

# CENMUN 2019



# Office of the United Nations High Commissioner for Refugees

Analyzing the situation of immigrants, in  
accordance with the New York Declaration

*27th - 29th September 2019  
Centre Point School, Wardhaman Nagar  
Nagpur  
India*

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## Letter from the Executive Board

Dear Delegates,

Welcome to the Office of the High Commissioner for Refugees being simulated at CENMUN 2019. It is my honour to serve as your president for the simulation.

I am certain at this moment that you are experiencing pangs of anxiety and excitement while you are into your preparation for this Conference. You might be a little nervous about meeting new people, or perhaps are a little eager to get into those fancy formals. You might be visualising yourself speaking in in front a large crowd of unknown faces. You must be wondering what the judges will be like. You'll feel concerned about the outcome of your efforts at the end. It is okay. Enjoy these moments while you are at it.

However, I must also mention that you have been entrusted upon a task which is much more important than winning a trophy. And that is – to do justice to the responsibility of finding solutions to one of the most critical and challenging problems which we face as humanity.

The success of the committee as a committee will depend on each delegate. A council is defined by its delegates more than by its executive board. It is you, the participating delegates, which shape the outcome. You must therefore be prepared to participate for a truly rewarding experience. Apart from the research on the agenda, Delegates should be aware about their country's historical background and current situation in the global politics and international relations. Delegates should come into the committee with a clear foreign policy and the representatives of the governments of their countries.

I am unaware of your individual credentials/experience with Model United Nations however, no matter what that may amount to, it is a given that there can be no productive simulation in the absence of substantial research. There are multiple approaches to preparing for a simulation such as this and I shall not dictate to you which of these you must adopt, that is upon you to decide, however I can assert with confidence that the commonality among all these approaches is that research constitutes their first step.

So once the research process is initiated, it needs to be coupled with proactive attempts to understand. Application of the information acquired through research always requires understanding. There is not particular point at which research

concludes and analysis thereof begins, these are two intermittent processes which may continue till the last minute of the simulation.

Besides research, both on the agenda and the mandate of the committee the participants are required have a firm grasp on diplomatic conduct. Diplomatic conduct can be general and country specific, what constitutes general diplomatic conduct (which includes language, gestures and any other kind of expression) can be gauged from the definition of the term diplomacy. There is no precise definition of the term but an appraisal of various definitions shall help formulate a reasonably accurate notion thereof.

Country specific diplomatic conduct can be determined by a study of past actions of your country (country allotted which a participant is called the delegate of) in the international fora. Speeches, statements, voting records, instances of walk-outs, boycotting of meetings et cetera can contribute to building an understanding of the same, apart from these sources, video graphic recordings of these sessions and meetings can greatly help this understanding. It is expected of all participants to conduct themselves impeccably, the concept of MUN's wasn't created simply to get to students to talk about things diplomats would usually talk about, but to also hone their conduct, their reasoning, logic, negotiation and lobbying skills, all of which can be referred to as 'soft skills'.

The background guide is a preliminary research brief pertaining to the committee and the agenda. It is NOT meant to provide participants with exhaustive information. It serves as a base upon which the research is built. Nothing in the background guide has any evidentiary value, it can never be used as conclusive proof in the committee. It is necessary for delegates to dig deeper from where the background guide leaves them.

That being said, we wish you the best of preparations and hope that this simulation shall mutually benefit all those involved in it. We hope we can learn from you and impart our knowledge to you in the process. For any doubts that you may have, you may contact any member of the executive board.  
Looking forward to seeing you all.

Regards,

Prakhar Rathi  
President

***An advised pattern of research is the following:***

1. Understanding of the UN and the Committee – Mandate, etc.
2. Research on the allotted country, especially with respect to the agenda, past policies or actions taken
3. Understanding the Foreign Policy of the allotted country by studying past actions, their causes and consequences
4. Reading the Study Guide
5. Researching further upon the Agenda using the links given in the guide
6. Prepare topics for moderated caucuses and their content
7. Assemble proof/evidence for any important piece of information/allegation you are going to use in committee
8. Keep your research updated using news websites given in the Proof

***Proof / Evidence in Council***

Evidence or proof is acceptable from sources:

1. News Sources:
  - a. REUTERS – Any Reuters article which clearly makes mention of the 1 fact or is in contradiction of the fact being stated by a delegate in council.
  - b. State operated News Agencies – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, they can be denied by any other country in the council. Some examples are, RIA Novosti (Russia), IRNA (Iran), and BBC (United Kingdom) and Xinhua News Agency and CCTV (P.R. China).
2. Government Reports: These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country.

However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information. Examples are,

- a. Government Websites like the State Department of the United States of America<sup>6</sup> or the Ministry of Defense of the Russian Federation
- b. Ministry of Foreign Affairs of various nations like India, People's Republic of China, France, Russian Federation

- c. Permanent Representatives to the United Nations – Reports and other documents
- d. Multilateral Organizations like the NATO, ASEAN, OPEC, etc.

3. UN Reports: All UN Reports are considered are credible information or evidence for the Executive Board of the Security Council.

