



OIC-IPHRC 10th SESSION
OUTCOME DOCUMENT OF THEMATIC DEBATE ON
'PROTECTING AND PROMOTING RIGHTS OF CHILDREN DURING SITUATIONS OF
ARMED CONFLICT, FOREIGN OCCUPATION, EMERGENCIES AND DISASTERS'

Jeddah 01 December 2016: The OIC Independent Permanent Human Rights Commission (IPHRC) held a thematic debate on *'Protecting and Promoting Rights of Children during situations of Armed Conflict, Foreign Occupation, Emergencies and Disasters'* during its 10th Regular Session held on 29 November 2016. H.E. Dr. Yousef A. Al Othaimen Secretary General of the OIC, H.E. Dr. Abdul Salam Al Abadi Secretary of International Islamic Fiqh Academy (IIFA) and IPHRC Chairperson Amb. Abdul Wahab inaugurated the debate. Representative and Member from the UN Committee on the Rights of the Child, UN Human Rights Council Advisory Committee, Islamic Development Bank (IDB) and UNICEF participated as key panelist during the discussion. Both the Special Representatives of the UN Secretary General on Children and Armed Conflict and Violence Against Children also participated in the debate through video messages.

Based on the comprehensive discussion, the Commission adopted following:

Underscored that Islam regards protection and promotion of child rights as obligatory as human life is sacred to Allah. All children, particularly orphans and destitute, are regarded as vulnerable and deserving of care. It is the primary responsibility of parents, and shared responsibility of family members, civil society and governments to ensure that children rights are respected, protected and fulfilled in all settings. The rules of engagement during armed conflict/wars, as enshrined in the Islamic teachings, disallows voluntary or forced participation of children in the wars and armed conflicts and ordains that children should be moved away from the conflict zones to ensure their safety and protection¹;

Guided by the *'Covenant on the Rights of the Child in Islam'*, OIC Resolutions of four Ministerial Conferences on Childhood, OIC's revised Charter and Ten Year Program of Action 2025 (TYPOA), United Nations Convention on the Rights of the Child (CRC)², the Optional Protocol on the Involvement of Children in Armed Conflict and relevant UN Security Council Resolutions³ and Children's Charter for Disaster Risk Reduction (DDR)⁴, Universal Declaration on Human Rights, Vienna Declaration and Program of Action, recently adopted Sustainable Development Goals (SDGs) and relevant IIFA Resolutions;

1 IIFA position paper prepared by Dr. Abdulqahir Muhammad Qamar

2 (Articles; 37, 38, 39)

3 UN Resolutions; 1261, 1314, 1379, 1612, 1820

4 DDR developed by UNICEF in collaboration with Plan International, Save the Children and World Vision

Welcomed ratification of the CRC and endorsement of the SDGs by OIC Member States,⁵ which inter alia outline measures to bring an end to abuse, exploitation, trafficking and all forms of violence against and torture of children;

Highlighted that while transformation of domestic laws and legal frameworks is the most effective and sustainable way of changing traditional values, family, society, and state responsibilities continue to influence child rights in many countries and communities;

Reaffirmed that States have the primary responsibility to undertake all appropriate measures in the best interests of the child, including strengthening international cooperation, to protect and promote the right of the child to the enjoyment of the highest attainable standard of physical and mental health without discrimination of any kind;

Further Reaffirmed that violence against children is never justifiable and that it is the duty of the State to protect children through effective legislative, administrative and judicial means, including those in situations of armed conflicts and other natural/manmade emergencies from all forms of violence and human rights violations. States must exercise due diligence to prohibit, prevent and investigate acts of violence against children, eliminate impunity and provide assistance to the victims in all settings;

Recognized that the roots of violence against children are multifaceted and its prevention and elimination requires an integrated multi-sectorial approach. Achieving all the targets of the SDGs, especially those related to ending poverty and child labor; addressing gender inequality and harmful practices; promoting health and education as well as access to justice through accountable and inclusive institutions will help reduce the risk of violence in children's lives and provide effective responses for victims;

Further Recognized that the child, for full and harmonious development of his or her personality, should grow up in a family environment and that the best interests of the child shall be the guiding principle for those responsible for his/her upbringing and protection. Efforts should be made to build the capacities of families' and caregivers' to provide the child with appropriate care and a safe environment;

Highlighted that full access to inclusive and equitable education and promotion of lifelong learning at all levels and in all situations is an essential precondition for full realization of child's rights;

Underscored that the situation of children remains critical as a result of the persistence of poverty, inadequate social and economic conditions, pandemics, communicable and non-communicable diseases, climate change, natural disasters, armed conflicts, foreign occupation, displacement, violence, terrorism, abuse and inadequate legal protection in different parts of the world;

Expressed concern that OIC Member States, generally, have not been able to benefit from '*demographic dividend*' due to lack of specific focus and chronic under investment in the social sectors of health and education. The share of the OIC countries in the worldwide conflicts have increased⁶ and the impact of climate change has amplified the vulnerabilities of these countries to natural calamities;

Underlined that armed conflicts, disasters and fragility have devastating effects on children's lives wherein they may become separated from families during these crisis periods or exposed to violence,

⁵ Article 16.2

⁶ Share of OIC in the global conflicts rose from 32% in 2003 to 48.9% in 2011. SESRIC report on the "The State of Children in OIC Countries"

abuse and child labor including being forced to join armed forces or groups. Accordingly, all humanitarian actions should give adequate priority to child protection during events of crises;

Condemned persistent denial and violations of rights of innocent children living under foreign occupation and brutalities suffered in the hands of security forces causing severe bodily harm and psychological trauma. Inter-alia, urged the Member States to make every endeavor to provide necessary aid to these violence-stricken children and called on the international community to condemn the criminal practices as acts of war crimes and crimes against humanity;

