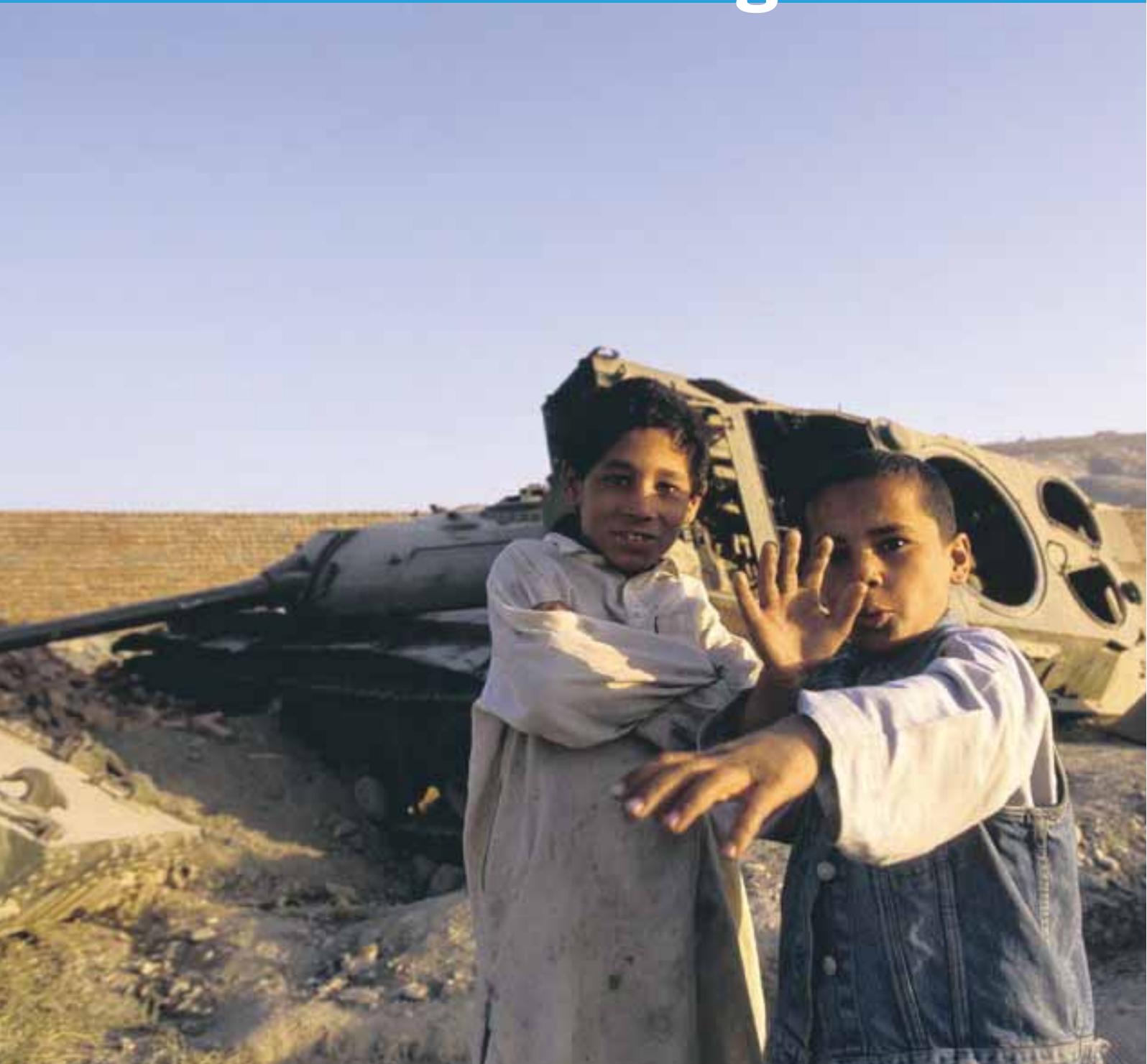


Child Protection ***in Emergencies***



Save the Children

Child Protection in Emergencies

Save the Children fights for children's rights.
We deliver immediate and lasting improvements
to children's lives worldwide.