- a. UN Bodies: Like the UNSC, UNGA, etc.
- b. UN Affiliated bodies like the International Atomic Energy Agency, World Bank, International Monetary Fund etc.
- c. Treaty Based Bodies like the Antarctic Treaty System, the International Criminal Court

Under no circumstances will sources like Wikipedia, Amnesty International, Human Rights Watch or newspapers like the Guardian, Times of India, etc. be accepted as PROOF; but may be used for better understanding of any issue and even be brought up in debate, if the information given in such sources is in line with the beliefs of a Government.

### **Committee Overview**

The Office of the United Nations High Commissioner for Refugees (UNHCR) is the United Nations (UN) agency whose primary purpose is the protection of the welfare and rights of refugees. It was established by the UN General Assembly (GA) in 1951 as a result of the aftermath of World War II. Initially, it had a three-year limited mandate to address the high number of Europeans who were displaced due to the war. At that point of time, UNHCR had to manage its role with a 34-member staff. UNHCR faced its first significant emergency in 1956, following a violent Soviet intervention in Hungary, highlighting its essential role in delivering aid for all those fleeing the conflict and seeking refuge in neighbouring countries. During the 1960s, the decolonization of Africa began, leading to involvement of UNHCR on several occasions, as was the case with crises in Asia and Latin America in the two following decades. Due to the necessity of UNHCR's continued work, the GA repeatedly extended UNHCR's mandate every three years

until 2003, when it decided to prolong the mandate indefinitely, until the end of the refugee problem.

UNHCR's original core mandate covered only refugees, that is, all persons outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and who, as a result, require international protection. However, over time UNHCR's mandate has been expanded to cover returnees and stateless persons. Although UNHCR does not have a general mandate for internally displaced people, UNHCR may be involved in certain circumstances to enhance protection and provide humanitarian assistance.

Most of UNHCR's resources are dedicated to supporting operations at the field level, in order to address the needs of specific groups, such as refugees, internally displaced persons (IDPs), and asylum seekers. A refugee is a person who, reasonably fearing to be persecuted for reasons of race, religion, nationality, membership of a particular social group or political conviction, has left the country of their nationality or habitual residence. Further, the definition states that they are unable to or, because of such fear, are not willing to return to the sovereign territory of the country they fled. IDPs are defined as individuals who have had to flee their homes, but have not crossed an international border. Asylum seekers are those who look for protection in a different country, but whose claim for refugee status has not been ascertained; 2014 saw the highest number of asylum seekers ever recorded. All of these groups can be categorized as victims of "forced migration". UNHCR is primarily mandated to provide international protection and humanitarian assistance, and to seek permanent solutions for persons within its core mandate responsibilities.

UNHCR provides humanitarian aid in a variety of forms, including food and nutritional supplements, basic shelter, as well long-term accommodation such as camps or other forms of housing, cash assistance, and legal services. The agency is also involved in efforts to integrate or, if refugees are able to return, to reintegrate them. UNHCR also works closely with other agencies to address the needs of individuals who have been displaced due to natural disasters, as was the case in 2010 with the floods in Pakistan and the earthquake in Haiti.

According to a paper by BS Chimni, UNHCR evolved over the decades and since there has been a dramatic shift in the dialogue surrounding the situation of

refugees. From 1945 to 1985, UNHCR focused mainly on the resettlement of refugees; however, after this period, as the causes of displacement varied, the agency shifted towards the concept of repatriation as a possible solution. In 1993, the idea of providing refugees with the possibility to return safely to their homes by providing temporary protective measures, including establishing basic material conditions, was solidified. From the mid- 1990s, the number of cases related to refugees seeking to return home expanded, as measures to resolve Cold War conflicts increased. As a result, **UNHCR's role in reintegration evolved to include infrastructure and community development, as well as a focus on the importance of reconciliation and peacebuilding in affected communities.**

### ***Governance, Structure and Membership***

At present, UNHCR employs over 9,300 national and international staff members working in 125 countries, including in Geneva, Switzerland, where UNHCR's headquarters are located. Additionally, UNHCR has increased its budget from \$300,000 in its first year to almost \$7 billion in 2015, and it now addresses the needs of over 46 million people worldwide. UNHCR falls under the UN's Programmes and Funds, reports directly to the General Assembly (GA), and is governed by the Member States that make up its Executive Committee (ExCom). The ExCom approves the agency's annual program priorities and budget. Member States are elected by the Economic and Social Council (ECOSOC) to become members of the ExCom, and are selected according to equitable geographical allocation. At its creation, the ExCom comprised 24 members; the membership has since grown to 98 Member States. The ExCom reports directly to the GA Third Committee, and it must follow directives issued by either the GA or ECOSOC. The ExCom meets once per year, usually in October, to review financial matters for the coming year, to give advice to the High Commissioner, to authorize appeals for funds, and to approve biennial targets. In 1995, **the ExCom created a Standing Committee, which meets three times per year to discuss the work of the body as a whole**, and any new conflicts to be addressed. The current High Commissioner, Filippo Grandi, is in charge of the control of UNHCR and its steering; he must work in close collaboration with the Deputy High Commissioner and the Assistant High Commissioner for Protection and Operations to oversee the work of the agency's secretariat and its regional offices.

