

# BACKGROUND GUIDE



## **UNITED NATIONS HUMAN RIGHTS COUNCIL**

**AGENDA: DISCUSSING FREEDOM OF EXPRESSION, SLAVERY AND TORTURE  
WITH SPECIAL EMPHASIS ON FORCED CONSCRIPTION DURING EVENTS OF  
ARMED CONFLICT.**

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**LETTER FROM THE EXECUTIVE BOARD**

Dear Delegates,

Welcome to the UN Human Rights Council! I hope you enjoy your time committee, indulge in intellectual discussions, augment your understanding of this prominent issue of global significance, and leave the committee as international-minded global citizens.

We are Mitee Agarwal and Harbhajan Chokhani and we will be serving as members of the executive board for the UN Human Rights Council at NVMUN. As your chairs, we are extremely excited to see the unique arguments, thoughtful debate, and discussion you will have to offer! We hope to make your experience at NVMUN one of your most memorable conferences.

Our committee will be addressing the important issue of discussing freedom of expression and speech with special emphasis on forced conscription during events of armed conflict, a critical issue that demands our immediate attention. The continued human rights violation through suppression of this right is unacceptable and demands action. The UN has a crucial role in addressing this issue, and I am confident that our committee will contribute to the global effort to end such abuses.

Every nation must uphold human rights and ensure respect and dignity for all individuals. This responsibility is amplified during times of conflicts and emergencies and member states need to take up an active role in preventing such violations. In our discussions, we must deal with this issue with sensitivity and respect. We must work together to develop meaningful solutions that take into account the unique experiences of these groups and provide them with the protection they need and deserve.

During the conference, we expect delegates to work collaboratively to come up with realistic solutions that are effective in achieving this objective. Moreover, we could not stress the importance of collaboration and cooperation in the policy-making process at the UN enough. These values form the bedrock of the UN system and a guiding principle of a Model UN conference.

Furthermore, please have fun! A Model UN conference differs from other forms of public discourse or intellectual activities. This is an opportunity to learn and forge relationships that you shall cherish for a long time. Please use this opportunity because you are fortunate enough to have such platforms to ameliorate your skills and augment your network.

Please do not limit your research to the background guide and analyse beyond what is mentioned here. Following is an overview of the agenda of the committee. For any further queries feel free to drop a mail to:

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<b>To</b>	miteeagarwal158@gmail.com
<b>Subject</b>	Query

Overall, this issue holds immense endowment for policy action at the global level and is something we found particularly cognizable. We expect all of you to learn and grow intellectually at the conference and make new friends! We couldn't be more excited to meet all of you!

Kindest regards,

Mitee Agarwal

*President, UNHRC*

*Nath Valley Model UN, Chh. Sambhajinagar (IN)*

Harbhajan Chokhani

*Vice President, UNHRC*



## **ABOUT THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

The Human Rights Council is an intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the United Nations Office in Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former [United Nations Commission on Human Rights](#).

### **→ History:**

The council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006. The council later adopted its 'Institution Building Package' to guide its work and set up its procedures and mechanisms. Among them was the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, and the [Advisory Committee](#) which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues, and the Complaint Procedure which allows individuals and organisations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the [UN Special Procedures](#) established by the former Commission on Human Rights and is now assumed by the council.

These are made up of special rapporteurs, special representatives, independent experts, and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in countries.

### **→ Presidency and Membership:-**

The Council are made up of 47 Member States, which are elected by the majority of members of the General Assembly of the United Nations through direct and secret ballots. The General Assembly takes into account the candidate State's contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard.

1. African States: 13 Seats

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2. Asia-Pacific States: 13 Seats
3. Latin American and Caribbean States: 8 Seats
4. Western European and other states: 7 Seats
5. Eastern European States: 6 Seats

Members of the Council serve for three years and are not eligible for immediate reelection after serving two consecutive terms.

With membership in the Council comes a responsibility to uphold high human rights standards. This is a criterion insisted on by States themselves when they adopted resolution 60/251 in March 2006 to create the Human Rights Council.

