General Assembly 3

Research Report

The Question of:

The repatriation of children of foreign combatants in the Middle East

Introduction

The situation in the middle east has come to the point where the Islmaic State employed children who are not even school age, as they were brought by their parents in a state of panic and desperation. The children captured by the islamic state are the most vulnerable as being that — the remainder of the more than 40,000 foreign fighters and their families who came from 80 countries to help build the caliphate. Many are now detained in camps and prisons across eastern Syria, Iraq and Libya.

These children have done nothing yet even when it comes to the children, the foreign governments whose citizens are marooned in the camps and prisons have struggled with what to do with them.

The Islamic State, researchers say, employed children as scouts, spies, cooks and bomb-planters, and sometimes as fighters and suicide bombers. Propaganda videos showed young children beheading and shooting prisoners. Some of the minors had military training, as it is the case of the older boys. There are at least 13,000 foreign ISIS followers being held in Syria, including 12,000 women and children. That number does not include the estimated 31,000 Iraqi women and children detained there. Another 1,400 are detained in Iraq.

There is also the question where in overflowing camps in eastern Syria, the wives and children of ISIS fighters who fled the last shreds of ISIS territory are dying of exposure, malnutrition and sickness. But most foreign governments are reluctant to take them back, leaving them international pariahs wanted by no one — not their home countries, not their jailers. A few extremists who returned to their home country return also the stage attacks in their own villages. But the exceptional cases — including the 2015 Paris attacks that killed 130 people and two of Tunisia's deadliest terrorist attacks — have made the idea of repatriation politically toxic in many countries. At least one of the bombers who carried out the attack in Sri Lanka on Easter was a Sri Lankan who had trained with the Islamic State in Syria.

The Committee

The General Assembly 3 is one of the three GA's of Lemun 2019. All three of them have the same rights. The GA3 talks about Social, Cultural and Humanitarian issues. This means we will talk about issues in the world from those three perspectives: bearing in mind relations, traditions and human rights. The power of the UN lays mostly over Security Council, the General Assembly cannot force member states to act upon or do something about a certain issue, The Assembly is only empowered to make recommendations to States on international issues within its competence.

This committee can also:

- Consider and approve the United Nations budget and establish the financial assessments of Member States;

- Elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, on the recommendation of the Security Council, appoint the Secretary-General;
- Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament;
- Discuss any questions relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it;
- Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations;
- Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields;
- Make recommendations for the peaceful settlement of any situation that might impair friendly relations among countries;
- Consider reports from the Security Council and other United Nations organs.

This GA will have normal parliamentary procedures, which means that each delegation will have to elaborate a resolution. In order to submit the resolution the main submitter has to gather 8 signatures of other delegations on a form who want to discuss it and are not necessarily in favor of it. This form will be delivered to the chairs, and if they receive them and all is in order, the resolution will be debated if the time is in our favor.

On the last day, Sunday, all three GA's will be reunited on a last session. every committee will past forward one of the resolutions that was approved in their own committee, and will be once again debated. In the global GA session amendments are not allowed anymore, the main submitter gets the floor with the starting and ending of the debate and delegates can speak in favor or against the resolution as a whole.

Key Terms

Islamic State:

The Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS) officially known as the Islamic State (IS) and also known by its Arabic language acronym Daesh is a Salafi jihadist militant group and former unrecognised proto-state that follows a fundamentalist, Salafi doctrine of Sunni Islam. ISIL gained global prominence in early 2014 when it drove Iraqi government forces out of key cities in its Western Iraq offensive, followed by its capture of Mosul and Sinjar massacre.

Repatriation:

The return of someone to their own country.:"the voluntary repatriation of refugees" "one of the largest repatriations the world has ever seen".

Caliphate:

Is an Islamic state under the leadership of an Islamic steward with the title of Caliph, a person considered a political-religious successor to the Islamic prophet Muhammad and the leader of the enitre Ummah (a muslim community). Historically, the caliphates were polities based in Islam which developed into a multi-ethinic trans-national empires.

Pariah:

A person who is not accepted by a social group, especially because he or she is not liked,respected, or trusted (An outcast)

Stateless Children:

Stateless children are not recognized as nationals by any State's domestic law. Children who are stateless feel the impact in their daily lives in profound ways. Discrimination based on statelessness, including limited access to critical services such as education and health care, can expose children to protection risks including violence, abuse, trafficking and other forms of exploitation. As they lack civil documentation, stateless children and their families face the risk of arrest and detention. Living in limbo and constant uncertainty, in the absence of a legal status, also bears a detrimental psychological impact for stateless children and their families.