### ***Budgeting***

UNHCR's budget rests on four pillars: refugees, stateless people, reintegration programs, and IDPs. This translates to a revised projected budget of over \$6.2 billion for 2015. The budget stems almost entirely from voluntary donations by Member States, intergovernmental institutions, corporations, foundations, and individuals worldwide. As a means of acquiring these donations, UNHCR releases an annual Global Appeal that provides detailed information regarding the major areas of concern for UNHCR, as well as supplementary appeals that address specific situations worldwide. Included in this budget are contributions from the UN Central Emergency Response Fund (CERF); it provides funding in the case of situations that require an immediate response, such as a natural disaster or violent conflict. A major challenge for UNHCR's work is the ever-rising funding gap, which corresponded to 45% of the financial requirements in 2013; this means that 45% of the expenditure that is planned based on a needs-based approach cannot be financed. In addition, humanitarian crises are not foreseeable in advance, which makes planning immensely difficult, especially as the exact amount of donations is also unknown at the beginning of each year. Therefore, UNHCR applies a "phased approach", which adjusts planning and funding throughout the fiscal period.

### ***Mandate, Function and Powers***

The basis for UNHCR's mandate is Article 14 of the *Universal Declaration of Human Rights* (1948), which specifically recognizes the right of all individuals to seek asylum in another country. The foundational framework and mandate of UNHCR can be found in GA resolution 428 (V), which is also known as the Statute of the Office of the United Nations High Commissioner for Refugees (1950).<sup>24</sup> This founding document states that UNHCR will ensure "international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities."

Other fundamental documents for UNHCR include the 1951 *Convention Relating to the Status of Refugees*, which defines the term "refugee" as well as the rights and obligations of refugees; and the 1967 *Protocol Relating to the Status of Refugees*, which expanded the 1951 Convention and UNHCR's mandate to include refugees from conflicts occurring after 1951. UNHCR's mandate also includes other groups, such as stateless people, as defined in the 1954 *Convention Relating to the Status of Stateless Persons*, and the 1961 *Convention on the Reduction of*

*Statelessness.* While its mandate does not extend specifically to IDPs, UNHCR's expertise in displacement has resulted in the gradual inclusion of IDPs in its work. The 1998 *Guiding Principles on Internal Displacement*, adopted by ECOSOC, outline the rights and protections for IDPs. They are paradigmatic for UNHCR. In 2007, after a series of inter-agency consultations, the ExCom adopted the policy framework and implementation strategy on UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement. The framework emphasizes the agency's primary responsibility to refugees and stipulates that aid to IDPs must be given in collaboration with national governments, local non-governmental organizations (NGOs), and other UN agencies.

UNHCR has adopted documents laying out policies to ensure that various refugee groups' needs are considered and that each individual has the right to participate in decisions that may affect their lives. As the number of refugees has grown, UNHCR has increased its efforts to include a wide range of protective measures, including those set in place for the reintegration of refugees. Reintegration is defined as being "virtually synonymous with 'sustainable' return, which implies a situation where a constructive relationship between returnees, civil society and the state is consolidated." From this point, relief efforts have broadened to include sustainable development measures in regards to the reintegration of refugees, as well as a focus on conflict prevention and peacebuilding in areas of the world affected by internal and external conflicts. After the emergency is over, UNHCR works with refugees to find durable solutions that may include repatriation, resettlement, or local integration.

### ***Conclusion***

Forced displacement affects over 60 million people worldwide; a situation which has gained an increasing amount of attention from the international media this past year, and by consequence the international community. UNHCR's work is more important than ever as crises like the conflicts in Syria and Iraq are displacing more people than the world has seen since the 1940s. UNHCR seeks to reduce situations that force displacement by working with Member States to peacefully resolve disputes and protect human rights. UNHCR will continue to work alongside Member States and global partners until it has achieved all aspects of its mandate by fully addressing the needs of the world's refugees, IDPs, and stateless people.

### **About the Agenda**

## *Introduction*

Conflict areas are defined as temporary areas of hostility that occur wherever factions are waging war on or against each other. Some examples are Syria, the Democratic Republic of Congo, Yemen, Afghanistan, Ukraine, etc., causing the globe to be scarred by violence.

Armed conflict affects lives of people in many ways. The destruction wreaked by war is likely to mean that people, especially children are deprived of key services such as education and health care. Education, for example, is often disrupted due to hazardous roads or the absence of teachers. Often, schools are directly attacked, as was seen in September 2004 during the hostage crisis and subsequent calamitous battle in the Russian town of Beslan, which left more than 150 children and even greater numbers of adults dead. In Aceh, Indonesia, as part of the conflict between government forces and rebel groups, 460 schools were systematically burned to the ground during May 2003 alone. In Nepal, schools are regularly used as centres for propaganda and recruitment by groups opposing the government. Attacks on and abductions of both teachers and students are frequent.

Conflict is a major source of humanitarian emergencies. It has the potential to devastate the public health systems and primary health systems of a country. It can encourage emigration of health professionals, destroy necessary infrastructure, and threaten the security of providers and patients. This tends to effect the most vulnerable populations, including, pregnant women, children, the elderly and patients with chronic health conditions, are among the first to be deprived of the essential healthcare, including vaccines and essential drugs.