The Bureau of the Council consists of five people:

1. One President {Omar Zniber, President of the 18th cycle (2024)}
2. Four Vice Presidents
  - a. Darius Staniulis (Lithuania), Vice-President and Rapporteur
  - b. Febrian Ruddyard (Indonesia), Vice-President
  - c. Marcelo Eliseo Scappini Ricciardi (Paraguay), Vice-President
  - d. Heidi Schroderus-Fox (Finland), Vice-President

Representing the five regions groups. They serve for a year, following the Council's annual cycle.

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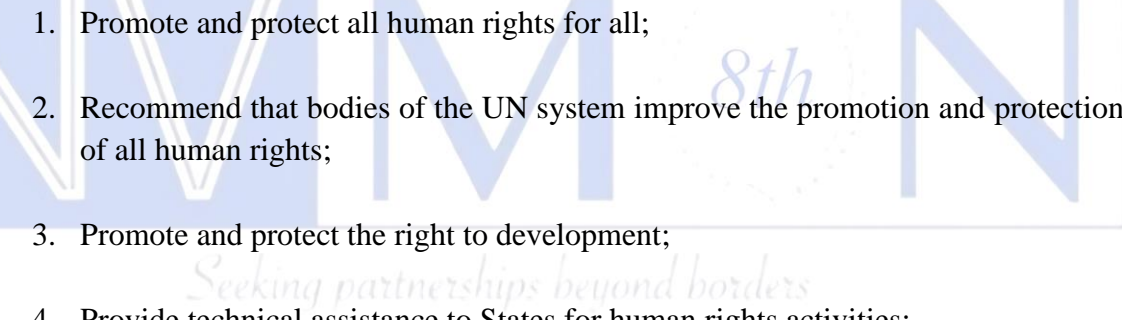
**MANDATE OF THE UNHRC**

UNHRC's mandate is the basis for UNHRC's activities and the rationale for its existence. UNHRC is primarily mandated to provide international protection and humanitarian assistance and to seek permanent solutions for persons within its core mandate responsibilities.

The Office of the High Commissioner for Human Rights (OHCHR) is mandated by the UN General Assembly to promote and protect the enjoyment and full realisation, by all people, of all human rights. The Charter of the United Nations, the [Universal Declaration of Human Rights](#), and International human rights laws and treaties established those rights.

UN Human Rights was created by the General Assembly in 1993 through its resolution [48/141](#) which also details its mandate.

**UN HUMAN RIGHTS IS MANDATED TO:**

- 
1. Promote and protect all human rights for all;
  2. Recommend that bodies of the UN system improve the promotion and protection of all human rights;
  3. Promote and protect the right to development;
  4. Provide technical assistance to States for human rights activities;
  5. Coordinate UN human rights education and public information programs;
  6. Work actively to remove obstacles to the realisation of human rights and to prevent the continuation of human rights violations;
  7. Engage in dialogue with Governments to secure respect for all human rights;
  8. Enhance international cooperation for the promotion and protection of all human rights;
  9. Coordinate human rights promotion and protection activities throughout the United Nations system;
  10. Rationalise, adapt, strengthen, and streamline the UN human rights Machinery.

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To understand in brief what the UNHRC does, The Human Rights Council does different things,

1. It makes sure all people understand their rights;
2. It makes sure that all people have the same rights;
3. It checks if all people can use their rights;
4. It checks what governments do to protect the rights of people in their country;
5. It checks if the governments do what they agreed on at the United Nations;
6. It helps people whose rights were taken away.





## INTRODUCTION TO THE AGENDA

- **What is Freedom of Expression?**

Freedom of expression is a fundamental human right, enshrined in article 19 of the [Universal Declaration of Human Rights](#). Freedom of expression is the freedom for us all to express ourselves. It is the right to speak, to be heard, and to participate in political, artistic, and social life. It also includes the ‘right to know’: the right to seek, receive, and share information through any media.

