



CRIMES AGAINST CHILDREN IN AREAS OF ARMED CONFLICT: 6 THREATS ACKNOWLEDGED BY THE UN SECURITY COUNCIL

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Annotation:

The pressing problem of today's international relations in this article is the infringements faced by children in the process of protecting the rights of children in areas of armed conflict, crimes against children, especially 6 threats recognized by the UN Security Council – killing or seriously injuring children, hiring or forcibly using children as soldiers, raping or sexually abusing children, kidnapping children, school or information and analysis of crimes such as attacking a hospital, refusing humanitarian assistance to children, and their legal basis.

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As a result of several years of observation, research and hisbots, the United Nations Security Council identified six serious violations that seriously affected children's well-being during armed clashes and set out measures to combat them based on relevant documents. This section provides information about possible serious crimes against children living in areas where armed conflicts are taking place and have taken place.

Under United Nations Resolutions 1612 (2005) and 1882 (2009), the UN system is obliged to report and monitor the coherence of disputed parties to the Security Council.

Impunity should be ended for crimes against children. During armed conflicts, we have learned about the main legal sources for each of the six serious violations against children in the above chapters, which also provides comments on crimes.

Six serious crimes against children during armed conflicts and their international legal basis

Killing or seriously injuring children

- Each child has the right to an indispensable right to live, and states must maximize the survival and development of the child (Convention on the Rights of the Child)





- During armed conflicts, the use of violence on the lives and individuals of civilians, especially the prohibition of murders of all kinds, injuries, cruel treatment and torture, is the norm of international law and can be universally applicable. (Geneva)
- Conflict sides should always distinguish between military and civilian targets, while civilians should be protected from military action. (Geneva, law of habit)
- Disproportionate military attacks that lead to excessive damage are prohibited. (Geneva, law of habit)

Those who are not actively involved in military action, as defined by Article 3 of the Geneva Convention, should be treated with humanity at all costs without negative differences that do not depend on race, color, religion or beliefs, gender, birth or wealth, etc. The mystery of those who are not actively involved in any armed conflict is the children in Turn 1 and the elderly who are not qualified for war.

And in accordance with the International Court of Justice's decision in Nicaragua's case, it has been argued that the principle of distinguishing between civil and military purposes is one of the "fundamental principles of international humanitarian law" and "the unbreakable principles of international customary law."

Recruitment or forced use of children as soldiers

- It is absolutely forbidden to hire or use children under the age of 15 as soldiers and to allow them to take part in combat operations. (Additional protocol to the Geneva Convention and the Convention on the Rights of the Child)
- Human rights laws state that even children under the age of 18 should not be called up for military service or should take part in military action. (voluntary-recommended additional protocol, Geneva)
- Former soldier children should be rehabilitated. Particular attention should be paid to the processes of disarmament, demobilization and reintegration. (voluntary-recommended additional protocol, Geneva)
- Heads of state, army commanders and police officers will be held accountable for these crimes.

We must acknowledge that Article 77 of the Geneva Convention I additional protocol stipulates: "Disputed parties will take all possible measures to ensure that children under the age of fifteen do not participate directly in military action, in particular, preventing them from engaging in their armed forces." But the lack of compliance with this norm is often found.

The participating states of this Charter will take all necessary measures to ensure that no child is directly involved in military action and especially refrains from hiring any child.





Article 22 of the African Charter for the Rights and Welfare of a Child.

Child molestation or sex abuse

- Article 3 of the Geneva Conventions requires humanitarianism;
- Child rape, sexual abuse and exploitation are prohibited under numerous international and regional treaties (Geneva, additional protocol)
- Rape has been recognized as torture and therefore absolutely prohibited (based on decisions of the International Criminal Court for the former Yugoslavia, the International Criminal Court for Rwanda);
- Commanders face jail if found guilty on charges of sexually abusing women and girls (based on special court decisions for the International Criminal Court for the former Yugoslavia, the International Criminal Court for the Rwandan case, Serraleone).

Article 77 of the Geneva Conventions I states that children must have special protection and be protected from any unacceptable aggression. This is viewed as a serious crime in a state of war, given that it is also enforced while in peace.