Apart from the direct and physical damage to schools and hospitals, conflict can result in the forced closure or the disrupted functioning of these institutions. Children, teachers, doctors and nurses are also subject to threats by parties to conflict if suspected, for example, to support the other party to the conflict. Also of great concern is the use of schools for military purposes, as recruitment grounds and polling stations. Some examples of indirect influence could be, armed groups are opposed to secular and girls' education, or to girls being treated by male medical personnel and subsequently hamper access to these services. A general climate of insecurity as a result of conflict also prevents children, teachers and medical personnel from attending school or seeking medical assistance. Parents, for example, may find it too risky to send their children to school in a volatile

security situation, or children may be denied timely access to hospitals because of checkpoints and roadblocks.

Under international humanitarian law, both schools and hospitals are protected civilian objects, and therefore benefit from the humanitarian principles of distinction and proportionality. Direct physical attacks and the closure of these institutions as a result of direct threats have since 2011 been added as triggers for inclusion on the list of the Secretary-General of parties to conflict committing grave violations against children in armed conflict.

### ***Children in Armed Conflict***

Worldwide, the number of people uprooted and displaced from their homes due to crisis and conflict has reached an all-time high of 60 million; almost half of these individuals are children. At the same time, over 230 million children are additionally vulnerable, living in areas affected by conflict or at a risk of natural disaster or health epidemics. Children represent the most vulnerable group of refugees and displaced persons, facing great risks to their safety and well-being. For girls, they face an increased risk of harmful practices, such as forced marriage, and sexual abuse and violence, while boys face a higher risk of being forced into child labour or joining armed forces. Further, unaccompanied and separated children (UASC) are especially vulnerable to abuse and exploitation.

This issue has gained much attention recently as Europe hosts an unprecedented number of refugees and has demonstrated a lack of preparedness to protect children; however, this is a truly global issue impacting every member state that is home to refugees. The United Nations High Commissioner for Refugees (UNHCR) itself has also been criticized for its inadequate response to the needs of children refugees, particularly UASC.

Experiencing trauma at a young age has life-long effects on individuals, harming their cognitive and socio-emotional development. Further, as the average duration of displacement continues to increase, humanitarian responses will need to not only be strengthened for short-term emergencies, but also respond to the long-term needs of displaced children. The need for international action is clear. This background guide will introduce the international and regional framework

underpinning this issue, as well as the work of the international system thus far. The topics of protection and critical services will also be discussed.

### ***International and Regional Framework***

One of the most important international conventions when children are being discussed is the *Convention on the Rights of the Child* (CRC) (1989). This document, signed and ratified by almost every UN Member State, is critical in that it elucidates the critical rights that children are entitled to as individuals. In regards to refugees, it focuses on the protection of children as the biggest priority, but also touches on such issues as legal status. The *Optional Protocol on the Involvement of Children in Armed Conflict* was also added in 2000. The Sustainable Development Goals (SDGs) are also an important framework for children's rights; for example, SDG 4 on the right to education must be achieved even in conflict and crisis.

In addition to the CRC, a number of international and regional conventions underpin the UNHCR's response to children in crisis and conflict. The *Convention Relating to the Status of Refugees* (1951) and its 1967 *Protocol* form the foundation of the work of the UNHCR, and define refugees, as well as their legal protections and the obligations of states. The *Convention relating to the Status of Stateless Persons* (1954) clarifies obligations of Member States to address the needs of stateless persons in order for them to live in security and dignity, and reinforces their rights. Finally, the *Convention on the Reduction of Statelessness* (1961) cites the importance of reducing and eventually eliminating statelessness.

Various regional frameworks exist as well, including the African Union's (AU) *Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, also referred to as the *Kampala Convention* (2012). The framework established in the Convention "legally binds governments to protect the rights and wellbeing of people forced to flee their homes by conflict, violence, disasters and human rights abuses" on the continent of Africa, specifically focused on including internally displaced persons (IDPs). Further, a number of guidelines offer advice to member states in responding to displaced children. This includes the Inter-agency Guiding Principles on Unaccompanied and Separated Children, which are guidelines established in 2004 by various United Nations (UN) agencies and nongovernmental organizations (NGOs) on how to best protect refugees who are unaccompanied minors. UNHCR also produced *Guidelines on Reunification of Refugee Families* in 1983. There are also the *Guiding Principles on Internal Displacement* published by the ECOSOC in 1998.

## ***Protecting Children Fleeing Conflict***

Around the world, millions of children are fleeing from their homes, often times with families, but also many times alone. Without a doubt, they are the most vulnerable group of people fleeing conflict and crisis, including in their countries of origin, transit countries, and host countries. Under international law, such as the CRC, they are entitled to protection. However, they face many dangers as they search for a new home, including the risk of being trafficked, abused, or exploited.

A factor that makes children especially vulnerable is their dependency on adults for their wellbeing and survival. Amongst displaced children, certain groups are more likely to face higher vulnerability, including children with disabilities, orphaned children, and indigenous children or children from ethnic minorities. Children and young people of all ages face large risks of violence and abuse, but the specific type of risk changes depending on the age. One of the biggest challenges in protecting children is that very few cases of violence, abuse, and exploitation are reported and fully investigated, meaning that many perpetrators are never held accountable for their actions.