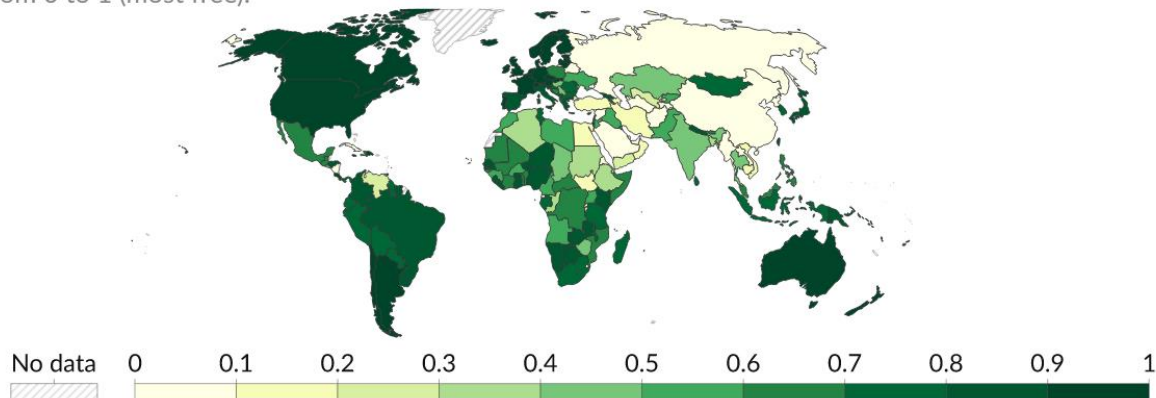
Freedom to express in simple language is the right of an individual to speak out and express themselves freely in the open world. However, this foundational right according to the OHCHR is being threatened by some independent state governments and organisations in this present time.

The below world map depicts the hindrance of this right around the world, which should be followed to a hundred percent by each and every individual.

### Freedom of expression index, 2023



Based on the expert estimates and index by V-Dem. It captures the extent to which people can voice their views and the media can present different political perspectives. It ranges from 0 to 1 (most free).



Data source: V-Dem (2024)

OurWorldInData.org/democracy | CC BY

Governments have a duty to prohibit hateful, inciteful speech but many abuse their authority to silence peaceful dissent by passing laws criminalising freedom of expression. This is often done in the name of counterterrorism, national security or religion. More recently, freedom of expression has come under threat by authorities clamping down on activists, NGOs and individuals helping refugees and migrants.

- **What is freedom of speech?**

Freedom of speech is the right of a person to articulate opinions and ideas without interference or retaliation from the government, or any other individual. This again can be recognized as a sub clause of the article 19 of the UDHR.

It is the duty of the state governments to protect and not abuse these basic foundational rights of the individuals of their state. However, in the present time the governments are not only abusing but retaining these basic rights of expressing from the individuals of their country.

- **Freedom of speech and Expression in armed conflicts:**

Just as the exercise of the right is impacted by armed conflict, armed conflict is shaped by the exercise of the right. Innovations in photography, radio, television, internet and mobile technology, among others, have not only benefited civilian society but also led to significant changes in military infrastructure and propaganda machinery. Photography in war, for example, has a long history dating back to the 1800s, when conflicts in Latin America and the American Civil War were first documented through this medium.

Situations of armed conflict shape expression therein. Time and again, it has been shown that violent actions within a society leading up to armed conflict have been immediately preceded by efforts to control expression concerning the events. Access to alternative sources of information is often significantly reduced in armed conflict. The parties to conflict commonly impose measures limiting or restricting the means of expression ranging from restrictions on expressing opinions in favour of the opponent to bans on specific words. There are countless examples of such measures throughout history, and among the most notable are those imposed in Germany and German-occupied territories during World War II.

The above classic examples prove to be an evidence of how an armed conflict not only affects the basic rights including the rights stated in IHL or the [international covenant of civil and political rights](#), but also the simple ability to express, speak or retain true and trustworthy facts.

In the present era, armed conflicts have not just become a fight for power or territory but has become the fight for respect and the crown of the supreme power, which has caused some states to forget their basic responsibilities towards their citizens, the civilians who are being affected the most in such conflicts.

According to OHCHR, In recent decades, armed conflict has blighted the lives of millions of civilians, without even allowing them to express. Serious violations of international humanitarian and human rights law are common in many armed conflicts. In certain circumstances, some of these violations may even constitute genocide, war crimes or crimes against humanity, which are all heinous and inhumane because these crimes don't even allow the affected to express themselves.

