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CHALLENGES FACED BY MISSING AND ORPHANED CHILDREN DURING ARMED A HUMAN RIGHTS CRISIS

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Abstract:

Children are among the most vulnerable sections, during armed conflict. Many children unfortunately get orphaned and a number of them go missing. The violence that shapes their life leads to psychological trauma, and when coupled with deprivation of basic needs like food, shelter, education, and health care, further increases their exploitation. Furthermore, children are faced by numerous issues such as forced recruitment into the armed forces, displacement and various human rights abuses. Their lack of guardianship and legal identity exposes them to even greater risk of trafficking and abuse. Although certain international frameworks such as the Geneva Conventions and the United Nations Convention on the Rights of the Child (CRC) exist, they are not practically implemented due to the ongoing conflict, poor institutional framework, and limited humanitarian aid. This paper analyzes the multifaceted problems of children who go missing or orphaned in armed conflicts and the gaps in international laws and state obligations, as well as policy framework. It highlights the necessity for greater international collaboration, the need for strong, proactive laws, and comprehensive policies such as community-centered rehabilitation and restorative justice. It is crucial to resolve this issue to ensure the protection of human rights of children living in conflict areas.

Keywords: Missing & Orphaned Children, Armed Conflict, Human Rights

Introduction

Armed conflicts worldwide have led to a profound human rights crisis. The impact of war on children is multifaceted, involving physical harm, emotional distress, and long-term developmental issues. The situation is aggravated by the sheer scale of conflicts globally. According to recent estimates, nearly half a billion children live in conflict zones, exposed to severe human rights violations. These children face unimaginable challenges, from forced displacement and exploitation to severe psychological trauma. The consequences of war on children are far-reaching and devastating, necessitating a comprehensive understanding of the challenges they face and the measures required to protect them. This paper explores the challenges faced by missing and orphaned children during armed conflicts, highlighting the violations of their rights and the urgent need for international intervention.

Background: The Impact of Armed Conflict on Children

Armed conflicts have become increasingly common, affecting millions of children globally. The impact of these conflicts on children is multifaceted:

- *Physical Harm:* Children are often killed or maimed during conflicts. For instance, in Gaza, thousands of children have been violently killed, and many more have been maimed, leading to a significant number of amputee children. This physical harm not only affects their immediate survival but also impacts their long-term health and wellbeing.
- *Forced Displacement:* Children are frequently separated from their families, leading to psychological distress and vulnerability to exploitation. Displacement often results in children living in refugee camps or informal settlements, where conditions are harsh and access to basic services is limited.
- *Recruitment as Child Soldiers:* Many children are coerced into armed groups, further endangering their lives and well-being. This recruitment is a grave violation of children's rights and exposes them to combat, exploitation, and abuse.
- *Denial of Basic Rights:* Access to education and healthcare is often denied, worsening the crisis. Schools are destroyed, and healthcare facilities are either non-functional or inaccessible, leaving children without essential services.

Recent statistics on armed conflict with respect to children

Recent statistics on armed conflict with respect to children highlight a stark and worsening situation globally. Key Statistics:

- *Number of Children Affected:* In 2023, approximately 473 million children—about 19% of the world's child population—lived in areas affected by armed conflict, marking a significant increase from previous years.
- *Grave Violations:* The number of grave violations against children in conflict zones reached a record high in 2023. The United Nations verified 32,990 such violations, affecting 22,557 children across 26 conflict zones. Save the Children reported over 31,000 documented cases, with an average of 86 crimes against children per day.
- *Killing and Maiming:* In 2023, 5,301 children were killed, and another 6,348 were maimed or injured, representing a 35% rise over previous years. This equates to an average of 31 children killed or maimed daily.
- *Recruitment and Use:* There were 8,655 verified cases of child recruitment and use by armed groups in 2023, with 15% being girls.
- *Denial of Humanitarian Access:* Incidents of denial of humanitarian access reached an historic high with 5,158 cases in 2023.

Regional Highlights

- *Occupied Palestinian Territory:* Recorded the largest number of grave violations, with 8,434 cases, marking a 170% increase from 2022.
- *Sudan:* Saw a fivefold increase in grave violations, from 317 in 2022 to 1,759 in 2023.
- These statistics underscore the urgent need for increased protection and support for children in conflict zones.

Challenges Faced by Missing and Orphaned Children

Although children as a vulnerable group face multifaceted challenges in armed conflict, but specifically missing and orphaned children in conflict zones face a unique set of severe challenges: *Psychological Trauma*

The trauma experienced by these children can have long-lasting effects on their mental health. Separation from family, exposure to violence, and loss of loved ones contribute to anxiety, depression, and post-traumatic stress disorder (PTSD). Psychological first aid and long-term

psychosocial support are crucial but often lacking in conflict zones. The absence of stable family environments further complicates their recovery.

Exploitation and Abuse

Without family protection, these children are highly vulnerable to exploitation, including sexual abuse, trafficking, and forced labor. In Colombia, for example, Indigenous children are disproportionately targeted for recruitment into armed groups and human trafficking. This exploitation not only harms them physically but also erodes their sense of safety and trust.

Lack of Access to Basic Needs

Missing and orphaned children are forced to fend for themselves, leading to malnutrition and increased susceptibility to diseases. They often struggle to access basic necessities like food, water, shelter, and healthcare. This vulnerability is further intensified by the destruction of infrastructure and denial of humanitarian aid.

Education Disruption

Conflict disrupts education, denying children the opportunity to develop skills necessary for future stability and peace. In Gaza, for instance, nearly all educational facilities have been destroyed, leaving children without access to education. This not only affects their immediate learning but also impacts their long-term prospects for employment and social mobility.

