

Get on the Rights side



Why you
should
learn about
OPAC



One thing you gotta know—people under 18 have special rights when it comes to military service.

Before you make any important decision, it's smart to get the facts. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) is an international agreement on the rights of young people related to their involvement in armed forces.

What important things does OPAC say about my rights and the military?

Through laws, policies and procedures, the Canadian government has agreed to make sure that OPAC rights and rules are followed in Canada. The government works with other countries and with international organizations to protect the rights of children in other countries, too.

You must be 18 or over to fight in a war.

At age 16, you can volunteer to join the Canadian Forces for education and training, but you will not be sent to war. Volunteering means that you make an informed choice, meeting all of these conditions:

- You are genuinely volunteering and haven't been forced in any way.
- You understand what it is you're volunteering for.
- You have the consent of a parent or guardian.
- You can prove your age.

While the prospect of a free education or guaranteed income may be inviting, it is important to fully understand the conditions of military service before signing up.

You have the right to be protected—and informed.

● Stuff to think about

- ✓ Do I have enough information about what I'll actually be doing in the forces to know that this is what I really want to do?
- ✓ Do I get what the risks are?
- ✓ Do I understand what the living and working conditions are like?
- ✓ Can I leave if this isn't a good fit for me, and if the military sponsors my education, how does leaving affect my credits and/or tuition fees?
- ✓ Do I feel any pressure to sign up?
- ✓ Have I talked about this with my family, friends and other people I trust?

You can't be recruited for military service by any group or organization that is outside the government, and if this happens, then this group should be prosecuted.

What's the difference between volunteering and being forced to sign up?

When signing up for military service, you must decide to join willingly, without being threatened, tricked, bribed or forced by anyone in any way. In many countries involved in armed conflict, child soldiers are sometimes forced into fighting by having their lives threatened, or being offered money or food.



What's an OPAC?


- a) It's a cool new kind of backpack.
- b) It's a text message that stands for Open Party At Chloe's.
- c) OPAC stands for Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and it tells young people under 18 what they need to know about their rights at home and abroad when it comes to the military.

In some countries, children are forced into fighting wars


"Orphans and street children join militias at clan checkpoints to rape, loot and kill the people. They are security guards of the warlords. The oldest of them is 17 years old. They are sent by the warlords. If you try to advise them they will kill you. We see them taking drugs before they go to fight and the possibility to escape from them is rare."

– Somalian girls, ages 14 to 17

From "Will you listen?" *Young voices from conflict zones*
Machel Study 10-Year Strategic Review.
www.unicef.org/voy/media/Will_You_Listen_090607.pdf



So, if I'm thinking of signing up, then I need to know my rights, right?



Yeah, definitely, but if only you'd use your right to remain silent around me a little more often...

OPAC Quick Primer



Why was OPAC created?

OPAC (Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict) was created to better protect children and youth under 18 from being exploited and harmed in armed conflicts and wars. It was written as an extra measure or add-on document to the Convention on the Rights of the Child, which sets out the rights of all people under 18. The national governments who came together to write OPAC (including Canada) did so because in some countries children as young as nine or ten were allowed or forced to fight in wars. Many people were concerned about the terrible impact of war on children and young people—not just on their physical safety, but on their future, especially in terms of their education and mental health.

Which countries have agreed to follow OPAC?

Any country can sign on to OPAC and Canada was among the first to do so in 2000. Right now, 124 countries have ratified OPAC.

Can a country that has agreed to follow OPAC change its mind?

Article 11 of OPAC says that any country can opt out of OPAC after they have signed on, but the “opting out” only takes effect one year after the country says it wants to leave. And, if that same country is involved in any kind of armed conflict or war at the time it wants to opt out, it has to wait until that conflict has ended.

At the same time, if the government of any OPAC country creates a law or a policy that’s better or stronger than what OPAC says in protecting people under 18 concerning military service and/or armed conflict, then the government should follow those laws or policies.

What does OPAC mean to me?

OPAC means that if you’re thinking of signing up for the military, you have a set of rights to protect you that Canada has agreed to follow. One of the most important of those is your right to be informed of and to understand exactly what it is you’re signing up for. That means asking questions (see some suggestions on pg. 3) and thinking long and hard about your future. This is a decision that will affect you for the rest of your life!

Can the rights and rules in OPAC be changed by the member country?

Once a country has signed on to OPAC, that country can suggest changes to it. If at least two-thirds of the other OPAC members agree, then those changes will be put into effect. Countries can also tell other OPAC members what their specific understanding is of any of the conditions of OPAC. Countries can also say that they disagree with a particular OPAC rule. However, in both of these cases, any country that has ratified OPAC is still legally bound to follow it.

If a country had child soldiers before it signed on to OPAC, what happens to those kids?