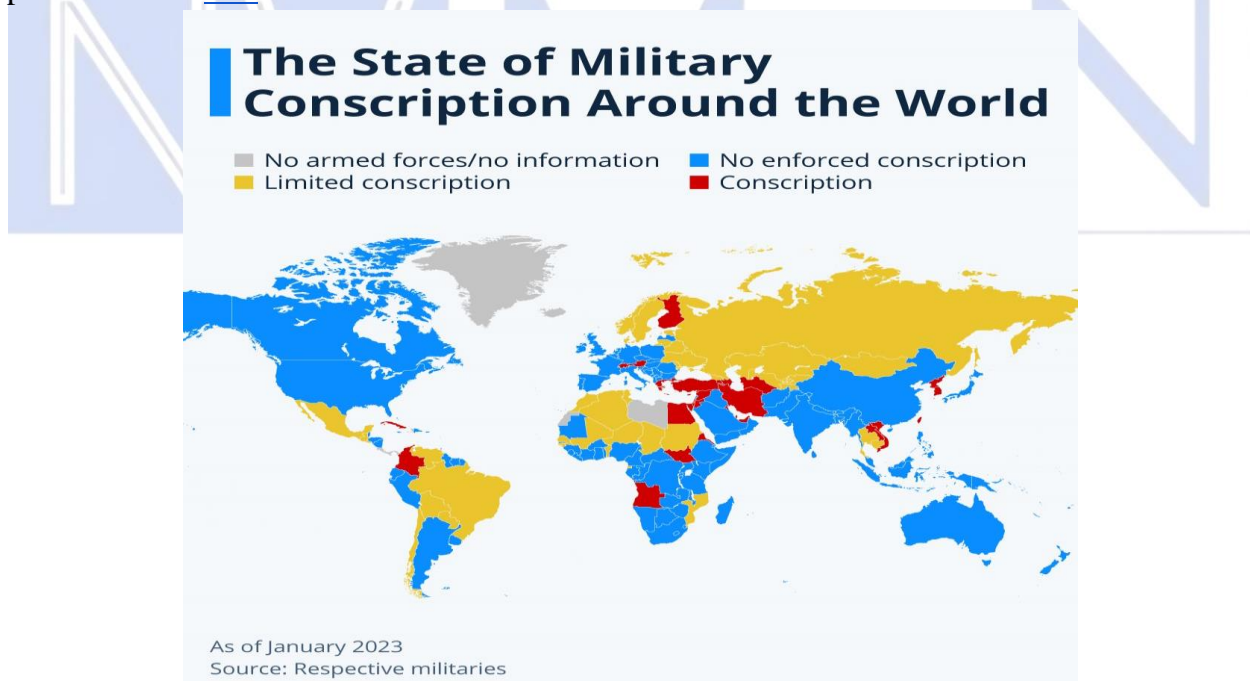
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- **Forced Conscriptions in an armed conflict:**

Forced Conscription in an armed conflict refers to the compulsory involvement of an individual in military service. This is a grave concern as this involvement is being done without the consent of an individual by many governments around the world who are under a state of war.

This can also be referred to as forced recruitment. According to UNICEF, between 2005 and 2022, more than 105,000 children were verified as recruited and used by parties to conflict, although the actual number of cases is believed to be much higher. These recruitments undermined all kinds of laws including the right of the individual to express their want for being conscripted into the conflict or not. The recruitment and use of children by armed forces or armed groups is a grave violation of child rights and international humanitarian law, as said by the OHCHR and UNICEF.

The IHL contains numerous such clauses and instructions against this forceful involvement. Along with that, the Third and Fourth Geneva Conventions also state that compelling a prisoner of war or a protected civilian to participate in the armed conflict as a military personnel or human shield is a grave breach. These forceful involvements are also considered as war crimes under the prohibitions of [ICC](#).



The above reference gives the idea of what is the condition of conscription around the world. This evidence is completely based upon the data of the state and their military, which is or can be manipulated by the respective state governments, again the violation of the right to know true facts.