Human Rights Violations

The unfortunate and tragic experiences of missing and orphaned children during armed conflicts constitute grave violations of their human rights:

- *Right to Life and Safety*: The killing and maiming of children are direct violations of their right to life and safety. International law, including the Geneva Conventions and the Convention on the Rights of the Child, emphasizes the protection of children in conflict.
- *Right to Protection from Exploitation*: Recruitment into armed groups and exploitation for labor or sexual purposes violate children's rights to protection. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict aims to prevent such violations.

- *Right to Education and Healthcare:* These rights are fundamental to children's development and well-being, and their denial has long-term consequences for both individuals and societies.

UN Security Council Resolutions:

The UN monitors six grave violations against children in armed conflict:

1. Killing or Maiming
2. Recruitment or Use of Child Soldiers
3. Rape and Other Forms of Sexual Violence
4. Abduction
5. Attacks on Schools or Hospitals
6. Denial of Humanitarian Access

Case Studies:

Several case studies illustrate the challenges faced by missing and orphaned children and the responses that have been implemented:

- ***Palestinian Children in Gaza:***

The ongoing conflict in Gaza has led to a significant number of children being separated from their families. As of recent reports, approximately 19,000 Palestinian children are either separated from their parents or have no surviving family members.

Challenges: These children face severe psychological trauma, disease, and starvation. Providing psychological support and basic necessities like food and medicine is crucial but challenging due to the ongoing conflict.

- ***Children in South Sudan:***

The conflict in South Sudan and neighboring Sudan has resulted in thousands of unaccompanied children. Over 65,000 children in South Sudan are separated from their caregivers, with many more arriving from Sudan.

Challenges: These children are at risk of recruitment by armed groups, early marriage, and forced labor. They suffer from psychological issues such as anxiety and loss of hope for the future. Organizations like War Child are working to provide psychosocial support and reunite children with their families.

- ***Children in Armed Conflicts Across Africa:***

A study analyzing conflict events across 33 African countries found that children

exposed to armed conflict are more likely to become orphans. The likelihood increases significantly with the intensity of the conflict.

Challenges: Children in conflict zones face increased mortality rates, displacement, and exploitation. The breakdown of family structures and societal support systems exacerbates their vulnerability.

International Legal Framework:

1. *Convention on the Rights of the Child (CRC)*

- *Article 38:* States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict. This includes ensuring that children are not recruited or used in hostilities, and providing assistance for their recovery and reintegration.
- *Article 39:* States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of armed conflict. This includes providing necessary support for the child's full recovery.

2. *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)*

- *Article 1:* States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.
- *Article 2:* States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.
- *Article 3:* States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in Article 38 of the CRC. However, it allows for voluntary recruitment at 16 years in some circumstances, provided that such recruitment is genuinely voluntary and with the informed consent of the person's parents or legal guardians.
- *Article 4:* Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.

- *Article 6:* Each State Party shall take all necessary legal, administrative, and other measures to ensure the effective implementation and enforcement of the provisions of the Protocol within its jurisdiction. This includes making the principles and provisions of the Protocol widely known and promoting them to adults and children alike.

3. Geneva Conventions and Additional Protocols: These laws provide general protection to civilians, including children, during armed conflicts. They emphasize the need to protect children from the effects of war and ensure their safety and well-being.

- *Article 24 and 50 of the Fourth Geneva Convention:* These articles provide for the protection and care of orphaned or separated children, ensuring their maintenance, education, and religious practices are safeguarded.

4. International Criminal Law

Rome Statute of the International Criminal Court (ICC): The ICC considers the recruitment or use of children under 15 in armed conflicts as a war crime. Children under 18 cannot be tried by the ICC for war crimes.

International Response and Recommendations

Addressing the challenges faced by missing and orphaned children requires a concerted international effort:

- *UN Initiatives:* The UN has established the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to assess and promote the protection of children in conflict situations.
- *UN Security Council Resolution 2474 (2019):*
This resolution emphasizes the need for parties to armed conflicts to take measures to prevent persons from going missing, including children, and to pay special attention to cases of children reported missing.
- *NGO Efforts:* Organizations like War Child and Save the Children are working to provide psychosocial support, reunite families, and advocate for children's rights in conflict zones.

Recommendations

Enhanced Protection Mechanisms

Strengthening legal frameworks and enforcement mechanisms to protect children from exploitation and violence is essential. This includes implementing the Optional Protocol to the UN Convention on the Rights of the Child regarding children in armed conflicts. International cooperation is crucial to ensure that perpetrators are held accountable and that children receive the protection they deserve. *Humanitarian Access*

Ensuring unhindered access to humanitarian aid is crucial for providing basic necessities and psychosocial support to affected children. Humanitarian organizations must be allowed to operate freely in conflict zones to deliver essential services.

Reintegration Programs

Developing programs to reintegrate child soldiers and reunite separated children with their families can help mitigate long-term trauma. These programs should include psychological support, education, and vocational training to help children reintegrate into society.

Education and Healthcare Provision

Rebuilding educational facilities and providing access to healthcare services are vital for the longterm recovery and development of affected children. This not only addresses immediate needs but also lays the groundwork for sustainable peace and development in conflict-affected regions.

Conclusion

The plight of missing and orphaned children in armed conflicts is a pressing human rights crisis that demands immediate attention and action. Addressing these challenges requires a comprehensive approach that includes legal protections, humanitarian assistance, and long-term support for recovery and development. By prioritizing the rights and well-being of these children, we can work towards a future where they are protected from the devastating impacts of war and have the opportunity to thrive.

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