### ***CHILD SOLDIERS***

Particularly disturbing is the increasing use of young children as soldiers. The Swedish Save the Children Fund reported that one quarter of a million children, some as young as seven, were used as soldiers in 33 armed conflicts in 1995 and 1996 alone. They worked as cooks, porters and messengers or participated in active combat as executioners, assassins, spies and informers. Regardless of what these child soldiers are assigned to do, they work in close proximity to combat.

There are several reasons why children are recruited as soldiers. They are more docile, complain less and are easily moulded into ruthless fighters. They can easily carry and use lightweight but high-powered weapons. A boy as young as 10 years can strip and reassemble rifles with minimal training. It is also believed that most young soldiers are less afraid of dying than are older combatants. They are often fearless because of being drugged. In addition, children are a greater proportion of the population than are adults in these countries. In much of Africa, for example, half of the population is under 18 years old.

Many child soldiers have been deliberately recruited, others abducted and some coerced into fighting to protect their families. Boys as young as six have been picked from schools and indoctrinated into “small boys” units. Boys have been

kidnapped from poor districts of cities or from schools to replenish military forces. To lure children to fight, they are given amulets or the use of “magic” charms, and brainwashed into believing that they are fearless warriors and protected from harm. In other cases, poor parents have offered their children to serve in wars as a means of family survival. Invariably, recruited child soldiers come from impoverished and marginalized backgrounds.

The brutal indoctrination of child soldiers leaves them with emotional and psychological scars. Children were made to witness massacres and commit atrocities. Regardless of how children are recruited and of their roles, child soldiers are victims, whose participation in conflict bears serious implications for their physical and emotional well-being. They are commonly subject to abuse and most of them witness death, killing, and sexual violence. Many are forced to perpetrate these atrocities and some suffer serious long-term psychological consequences. The reintegration of these children into civilian life is a complex process.

### ***Healthcare of Children***

Conflict impacts children’s health in four important ways. First, conflict-driven displacement increases child death and injury, mainly through increased susceptibility to infectious disease from unsanitary living conditions. A case study on Southern Sudan illustrates that conflict reduces sanitation, clean water, and health services making it difficult to stop the spread of neglected tropical diseases, such as visceral leishmaniasis and trachoma. Second, children have a higher risk of food insecurity and malnutrition during times of conflict. The country case of Chad illustrates that food insecurity is heightened by the resettlement of displaced people leading to higher rates of malnutrition. Third, children, especially girls, are subjected to an increased risk of sexual violence from armed combatants during conflict. Rape has been a prevalent component of armed conflict in the Democratic Republic of Congo causing increased risk of psychological trauma, unwanted pregnancy, and susceptibility to sexually transmitted infections. Fourth, conflict induces long-term physical and psychological disability in children, especially among child soldiers. In Afghanistan, rehabilitation and educational interventions are critical in improving the health outcomes of children.

### **Education of Children**

Exposure to conflict affects children in several ways, ranging from direct killings and injuries, to subtle, yet persistent and irreversible effects on schooling, health,

nutrition, future opportunities and well-being. Children's educational attainment is particularly compromised by exposure to violence. Conflict-affected countries include over 20% of all children of primary school age, but account for around half of all out-of-school children of primary school age (UNESCO, 2011, 2013). The likelihood of young children dropping out of school is also significantly higher in conflict-affected countries than elsewhere in the world: only 65% of children in these countries attend the last primary school grade, in comparison to 86% across low-income countries.

### Women in Armed Conflict

Rape of women and girls in situations of armed conflict, whether civil or international, constitutes by definition a grave breach of international human rights and humanitarian law.

Although rape is one of the most widely used types of violent targeting against women and girls, it remains the least condemned war crime. Throughout history, the rape of hundreds of thousands of women and children in all regions of the world has been a bitter reality. Rape is used as an instrument to exert violence, possibly as a manifestation of anger, in order to punish, intimidate, coerce, humiliate, and degrade. The Fourth Geneva Convention of 1949 states that “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault” (*Article 27*). They include common *Article 3 of the Geneva Conventions*, in so far as it prohibits “violence to life and person”, “cruel treatment”, “torture” or “outrages upon personal dignity”. *Article 27 of the 4th Geneva Convention* explicitly prohibits such acts stating that: “Women [including girls] shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”

The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, states:

*“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” (Part II, para.38).*

Most recently, the massacres, the hunting of survivors, the attacks on schools and churches, the rape and abduction of women and girls and violence against children characterize the armed conflicts worldwide. According to some detailed reports on situations like these, women and girls are allegedly gang raped, sometimes in public places. Some are acquired as a concubine or a second 'wife'. Fearful of death, many young women see surrender as the only way to survive.

The sad reality is that where no one is held accountable for gross human rights abuses and impunity for perpetrators prevails, women have no protection against rape and no way of seeking redress after they have been assaulted.