## **DECLINING FREEDOM OF MEDIA**

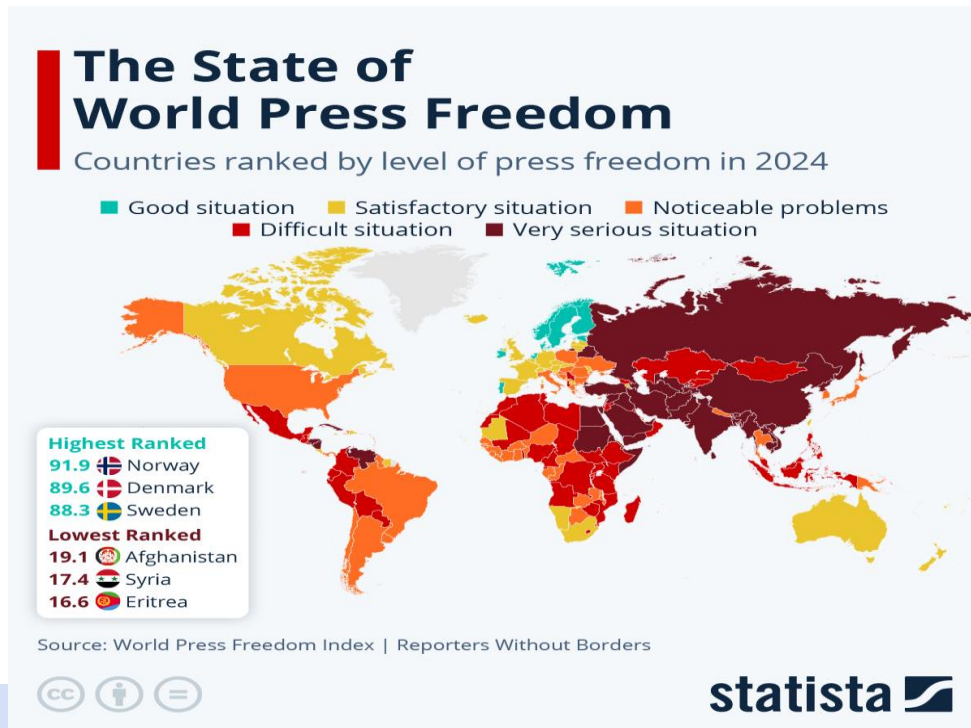
Media is the main medium for mass communication in the present time. It is the main platform which is responsible for influencing people in today's time. It plays a key role in people's everyday lives as it helps educate them and enables them to keep track of the day-to-day news, both local and global. It is the best platform for people to get information about what's happening worldwide and down the street.

Mass media also plays an important role in conflict situations around the world, be it international or local media. Basically, their role can take two different and opposed forms. Either the media takes an active part in the conflict and has responsibility for increased violence, or stays independent and out of the conflict, thereby contributing to the resolution of conflict and alleviation of violence. This is the reason why it is said that the media can be responsible for both shaping a conflict and destroying the conflict.

It is also one of those platforms where the common can express their opinion against or for any situation in a country or internationally allowing them to exercise their freedom to express and to know.

But in the present time the freedom of the journalists and media is in danger. UN experts have warned of a [dangerous decline towards the freedom of media](#), wherein, reporters are getting killed while chasing a story. Online attacks against women journalists, including death and rape threats. Targeted electronic surveillance to intimidate and silence investigative journalism are some of the examples of such dangers. Thus, snatching away the right to express true facts and the freedom to retain and know true facts.

Along with this there has also been a spike in the number of journalists being tortured and killed in conflict driven areas, snatching away their rights to live. According to the surveys, the middle eastern conflict alone has taken lives of more than 90 journalists in today's time, with increased threatening to provide biased information towards a single group or government.



The above index proves to be evidence of the declining and worsening freedom for media in the present time around the world.

- **Social Media:**

Social Media is one of the most important sub divisions of media. It is the medium of communication in the digital space for the masses. This division of communication in the present time is the most influential form of communication for each and every individual.

It being so important is also vulnerable to a lot of danger. Social media is not only a peacemaker but also an initiator for any conflict around the world in today's time. Due to its ability to disseminate information rapidly, social media has proven to be both negative and positive for society in the present time. For instance, during conflicts, social media platforms become crucial channels for delivering social media news to a global audience. This has been evident in the Israel-Gaza conflict, where updates and developments have been shared in real time. Along with that, it also helps in raising awareness, providing real time conditions and aid to the affected. But along with this these platforms are also responsible for relaying wrong and misleading news and information to the people. This unverified information can be responsible for escalating situations around the world as seen in the middle east.