General Overview

The Situation in the Middle East has been going on for several years now, putting in question the security, health and economic stability of those who have been caught in these series of unfortunate events. People have always migrated to flee from trouble or to find better opportunities. Today, more people are on the move than ever, trying to escape from climate change, poverty and conflict, and aided as never before by digital technologies.

Children make up one-third of the world's population, but almost half of the world's refugees: nearly 50 million children have migrated or been displaced across borders.

There are many links to the situation in the Middle East, and one of them is precisely those people who find refuge away from their home country and their families. We've been talking for several years now about the refugee situation, discussing their conditions in their refuge, as it should be a house provided by the government, camps or even how people from their new residence treat different communities. Now the issue is getting wider because it has come to the point where children are repatriated to their home countries and their parents stay behind, putting in danger the life of youngsters and infants.

One third of the refugees who have recently came to Europe are children, some of them alone without their parents. Children and their families tend to put everything at stake to go in search of a better life. When children and young people feel that they have no choices, no sense of a future, and where there are no safe and legal alternatives for migration available to them, uprooted children will take matters into their own hands, facing even greater risks of exploitation at the hands of people smugglers and traffickers.

All children on the move are vulnerable to abuse and other grave forms of violence during and after their journeys. It is estimated that more than one child dies every day along the perilous Central Mediterranean route from North Africa to Italy. Of the almost 100,000 refugees and migrants travelling via this route in the past year, around 15 percent are children.

In their home country, the children who stay are most likely to be recruited to Islamic State, and have military service, when some of them aren't even old enough to go to school.

There are far more reasons that push children to leave their homes and fewer pull factors that lure them to Europe. But for those who do aim to come to Europe, the allure is the chance to further their education, find respect for their rights and get ahead in life. Once they reach Europe, their expectations are sadly shattered. The vast majority are boys aged 16 to 17 travelling alone from numerous countries in West Africa and the Horn of Africa. For many, Europe may not be their intended destination when they set out on their journey: most head for neighbouring countries at first, but the abuse they experience along the way compels them to push on towards Europe. Uprooted children travelling from the Middle East to Greece via the eastern Mediterranean tend to arrive with their families, with girls just as likely to arrive as boys. They come primarily from just three countries: Syria (54 percent), Iraq (27 percent) and Afghanistan (13 percent).

Many people have fled from the brutal six year conflict in Syria and more than three million Syrians now live in Turkey – the largest refugee population in the world. Almost half of these are children. The majority of Syrian refugees in Turkey live in host communities that are often poverty-stricken, and hundreds of thousands of Syrian refugee children are out of school.

There are now more than 72,000 refugees and migrants stranded in Greece, Cyprus and the Balkans, including more than 22,500 children – unable to move forward, unwilling to go back to their home countries and struggling to fit into their host communities. Children are increasingly showing signs of deep psychological trauma as a result of the suffering they have experienced during and after their journeys.

While working to safeguard refugee and migrant children in Europe, UNICEF is also working on the ground in their countries of origin to ease the impact of the poverty, lack of education, conflict and insecurity that fuel global refugee and migrant movements.

While not being repatriate, some children began to be treated as stateless individuals. The fact that there are many children who are stateless or at risk of becoming stateless in Europe is therefore a serious concern. While not a new phenomenon, the numbers of children concerned have been rising due the high arrivals of refugees and migrants in Europe in 2015/20161 . States have clear legal obligations resulting from the ratification of relevant international and regional treaties to prevent childhood statelessness and to take action to resolve existing cases. Moreover, Governments committed in the 2030 Sustainable Development Agenda to achieve 'legal identity for all, including birth registration' (SDG Target 16.9), which has positioned the prevention and reduction of statelessness as a development issue. This is a call to urgent action by States and regional organisations to bring an end to childhood statelessness. The issue is not insurmountable, and can be addressed by a series of low-cost, effective and sustainable solutions.

States' obligations to prevent childhood statelessness and to take actions to resolve existing cases derive from both international and European law. As parties to the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, States are obliged to ensure that each child is registered immediately after birth and has the right to acquire a nationality.2 Under the UN Convention relating to the Status of Stateless Persons, States must protect stateless children and facilitate their naturalisation. To do so, States should develop procedures to identify stateless persons. 3 The UN Convention on the Reduction of Statelessness4 and the European Convention on Nationality set out safeguards to ensure that foundlings and children born stateless in a territory acquire nationality.

Recently The UN Refugee Agency (UNHRCH) found that the most peaceful ways to repatriate is to do it voluntarily. As noted in the discussion on legal principles, one of the most fundamental principles relating to repatriation is that the decision to repatriate should be a voluntary one, which implies freedom of choice and an informed decision. While there is general agreement that the child's decision should be informed, difficult issues arise with respect to freedom of choice and the potential conflict of this principle with other principles such as family unity and/or best interests. These issues are explored in the group exercise and case studies.