### *Sexual Assault as a Weapon of War*

Violence against women, especially rape, has added its own brand of shame to recent wars. From conflicts in Bosnia and Herzegovina to Peru to Rwanda, girls and women have been singled out for rape, imprisonment, torture and execution. Rape, identified by psychologists as the most intrusive of traumatic events, has been documented in many armed conflicts including those in Bangladesh, Cambodia, Cyprus, Haiti, Liberia, Somalia and Uganda.

Systematic rape is often used as a weapon of war in 'ethnic cleansing'. More than 20,000 Muslim girls and women have been raped in Bosnia since fighting began in April 1992, according to a European Community fact-finding team. Teenage girls have been a particular target in Bosnia and Herzegovina and Croatia, according to The State of the World's Children 1996 report. The report also says that impregnated girls have been forced to bear 'the enemy's' child.

In some raids in Rwanda, virtually every adolescent girl who survived an attack by the militia was subsequently raped. Many of those who became pregnant were ostracized by their families and communities. Some abandoned their babies; others committed suicide.

Sexual violation of women erodes the fabric of a community in a way that few weapons can. Rape's damage can be devastating because of the strong communal reaction to the violation and pain stamped on entire families. The harm inflicted in such cases on a woman by a rapist is an attack on her family and culture, as in many societies women are viewed as repositories of a community's cultural and spiritual values.

In addition to rape, girls and women are also subject to forced prostitution and trafficking during times of war, sometimes with the complicity of governments and military authorities. During World War II, women were abducted, imprisoned and forced to satisfy the sexual needs of occupying forces, and many Asian women were also involved in prostitution during the Viet Nam war. The trend continues in today's conflicts.

The State of the World's Children 1996 report notes that the disintegration of families in times of war leaves women and girls especially vulnerable to violence. Nearly 80 per cent of the 53 million people uprooted by wars today are women and children. When fathers, husbands, brothers and sons are drawn away to fight, they leave women, the very young and the elderly to fend for themselves. In Bosnia and Herzegovina, Myanmar and Somalia, refugee families frequently cite rape or the fear of rape as a key factor in their decisions to seek refuge.

During Mozambique's conflict, young boys, who themselves had been traumatized by violence, were reported to threaten to kill or starve girls if they resisted the boys' sexual advances. Sexual assault presents a major problem in camps for refugees and the displaced, according to the report. The incidence of rape was reported to be alarmingly high at camps for Somali refugees in Kenya in 1993. The camps were located in isolated areas, and hundreds of women were raped in night raids or while foraging for firewood.

UNHCR (the Office of the UN High Commissioner for Refugees) has had to organize security patrols, fence camps with thorn bushes and relocate the most vulnerable women to safer areas. Some rape victims who were ostracized were moved to other camps or given priority for resettlement abroad. UNHCR has formal guidelines for preventing and responding to sexual violence in the camps, and it trains field workers to be more sensitive to victims' needs. Refugee women are encouraged to form committees and become involved in camp administration to make them less vulnerable to men who would steal their supplies or force them to provide sex in return for provisions.

The high risk of infection with sexually transmitted diseases (STDs), including HIV/AIDS, accompanies all sexual violence against women and girls. The movement of refugees and marauding military units and the breakdown of health services and public education worsens the impact of diseases and chances for treatment. For example, one study has suggested that the exchange of sex for protection during the civil war in Uganda in the 1980s was a contributing factor to the country's high rate of AIDS.

War and civil unrest also contribute to violence in the home, according to recent studies. Death, upheaval and poverty increase tensions within the family and the likelihood of violence against girls and women. Men who feel that they have lost the ability to protect their women may compensate by exercising violent control over them at home.

UNHCR, the United Nations Population Fund (UNFPA) and UNICEF are promoting reproductive health services for refugees to counter high birth rates, maternal mortality, STDs and HIV/AIDS. UNICEF provides support for women affected by armed conflict in countries such as Bosnia and Herzegovina, Burundi, Croatia, Georgia, Liberia, Rwanda, Somalia and the Sudan.

The post-World War II Nuremberg trials condemned rape as a crime against humanity. Governments must be willing to enforce international law and codes of conduct, while also supporting counselling and other services for victims.

### ***Healthcare of Women***

Some of negative impacts of conflict on women's health are already a problem before the armed conflict but are exacerbated by hostilities, while others are direct consequences of the conflict. Within a conflict zone, existing health services and structures may have been destroyed, health personnel may have fled or been killed, and international aid may not be able to reach the affected population. Access to health care facilities that meet reproductive health care needs in particular is often lacking. Where health services continue to function, the needs of men and combatants may be given precedence over the needs of women and non-combatants.

Women may be constrained by household and domestic tasks or cultural norms which prevent them from travelling long distances to obtain medical care. In some countries it is required that women and men be treated separately. Women may also be pressured to become pregnant to replace the depleted population. Women and girls are often physically more susceptible to illness than men owing to their sexual and reproductive role. Women's reproductive health problems during conflicts may include having no sanitary supplies for menstruation, life-threatening pregnancy-related conditions, lack of birth control, and the effects of sexual violence. In the past two decades, women have also had to deal with the deadly spread of HIV/AIDS. Furthermore, their authority to control their own

reproductive lives may be eroded by the social changes associated with conflict and displacement.