## **CASE STUDIES**

- 1. Afghanistan**- According to many observers, the core problem in Afghanistan is that it is not a nation, but a smattering of disconnected peoples with little sense of loyalty to a national government. In early 2010, Afghan President Hamid Karzai raised the possibility of instituting conscription – defined as compulsory military service – as a means to bring the country together and forge a sense of nationalism. During the Soviet occupation of Afghanistan in the 1980s, the army relied heavily on conscription – mainly press ganging (i.e., random sweeps through populated areas to grab young men of fighting age). The practice met with widespread popular unrest. Tens of thousands of conscripts – sometimes entire units – defected with their weapons and joined the insurgency. During the civil war in the 1990s, many armed factions pressed young men into combat. The Taliban army that pushed into Afghanistan in 1994 relied mainly on volunteers. Yet, after defeats in the north in 1997, the Taliban turned increasingly to conscription. The policy met with substantial resistance, including open revolts in Kandahar. The Taliban today is a mainly volunteer force. Recruits join for many reasons, including money, prestige, and grievances against the government. But as seen above during the past these conscripts were mostly forced to join and give their service as reported in the present as well today under the Taliban.
- 2. Russia**- The biggest country in the world in terms of land mass has compulsory military service, with more than a quarter of a million young Russian men between the ages of 18 to 27 conscripted each year. According to the Russian Ministry of Defence website, mandatory service in the armed forces is "not a fun ride, no matter where you find yourself serving your country, but being a real man is being able to take the pain and hardship. This experience will make your further civilian life so much easier." They may be on to something there. Many roles within Russian society such as government service, are officially off-limits to those that have not served. Thus, leaving no option for the youth of the country. Most Russians are drafted straight after high school at the age of 18. This being the classic example for forced conscription for the military service without giving them any option to say no or yes according to their choice.
- 3. Vietnam**- In 2019, shocking research showed that the number of prisoners of conscience unjustly jailed across Vietnam had sharply risen by a third in signs of a growing crackdown on peaceful activism by lawyers, bloggers, human rights defenders, environmental activists and pro-democracy campaigners. The prisoners' detention conditions remain appalling with evidence of people being tortured and otherwise ill-treated, routinely held incommunicado and in solitary confinement, kept in squalid conditions and denied medical care, clean water and fresh air. Many prisoners of conscience were jailed for comments made on social media platforms and were targeted using the vague and overly broad provisions of the penal code. One prisoner of conscience is Tran Hoang Phuc. A pro-democracy and environmental activist, he was arrested in June 2017. Tried and convicted

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on charges of ‘conducting propaganda against the state’ for making and sharing videos perceived to be critical of the government on social media, he was sentenced to six years in prison, followed by four years under house arrest, without any fair trial conducted. He did not receive his right to express his opinions and stance for the crime he was arrested for.

- 4. Europe**- Over the past six months, there have been alarming attempts by authorities across Europe to silence those who speak out against the killing by Israel of tens of thousands of Palestinians in Gaza, dare to criticize crimes and violations by Israeli forces, or highlight the risk of genocide. Law enforcement officers across Europe have also targeted people who have spoken out against states’ policies, including the ongoing provision of arms to Israel for use in its unlawful attacks in the occupied Gaza Strip.

Public assemblies, meetings and cultural events organised across Europe denouncing Israel’s policies on Gaza have been cancelled or banned, having a ‘chilling effect’ that is deterring other expressions of solidarity with Palestinians’ human rights.

- 5. Saudi Arabia**- Manahel al-Otaibi a Saudi citizen was sentenced for 11 years in a secret hearing before the country’s notorious counter-terrorism court, the Specialized Criminal Court, on 9 January 2024, but the decision was only revealed weeks later in the Saudi government’s formal reply to a request for information in a Joint Communication by UN Special Rapporteurs about her case. This was the direct violation of the right to know by the Saudi Arabian Government.

Her charges related solely to her choice of clothing and expression of her views online, including calling on social media for an end to Saudi Arabia’s male guardianship system, publishing videos of herself wearing “indecent clothes”, and “going to the shops without wearing an abaya” (a traditional dress). This being a direct violation of their rights to express as she did not even get the fair chance to prove herself.

## **PAST AND PRESENT PLAN OF ACTION BY THE UN**

Freedom of expression being the cornerstone of democracy, which allows individuals and groups to enjoy several other human rights and freedoms. The mandate of the Special Rapporteur was created by the Human Rights Council to protect and promote freedom of opinion and expression, offline and online, in light of international human rights law and standards.