Considering the situation of child refugees, internally displaced children and child asylum seekers, in particular those unaccompanied or separated from their parents; **affirmed** the need to promote and protect effectively human rights and fundamental freedoms of all vulnerable children, regardless of their status and to provide for their health, education and psychosocial development in all settings;

Called upon all OIC Member States to:

- a. Ensure universal, effective and simple birth registration procedure of all children immediately after birth as a matter of basic child right;
- b. Review and reinforce national legal frameworks and military recruitment procedures to ensure that no individual under the age of 18 takes part in hostilities and accordingly delineate the concepts of '*direct participation*' and '*hostilities*' in relevant legislations;
- c. Criminalize the recruitment and use of children in armed conflicts;
- d. Undertake administrative and social measures to safeguard every child's fundamental rights including their protection from all forms of violence and harmful practices in all settings as well as to develop relevant implementation mechanisms;
- e. Fulfil their international obligations provided in human rights law as stated in CRC and its Optional Protocols and expedite their ratification by those States who have not done so yet;
- f. Address the gender dimension of all forms of violence against children, particularly against girl-child, and incorporate gender perspective in all policies and actions;
- g. Make Early Childhood Development (ECD)⁷ interventions an integral part of national policies and educational and health systems by addressing childhood issues within an integrated approach;
- h. Implement evidence-based programs and measures that provide children with special protection and assistance, including access to inclusive, non-discriminatory and equitable health care, quality education and social services;
- i. Ensure that elimination of all forms of violence against children must be a priority in the national development plans and accordingly be reflected in the Member States' national reviews of their implementation of SDGs;

Further Called upon all parties to armed conflict to: (a) fully respect international humanitarian law (b) refrain from actions that impede the children's access to health, education and social services and to ensure that they receive timely and effective humanitarian assistance (c) refrain from enrolling children as soldiers or employ them in any job that risks their lives to any form of danger;

⁷ ECD: The years from conception through birth to eight years of age are critical to the complete and healthy cognitive, emotional and physical growth of children.

Expressed its deep concern and condemned militias, armed groups, terrorist organizations, for targeting children, and recruiting them in armed conflicts.

Underlined that the responsibility to fulfill the right to education in emergencies does not rest upon individual States alone. In event of State lacking the capacity or requisite resources, the international community, including other States, donor organizations and UN agencies should assist and affected country to ensure that the right to education is universally fulfilled;⁸

Recommended that the Member States may consider:

- (a) Developing national child rights policy and legislative actions in accordance with the international human rights obligations and humanitarian principles for protection from all forms of violence and ensuring that they grow up in safe, caring and enabling environment with the goal to make children, families, and communities less vulnerable, more resilient and safe;
- (b) Developing integrated multidimensional national disaster management plans with focus on child protection systems and disaster risk reduction, which is able to cope with emergencies and fragile situations based on principles of *predicting*, *preparing* and *preventing* emergencies. These plans inter-alia, may focus on:
 - i. Ensuring provision of timely, effective humanitarian assistance to meet basic survival needs (food, health, water and sanitation) and provide them with a protective environment conducive to their physical, emotional and mental development;
 - ii. Ensuring co-ordination among government bodies and civil society organisations and identifying specific roles and responsibilities of all agencies in times of emergency;
 - iii. Use of information/smart technologies for registering all affected children especially the unaccompanied and integrating it with family-tracing systems to reunite the families;
 - iv. Providing immediate optimal therapeutic space by developing safe areas on the pattern of UNICEF's '*Child Friendly Spaces*';
 - v. Taking safety measures to thwart child trafficking;
 - vi. Promoting child's recovery and rehabilitation through education, health care, and psychosocial support to strengthen resilience;
 - vii. Empowering local communities and children in disaster prone areas with easily understandable information about their rights and responsibilities and ways and means of emergency preparedness;
 - viii. Building a workforce that is able to protect children and also provide systematic training for members of armed forces and law enforcement officials on human rights and international humanitarian law to be able to respond better during times of crises;
 - ix. Ensuring adequate coordination among relief agencies and different sectors to prevent gaps or duplication and ensuring that need based humanitarian assistance is carried out in accordance with agreed minimum standards;
 - x. Incorporating children's education as a strategic intervention in the disaster recovery process;
 - xi. Establishing child complaints and reporting mechanisms to address any incidents of violence or other grievances on priority;
 - xii. Ensuring full recovery and reintegration of victims of conflict into society through effective counselling, education, health support and appropriate vocational opportunities;

⁸ In accordance with article 4, para. 2 of the CRC

- xiii. Follow up immediate recovery with long term rehabilitation and reintegration strategy/plan, which includes poverty reduction strategies and holistic human resource development.

Proposed that the IDB establishes a consortium of relevant UN and multilateral agencies to intensify cooperation in disaster preparedness and management programs through provision of integrated and multifaceted assistance based on sharing of good practices, upon the request of and in accordance with the priorities of the States concerned. Also proposed that IPHRC and IDB may team up to prepare specific assistance programs for countries facing emergencies and armed conflicts in accordance with the human rights needs of affected population, in particular the vulnerable groups such as women and children.

Also proposed establishing a focal point within the Humanitarian Affairs Department of the OIC General Secretariat to:

- i. Develop disaster management guidelines with focus on increased use of evidence-based impact, disaster management technologies during disasters, natural calamities, armed and complex humanitarian emergencies;
- ii. Sensitise relevant government agencies on the application of the CRC in emergency situations vis-à-vis vulnerabilities of children during disasters;
- iii. Publish an annual review of good practices to safeguard child rights during emergencies and afterwards; and
- iv. Act as a catalyst to coordinate child rights interventions through broadening and deepening of cooperation between States and relevant non-governmental actors to implement targeted projects and programs.