The requirement that the best interest of the child be a primary consideration in all actions concerning children is articulated in Article 3 of the CRC. This principle is also central to UNHCR policy with respect to children generally, and with respect to the voluntary repatriation of children in particular. The voluntary repatriation of a child must also be guided by the principle of family unity. The importance of family unity, and the obligation of states parties to support families and/or assist in family reunification is provided for in various provisions of the CRC, notably the Preamble, Articles 5, 7, 9, 10 and 22. This principle is also noted in international refugee law5 and reflected in UNHCR policy.

UNHCR's Guidelines on the Protection and Care of Refugee Children contain some general principles relating to the appropriate durable solution for separated children, and with respect to voluntary repatriation in particular. These guidelines incorporate the principles referred to in Topic 5. They provide as follows:

• The plan for a durable solution must be based on the individual child's best interests. Family reunion should be the first priority for the child. Should such reunion not be in the best interests of the child or not possible within an appropriate time frame, other medium and long-term options such as foster care, guardianship and adoption may be sought. Eventual family reunion or repatriation should be kept open as long as possible: separated families never stop looking or hoping.
• The possibility of voluntary repatriation should at all times be kept under review and actively pursued where appropriate. Where voluntary repatriation is not possible, local integration should be explored. Resettlement of separated children should only be considered on an exceptional basis and through a case-by-case examination, where other solutions are not appropriate.

Regarding the unaccompanied child:
UNHCR's Guidelines on the Protection and Care of Refugee Children articulate further principles to guide those assisting separated children in this respect. These are as follows:
• Unaccompanied refugee children over the age of 16 years are usually mature enough to make their own decisions about long term solutions.
• Depending on their degree of maturity, children over the age of nine or ten may be able to make rational choices if provided with adequate information. Their preferences should therefore receive consideration.
• Children below the age of nine or ten years of age may not be sufficiently mature to make an independent judgement; but they should always be given the chance to express their views.
• In each case, a minor's evolving mental maturity must be determined in light of the personal, family and cultural background. Qualified child welfare workers should be involved in the process of interviewing separated children.

Major Parties Involved:

Syria: Where most refugees are coming from

Afghanistan: Where most refugees are coming from

South Sudan: Where most refugees are coming from

Turkey: Where most refugees are heading to

UNHRC: The United Nations Refugee Agency is a major party because of ti's help and solutions that they managed to come up with. As they being the ones that suggested repatriation and have a whole 10 point plan and guideline to Repatriate refugees.

Greece: Where refugees are heading to

Previous attempts to solve the issue:

UNHCR: The 10 poin-plan A solution for refugees

UNHCR: Action for the Rights of Children (ACR) Foundation: Voluntary Repatriation

Some European countries also tried to solve this problem by adopting children in order for them not have to repatriate. (France, Germany, Italy, The Netherlands).

The Future

By not helping these children, and not providing the necessary aid, we all together, the ones who have the power to take this matter in hand, are ignoring their well being. Providing a safe environment for underaged children is key to keep our humanity as it is. Not trying to solve this matter will increase the number of non alphabetic children, their pregnancy rates and death numbers.

So this problem can be taken in hand and managed, the UN and their member states have to join and establish treaties. Otherwise these people will continue not having their rights guaranteed and they will always live like being on an inferior level compared to the State as a whole.

It is also important to make sure that safeguarding their lives is not mistaken by locals as privileges but as a matter of importance.

In the future it would also be important to maintain this children and school and provide free healthcare and education.

Questions a Resolution Must Answer (Q.A.R.M.A.)

On this issue, there are quite some vague boundaries that will have to be defined. Amongst those, can be counted the following questions that have to be answered:

- Are these Children having the necessary education and health management?
- Are them and their families secure enough of their decision to repatriate?
- Can this Children managed on their own to repatriate if not being accompanied by a family member or someone +18?
- What can each member state do to help find a solution?

Further Reading

https://www.worldvision.org/refugees-news-stories/forced-to-flee-top-countries-refugees-coming-from

https://bmjpaedsopen.bmj.com/content/3/1/bmjpo-2018-000364

https://childrenandarmedconflict.un.org/presentation-of-the-report-of-the-special-representative-of-the-secretary-general-for-children-and-armed-conflict-to-the-human-rights-council/

https://www.unhcr.org/protection/migration/50a4c17f9/10-point-plan-action-chapter-7-solutions-refugees.html?query=children%20repatriation

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