The United Nations also launched the well known [Rabat plan of Action](#) which aims to provide guidance on how to balance between Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), which provides for freedom of expression, and Article 20, which prohibits incitement of discrimination, hostility or violence. By grounding the debate in international human rights law, the objective has been threefold:

- To gain a better understanding of legislative patterns, judicial practices and policies regarding the concept of incitement to national, racial, or religious hatred, while ensuring full respect for freedom of expression as outlined in articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR);
- To arrive at a comprehensive assessment of the state of implementation of the prohibition of incitement in conformity with international human rights law and;
- To identify possible actions at all levels.

This Action in simple words lays down a connection between the articles 19 and 20 of the ICCPR with special points of consideration for the Freedom of expression around the world.

Along with this, The UN Plan of Action on the Safety of Journalists and the Issue of Impunity is the result of a process that began in 2010 upon request of UNESCO's Intergovernmental Council of the International Programme for the Development of Communication (IPDC).

It aims to create a free and safe environment for journalists and media workers, both in conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide. The Plan includes measures such as the establishment of an inter-agency mechanism to strengthen the contribution of each UN actor and enhance UN-wide coherence; cooperation with States to develop legislation and other mechanisms for safeguarding the freedom of expression and information as well as the safety of journalists; and the establishment of partnerships, awareness-raising and fostering initiatives. Thus, allowing them to express freely and enjoy their rights to express completely.



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This [plan of action](#) for the freedom of Expression is based on the following Principles:-

- 1. Strengthening UN Mechanisms**
- 2. Cooperating with Member States**
- 3. Partnering with Other Organizations and Institutions**
- 4. Raising Awareness**
- 5. Fostering Safety Initiatives**

Thus, covering every aspect to achieve complete freedom and peace for the journalists and for the common man.

Also, to counter hate speech, the United Nations supports more positive speech and upholds respect for freedom of expression as the norm. Therefore, any restrictions must be an exception and seek to prevent harm and ensure equality or the public participation of all.

Alongside the relevant international human rights law provisions, the UN Rabat Plan of Action provides key guidance to States on the difference between freedom of expression and “incitement” (to discrimination, hostility and violence), which is prohibited under criminal law. Determining when the potential of harm is high enough to justify prohibiting speech is still the subject of much debate. But States can also use alternative tools – such as education and promoting counter-messages – to address the whole spectrum of hateful expression, both online and offline.

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**INTERNATIONAL AND REGIONAL DOCUMENTS WITH  
ACCORDANCE TO THE AGENDA**

1. [INTERNATIONAL LEGAL PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICT](#)
2. [Universal Declaration of Human Rights \(article 19\)](#)
3. [International Covenant on Civil and Political Rights \(ICCPR\) \(article 19\)](#)
4. [Declaration on principles of freedom of expression \(OAS\)](#)
5. [Elements of War crimes](#)
6. [ICC statute, article Article 8\(2\)\(b\)\(xxvi\) and \(e\)\(vii\) for conscription](#)
7. [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#)
8. [European Convention for the Protection of Human Rights and Fundamental Freedoms \(Article 10\)](#)
9. [International standards on Freedom of Expression](#)
10. [American Convention on Human Rights “Pact of San José, Costa Rica” \(OAS\)](#)



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**SCOPE FOR DISCUSSION IN THE COMMITTEE**

1. Discussing on accountability of states on the topic of forced conscription
2. Discussing on past legislations adopted by states for the protection of human rights with special emphasis on the speech and expression
3. Drafting out practical implementations to protect the freedom to express.
4. Deliberation on the spread of biased information and facts, along with the ways to combat these unverified facts.
5. Accountability of state governments on the control over media and facts to the world.
6. Techniques to combat no freedom over digital space to express opinions.
7. Discussions to draft special legislations for the protection of journalists during armed conflicts.
8. Solutions to end conscriptions around the world
9. Methods to stop forceful additions to the military around the world
10. Methods to achieve complete media freedom around the world.
11. Suggestions to stop hate speech around the countries and to allow each individual to express freely and fairly.
12. Accountability of state media on providing true facts without any sugar coating.
13. Drafting out legislations with international standards to protect the right of the freedom of speech for the conscripts and the citizens being affected.



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