The health impact of sexual violence during conflict can be disastrous. Young, single, widowed or disabled women may be at particular risk of sexual violence. Injuries, unwanted pregnancies, sexual dysfunction and HIV/AIDS are among the physical consequences. The psychological effects include anxiety, post-traumatic stress 3 disorders, depression and suicide. Traumatized women may have no practical or emotional support.

### ***Education of Women***

Armed conflicts terribly impact the access of women to healthcare and education.

When schools are destroyed, and children have to travel long distances, girls are more likely to stay at home, as they may be at increased risk of abduction, sexual violence and exploitation. Furthermore, boys may be able to go out and engage in income-generating activities to pay their own school fees than girls. Girls who are separated from their families and living in temporary conditions with relatives or foster families may lack the support and encouragement to continue their education and may be expected to do household chores. In emergencies, there are usually far fewer women who are able to volunteer as teachers, and girls are disproportionately affected when schools are dominated by men. Girls may be disproportionately affected by the lack of sanitary supplies and may have to miss school during menstruation. Girls who are desperate to attend school and to get good grades may have to engage in transactional sex with older men – and even teachers – in order to pay their fees, cover the costs of supplies and ensure good grades, thus exposing them to higher risks of STD and HIV/AIDS infection.

Teenage pregnancy rates are often very high in refugee and IDP camps, and girls with their own babies may not be able to attend school because of exclusionary policies, social stigma, no extended family to provide childcare, lack of appropriate facilities, etc. Girls who are disabled, disfigured or severely mentally affected by the crisis are likely to be kept at home, possibly even hidden from outsiders, and very unlikely to be able to go to school.

### ***Conflict Related Sexual Violence***

The term “conflict-related sexual violence” refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced

marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked (temporally, geographically or causally) to a conflict. This link with conflict may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group), the profile of the victim (who is frequently a member of a persecuted political, ethnic or religious minority), the climate of impunity (which is generally associated with State collapse), cross-border consequences (such as displacement or trafficking in persons) and/or violations of the terms of a ceasefire agreement.

A consistent concern is that fear and cultural stigma converge to prevent the vast majority of survivors of conflict-related sexual violence from coming forward to report such violence. Practitioners in the field estimate that for each rape reported in connection with a conflict, 10 to 20 cases go undocumented. The figures presented here reflect incident reports and therefore do not indicate the magnitude of the problem.

Most victims fear being stigmatized or subjected to reprisals by the perpetrators in addition to their debilitating physical and psychological trauma. This is compounded by a lack of confidence in national institutions, including the police and judiciary, especially when the very forces meant to provide protection perpetrate sexual violence.

A total of 62 countries still provide no legal protection for male rape victims. Free medical treatment is also crucial for a survivor-centred response. However, in many settings, survivors are charged fees by the police to open a case file, as in Somalia, or asked to pay for medical certificates, as in the Central African Republic and Côte d'Ivoire. Moreover, health providers often require survivors to report to the police before receiving care. In Myanmar, this has meant that only 4 per cent of gender-based violence survivors choose to access services. The practice of mandatory reporting to the police also presents a barrier to access to care in contexts such as the Sudan and South Sudan, despite formal instructions to the contrary, as well as in the Syrian Arab Republic and some countries receiving Syrian refugees.

It is alarming that incidents of mass rape continue to occur with impunity despite the issue having been a priority concern on the agenda of the Security Council for almost a decade. In 2015, such cases were documented in the eastern Democratic Republic of the Congo, South Sudan and the Sudan, and widespread and systematic sexual violence continued in the Syrian Arab Republic and areas of Iraq held by Islamic State in Iraq and the Levant (ISIL). In addition, reports of targeted

sexual assaults based on actual or perceived political affiliation emerged in Burundi.

When suspects implicated in such incidents are released from custody, or are redeployed in proximity to civilian centres, it signals to communities that reporting is not only dangerous, but also futile. Rapists anticipate that their victims will not have the means, courage or support required to testify against them, especially in the chaos of conflict. Prosecution is therefore essential to prevention, because it can deter potential perpetrators and contribute to restoring faith in the rule of law. It demonstrates that no political or military leader is above the law and no woman or child is beneath it.

However, given the absence, obstruction or protracted pace of justice in many conflict-affected settings, communities commonly resort to traditional mechanisms. In South Sudan, it is estimated that 90 per cent of such cases are resolved through customary courts, which often require rape victims to marry the perpetrator as a form of settlement. In north-east Nigeria and in Somalia, “restitution” through marriage is widely accepted by victims’ families in order to avoid “shame”, and in Myanmar, “reparation marriages” are a traditional remedy for rape. Such measures not only fail to provide deterrence, but also deny the victim a future, effectively sentencing her to repeated rape.

A glaring disparity remains between international human rights standards and national legislation in conflict-affected countries, which often minimizes these crimes or conflates them with adultery, as in Afghanistan and Yemen. This shields the perpetrator at the expense of the victim. Transitional justice can provide an opportunity for transforming harmful social norms and ensuring that wartime atrocities do not become entrenched in the post-conflict period. This process begins with gender-responsive mediation aimed at ensuring that concerns regarding conflict-related sexual violence are reflected in ceasefire agreements, peace accords and subsequent implementation mechanisms. Effectively addressing the issue of conflict-related sexual violence in peace agreements can potentially increase the durability of peace by mitigating security fears and improving transparency, accountability and confidence among the parties.

