban and terrorist organizations like Al-Qaeda. It has been reported that the Taliban and Al-Qaeda have been recruiting children of ages as young as 7 years for their suicide missions. Instances of child human bombs were also seen in the Israeli-Palestinian Conflict where such strategies have been reportedly used by the Hezbollah and Hamas.

When children have experienced traumatic or other events in times of war, they may suffer from increased anxiety about being separated from their families, or they may have nightmares or trouble sleeping. They may cease playing and laughing, lose their appetites and withdraw from contact. Younger children may have difficulty concentrating in school. Older children and adolescents may become anxious or depressed, feel hopeless about the future or develop aggressive behavior.

Tens of thousands of children — many under the age of 10 — have been recruited into armies
around the world. In Liberia, children as young as seven have been found in combat, while in Cambodia, a survey of wounded soldiers found that 20 per cent of them were between the ages of 10 and 14 when recruited. In Sri Lanka, of 180 Tamil Tiger guerrillas killed in one government attack, more than half were still in their teens, and 128 were girls. Solid statistics are hard to come by, however, as most armies and militia do not want to admit to their use of child soldiers. These children have been snatched away from their homes and the streets, mostly on their way to school or even from playgrounds. In some conflicts, children have been forced to commit atrocities against their own families. In Sierra Leone, for example, the Revolutionary United Front forced captured children to take part in the torture and execution of their own relatives after which they were led to neighboring villages to commit a similar slaughter.

In the current scenario of Syria, more than 200,000 children have been reported to be internally displaced, while the UN missions and UNICEF have only been able to aid a very small percentage of the totality.

**PAST UNITED NATIONS ACTIONS/ INTERNATIONAL LAW DOCTRINES**

1. **UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict**

Paragraphs 4 and 5 of the 1974 UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict state:

   - All the necessary steps shall be taken to ensure the prohibition of measures such as persecution, torture, punitive measures, degrading treatment and violence, particularly against that part of the civilian population that consists of women...

   - All forms of repression and cruel and inhuman treatment of women ... including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories shall be considered criminal.

2. **GENEVA CONVENTION-4**

This convention particularly focuses on the protection of civilians in the times of conflict.

- Article 27- “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”
- Article 89- “Expectant and nursing mothers and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.”
- It also provides that the protected women shall be given quarters separate from those of the males, under the supervision of females.
- Article 24- “The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise
of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition. The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

3. **UNIVERSAL DECLARATION OF HUMAN RIGHTS**- Article 25(2) entitles motherhood and childhood to special care and assistance.

4. **CONVENTION ON THE RIGHTS OF CHILD**- The first optional protocol of the CRC deals with the restriction of involvement of children in military conflicts.

5. **The Millennium Development Goals** form a blueprint agreed to by all the world’s countries and all the world’s leading development institutions. These MDGs specifically MDG 3, 4 and 5 take care of the developmental needs of women and children.

**Guiding Questions**

1. What challenges do women face in regards to economic, social, and political adversity? Where does your nation stand in regards to gender equality? Does your country have a significant amount of female representation in politics?

2. What steps can be taken to ensure gender roles are accounted for when addressing conflict areas? Where do gender issues fall in respect to basic human rights and cultural diversity?

3. What is the position of the Committee on Status of Women and children, and other UN bodies that deal extensively with empowerment of Women?

4. What is the role of regional organizations in this matter?

5. Is your country involved in any armed conflict? What are the effective steps taken in your country for the security of women and children? What is the post conflict process followed?

6. Has your country signed CRC? If it has, how well has it been implemented?
LINKS FOR FURTHER RESEARCH

1) http://www.icrc.org/ihl/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5
2) http://www.worldlii.org/int/journals/ISILYBIHRL/2001/2.html
5) http://www.isha.org.il/upload/file/%D7%90%D7%99%D7%A0%D7%93%D7%A7%D7%A1/womenarmedconflict_israel_shadow_reprot_e.pdf
6) www.hrw.org
7) www.warchild.org
8) www.unicef.org