The country has to immediately release them from military service. As well, the country has to help them return to society, their communities and their families, making sure they receive medical help, are supported in their efforts to go back to school or find a job, and that they can go back to people they trust for assistance.

Want to find out more about your rights and the military, or your rights in general?

www.unicef.org/crc

www.unicef.ca/youthfriendlyopac


www.rightsofchildren.ca

www.pch.gc.ca/pgm/pdp-hrp/docs/crc-eng.cfm


www.pch.gc.ca/pgm/pdp-hrp/canada/enfnt-eng.cfm

It's just wrong not to know your rights!

Just because you're under 18 doesn't mean you don't have rights. You have a whole list of human rights that is covered in the Convention on the Rights of the Child. The Convention covers everything from basic human rights, like your right to survival and to be free from abuse and exploitation, to your right to be heard on matters that affect you. OPAC was written as an addition to the Convention, one of two "optional protocols." Find out more about the Convention on the Rights of the Child by visiting www.unicef.org/crc, www.unicef.ca/youthfriendlyopac or www.rightsofchildren.ca. After all, if you don't know your rights, how will you know if they're being violated?



Why should I care about OPAC—isn't that a law about some rebel army group in another country trying to force kids to fight in a war?



Yeah, but OPAC is about rights for all kids when it comes to the military, not just in other places, but in Canada too.

Here's a version of OPAC (Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict) that tells you how your rights—and the rights of children and young people all over the world—are protected when it comes to military service and fighting in wars.

OPAC is written in sections called ARTICLES. These articles are statements that say what each government should do. When OPAC refers to “children” or “young people,” this means anyone under 18 years old.

Article 1

Governments will not allow people younger than 18 years old to fight in wars.

Article 2

No one under the age of 18 can be forced to join the armed forces.

Article 3

Governments must raise the age that people can join the armed forces so that it is above age 15 (in Canada the minimum age is 16). Voluntary recruitment for people younger than 18 is allowed so long as it is genuinely voluntary, a parent or guardian gives their consent, and the person who volunteers knows exactly what it is they are volunteering for. They must also be able to prove how old they are. Therefore, governments must provide young people considering recruitment and their parent(s)/guardian(s) with enough information so they can form their own opinion—understanding the duties involved in military service, the minimum service time, conditions for early discharge and penalties involved.

Article 4

Armed groups which are NOT associated with the country's government, for example rebel groups, cannot recruit children as soldiers. If rebel groups do recruit children, then those groups should be prosecuted.

Article 5

If a country's own laws or other international laws are better or stronger than any part of OPAC in promoting or protecting the rights of those under 18 in that country, then the country should follow those laws.

Article 6

Governments should make sure that the rights of children under 18 are widely known to both adults and children throughout the country.

If a country does have child soldiers, or children involved in armed conflict, then that country should release them and help them to return to a normal life in society. The country should also provide them with the physical and mental health care that they need in order to fully recover.

Article 7

To help them follow the rules of OPAC and implement other children's rights set out in the Convention on the Rights of the Child, countries should work together and with international organizations such as UNICEF.

Countries who have signed up for OPAC have created a voluntary fund to help one another meet their obligations. Countries can donate money or resources to help other less well-off countries.

Article 8

Within two years of signing OPAC and afterwards, as part of their regular reports, each country must submit a report to an international group known as the Committee on the Rights of the Child. The report has to explain what the country has done to implement all of the articles in OPAC.

If a country is involved in an armed conflict at the time it wants to leave OPAC, it must wait until the conflict is resolved.

Article 9

Any country that has signed the Convention on the Rights of the Child may sign OPAC.

Article 10

OPAC will come into force after the tenth member has signed it.

Article 11

Any country can opt out of OPAC after they have signed it. However, this "opting out" will not take effect until one year after the country says it wants to leave. And the country will still be responsible for its actions while it agreed to OPAC.

If a country is involved in an armed conflict at the time it wants to leave OPAC, it must wait until the conflict is resolved.

Article 12

Any country who is a part of OPAC can suggest changes to it, which will be put into effect so long as two-thirds of the other members agree.

Article 13

The original OPAC document will be kept in the UN Archives. Each country receives a certified copy.

**Read the official version of OPAC at
www.unicef.ca/youthfriendlyopac**

UNICEF is the world's leader for children, working to save and protect lives and ensuring child and youth rights are respected and implemented. We work in 190 countries and territories, including Canada. Thanks to the following partners for their support in producing *Get on the Rights side*:

Human Rights Program of the Department of Canadian Heritage

www.pch.gc.ca

YOUCAN, with special thanks to YOUCAN youth and facilitators for their participation

www.youcan.ca

Canadian Coalition for the Rights of Children

www.rightsofchildren.ca



Y O U C A N



Canadian Coalition
for the Rights of Children

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