And Article 37 of the Convention on the Rights of the Child stipulates that participating countries must "protect a child from all forms of sexual exploitation and sexual violence."

The fact that in accordance with the Rwandan tribunal's decisions on akayesu's case, "Sexual violence may be prosecuted as components of the genocide campaign." indicates that this is a serious crime against children.

Child theft

- Child theft or arbitrary deprivation of liberty is prohibited (Geneva, Convention on the Rights of the Child);
- Child arrest, violent destruction and forced eviction are prohibited (Geneva);
- Disgusting behavior that often occurs after a child is kidnapped increases the level of infringement: for example. sexual bondage, compulsory recruitment is prohibited (Security Council Resolution 1268);
- Children should be detained only for legitimate military purposes. If a child is detained, he is always forbidden from being treated humanely, including torture and cruelty. They should be kept separately from adults (with the exception of parents) and they should be given additional food and the opportunity to play and learn.

As established in Article 35 of the Convention on the Rights of the Child, participating states will take all appropriate national, bilateral and multilateral measures to prevent the kidnapping, sale or sale of children for any purpose or of any form.





As stipulated in Article 9 of the International Pact on Civil and Political Rights, "Everyone has the right to freedom and personal insecurity. No one can arbitrarily be arrested or detained. No one can be deprived of liberty except on the grounds and procedures laid down in the law."

Attacking a school or hospital

Schools and hospitals are often civil institutions that provide shelter for children and meet their needs.

- Deliberate targeting of schools/hospitals is a serious violation of the Geneva Conventions if they are not used by hostile forces for military purposes.
- One of the oldest laws of war: medical professionals and institutions must be protected.
- Children have the right to education, the highest level of physical and mental health. Disputed parties in accordance with the norms of the Geneva Conventions must always differ between civilians and fighters, as well as between civil facilities and military purposes, and accordingly are set to focus their operations solely on military purposes. But we will witness that this was not applicable in clashes in Syria, Iraq, Nigeria, Serra Leone, Ukraine and similar areas.

The 1996 People's Court ruled: "The main principles that form the basis of humanitarian law are: The first is aimed at protecting civilians and civilian objects ...", which stipulates that movements and operations during the war should always be protected by participating countries in the war.

Denial of humanitarian aid to children

- One of the oldest phrases in the laws of war: protection of human aid personnel and equipment. (Special Protocol, Geneva)
- Conflict parties should allow and help any civilians in need. It should not refuse arbitrary access to the UN and aid agencies. (custom rights, Geneva)
- Humanitarian aid personnel should enjoy full freedom of movement, depending on military needs. (Special, Geneva)
- In assistance operations, children are entitled to special care and should be provided with the necessary assistance and care. (Geneva)

In accordance with Article 8 of the Universal Declaration of Child Rights, the standard is set that a child should be the first to receive protection and assistance at all costs.

In accordance with Article 23 of the 4th Geneva Convention, "the parties must also allow free access to basic food, clothing and all necessary products for children under





the age of 15, pregnant mothers and maternal conditions. In distributing humanitarian assistance, priority should be given to such individuals as children, pregnant mothers, and maternal conditions."

Although the Security Council focused on six violations, it initially did not make definitive decisions on how each of them should be treated. Through successive resolutions for the next two decades, the Security Council gradually included all of these violations, in addition to rejecting humanitarian assistance, as reasons for incorporating disputed parties into the appendices of the Secretary-General's annual lectures on children, and emphasized the need to prevent infringements on children in armed conflicts, as well as in armed conflicts in the first place.

In this article, we briefly discussed the most serious crimes committed against children during armed conflicts and their legal foundations. But the mental nightmares of children suffering from constant armed conflict in different parts of the world are even more severe. Whether in a state of war or in a state of peace, the fate of children considered the future of the world should always be in the custody and attention of every country, international organization, structure, and society.

List of Available Publications

1. Security Council Resolution, 2427 (2018)
2. Convention on the Rights of the Child and the Geneva Right to Custom
3. Additional protocols of the Geneva Convention
4. Security Council Resolution 1882 (2009)
5. Convention on the Rights of the Child
6. Geneva Conventions
7. Security Council Resolution 1612 (2005)
8. African Charter for Child Rights and Welfare.