In some contexts, sexual violence is employed as a tool of genocide against indigenous, religious, ethnic or political minorities. Extremist groups such as ISIL have raped women pursuant to a plan of self-perpetuation aimed at transmitting their ideology to a new generation who can be raised in their own image. In this way, women’s bodies are used as “biological weapons” to alter the demography of

a region and to unravel existing kinship ties. In addition, individuals have been targeted for physical and sexual violence on the basis of their actual or perceived sexual orientation.

When security deteriorates, women and girls often find their mobility greatly restricted. They currently face grave threats when passing checkpoints in Myanmar, South Sudan, the Syrian Arab Republic and Yemen; using public transportation, which may be operated by ex-combatants, as in parts of Côte d'Ivoire and Mali; and at every stage of the displacement cycle, including in the camps or urban settlements in which they seek refuge. During the reporting period, a mass migration crisis occurred, which included conflict-related sexual violence as a deliberate form of persecution to displace populations in the Horn of Africa, Iraq and the Syrian Arab Republic. As a result, more than 950,000 new refugees and migrants reached Europe. Reports have emerged of people-smugglers demanding sex as "payment of passage" and of an evolving criminal infrastructure designed to exploit refugees, in particular unaccompanied minors, including for trafficking, commercial sex and sexual slavery. Given these cross-border dynamics, it is critical that effective regional and sub regional cooperation be undertaken to close corridors for trafficking in persons.

### ***The Never Ending Wildfire***

Armed conflict has long been associated with human rights violations. Today the extent and intensity of conflicts in the world threatens to engulf the system for the promotion and protection of human rights and the standards of international humanitarian law which the international community has worked so hard to build up since the Second World War. The violations in question included extrajudicial executions, "disappearances", torture including rape, hostage-taking, detention on the sole ground of ethnic origin, arbitrary arrest, restrictions on government critics, the use of the death penalty, and failure to provide adequate protection for refugees.

The international system for the protection of human rights depends on the willingness of governments to fulfil their obligations to respect and ensure the rights recognized by the international community. In armed conflict those obligations are too often thrust aside as the aims of the conflict come to take precedence over other considerations. Human rights are violated, and the authors of these violations, anxious to escape prosecution for their criminal acts, set out to

undermine the institutions which should act as a safeguard, such as an independent judiciary and a free press.

The expansion of international human rights law has often not been matched by practice. Yet, there is growing consensus that the protection of human rights is important for the resolution of conflict and to the rebuilding process afterward. To achieve these goals, the international community has identified a number of mechanisms both to bring an end to human rights abuses and to establish an environment, in which they will be respected in the future, each providing paramount benefits in dealing with the past and envisioning a brighter future.

### *Is there light at the end of the tunnel?*

These institutions become another casualty of the conflict. Over the years the United Nations and other intergovernmental organizations have created detailed human rights standards and elaborate machinery for their observance. But in an armed conflict, governments often fail to cooperate with UN human rights procedures and ignore the recommendations of intergovernmental bodies, and all parties too often fail to observe the provisions of international humanitarian law. When conflicts are ending, addressing human rights issues is sometimes seen as being incompatible with brokering a peace agreement. But unless the parties come to terms with past human rights violations and ensure respect for human rights in the future, peace settlements are unlikely to be either just or long-lasting.

The international system for human rights protection relies on violations becoming quickly known so that remedial action can be taken. But in armed conflicts as in repressive situations, human rights victims and their relatives are often frightened into silence, and local human rights defenders are subjected to murder, death threats and other forms of intimidation. A war mentality sets in, where loyalty to one side or another dulls the public perception of the need to respect human rights. Those who question any official action are labelled as traitors, and important sectors of public opinion are willing to accept the perpetration of gross violations of human rights as normal acts of war. The conflict becomes both a pretext and a disguise for human rights violations as these are passed off as the result of armed conflict or as the work of the opposing party. Opposition groups likewise use the atmosphere of armed conflict as a rationale or a disguise for similar abhorrent acts committed by them.

The international system for human rights protection depends, most importantly, on the capacity of the international community to apply pressure for human rights observance. Under-resourced as it is, the UN machinery can only operate effectively if other states are prepared to demand such cooperation and to insist

that recommendations be followed. But geopolitical considerations linked to the fighting can make other nations more reluctant than usual to press for human rights observance.

**Questions a resolution must answer:**

- Which governing body should be held responsible for the protection of these people?
- How do we protect the rights of these people? What steps can be taken to ensure their safety and security?
- How do we ensure better living standards for the refugees? How can we inculcate a feeling of acceptance and tolerance within the residents of the country?
- What are the biggest challenges in implementing the many international guidelines and agreements to protect women and children fleeing conflict?
- How does protecting displaced children fit into the 2030 Sustainable Development Agenda?
- At times, these people are not given status of a refugee. They are more vulnerable to get exploited. Often these people are victims of unfair trials. What can an international community do to address