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Introduction

Gains made

All forms of political violence, except international terrorism, have declined worldwide with 40 per cent, from 51 to 30 armed conflicts since the early 1990s.¹ The deadliest conflicts (those with 1000 or more battle-deaths) dropped even more dramatically—by 80 per cent, from 18 armed conflicts to 7.²

There is now in place a substantial body of international instruments, Security Council resolutions on children and armed conflict, provisions in peace accords, and concrete commitments made by parties to conflicts protecting the rights and well being of children, which practitioners, advocates, policy-makers and decision-makers can draw upon to ensure that pressure is exerted on the perpetrators of violations and that corrective action is taken. The standards are definitive and provide clear yard sticks for monitoring, reporting and action on violations against children's rights in situations of armed conflict.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, sets an age-limit of 18 for compulsory recruitment and participation in hostilities and a minimum age of 16 for voluntary recruitment. The Rome Statute of the International Criminal Court (ICC), classifies the enlistment and use of children under age 15 in hostilities, intentional attacks on hospitals and schools, rape and other grave acts of sexual violence against children as war crimes. The International Labour Organization Convention 182, declares child soldiering to be one of the worst forms of child labour and prohibits forced or compulsory recruitment of children under the age of 18 in armed conflict. The African Charter on the Rights and Welfare of the Child, is the first regional treaty to establish 18 as the minimum age for all compulsory military recruitment and participation in hostilities.

These instruments, together with the relevant provisions of the Geneva Conventions and the Convention on the Rights of the Child, and the six resolutions of the Security Council, constitute a strong and comprehensive body of standards protecting children in situations of armed conflict.

Child protection issues have been incorporated into peace negotiations and peace accords, such as the 1998 Good Friday Agreement on Northern Ireland; the 1999 Lomé Peace Accord on Sierra Leone; the 2000 Arusha Accords on Burundi; and the recent Accra Peace Agreement on Liberia. The Special Representative on Children in Armed Conflict is also currently working with UNICEF and NGOs to ensure the

¹ *Oxford University Press. Human Security Report, November 2005.*

² *ibid*

inclusion of similar provisions into the ongoing peace processes in Sri Lanka and the Sudan.

An important development in this regard is the “naming and shaming” of the violators of children’s rights, State Parties as well as insurgency groups, through the annual list in the UN Secretary General’s report to the Security Council.

Reality on the ground

At the same time the plight of children in conflict zones around the globe remain grave and entirely unacceptable. Parties to conflict continue to violate with impunity the rights of children. In situations of armed conflict children do not only lose their childhood and opportunities for education and development – in different ways they also suffer from physical injuries, psychological trauma, sexual abuse, trafficking, economic exploitation, displacement and separation from the family.

While children are supposed to be protected by international law in armed conflicts, in reality they are not. Protecting the security and rights of children in armed conflict is the goal of the UN. It hopes to make international commitments to protect children a reality for those caught in wars.

In today’s conflicts over 90 per cent of casualties and deaths are of civilians and of these over half are children. Save the Children have estimated that over 6 million children are imperilled by the conflicts in just five countries: Afghanistan, Angola, Burundi, Democratic Republic of Congo (DRC) and Sierra Leone

Since 1990, more than 2 million children have been killed and more than 6 million seriously injured or maimed due to armed conflict.³ Based on a number of recently reviewed UN emergency appeals (covering only a proportion of humanitarian assistance) and information from the International Federation of the Red Cross (IFRC) there are currently between 250–300 million children affected by humanitarian crises and disaster globally.

In addition to threats to their health and well-being, children caught up in war and disaster also face significant insecurity and protection needs. It is estimated that more than 17 million children have been displaced by war within and outside their countries. Despite a decrease in the number of refugees worldwide, the first half of 2004 reversed that trend. Ongoing conflicts in Sudan, Iraq, the Democratic Republic of Congo, and other countries have increased the child refugee population 4 per cent in six months.⁴

³ *Graca Machel, The Impact of Armed Conflict on Children, delivered September 2000,*

⁴ *Extrapolated from UNHCR, “Refugee Trends, 1 January – 30 June 2004.” September 20, 2004.*

At any one time, more than 300,000 children are actively fighting as soldiers with government armed forces or armed opposition groups worldwide. Almost half of the states engaged in warfare in 2004 were reported to use combatants under the age of 15.⁵ Children under the age of 18 are actively participating in hostilities in more than 35 countries worldwide - most are between the ages of 14 and 17, but some are as young as seven. Disarmament, demobilisation and reintegration (DDR) efforts have helped former child soldiers return to civilian life. Since the beginning of 2004, more than 4,000 child soldiers in Afghanistan and Burundi have been disarmed.⁶ However, many still remain in armed forces and groups, while DDR-programmes have overlooked others. In continued conflict areas, such as Sri Lanka and the Democratic Republic of Congo, some demobilized child soldiers have been re-recruited by rebels.⁷

Displaced children are more vulnerable than refugee children because they are not protected by the Convention on the Status of Refugees. In the Democratic Republic of Congo alone, more than 400,000 children are displaced.⁸ Children uprooted from their home communities face an insecure and uncertain future where their heightened vulnerability leaves them under threat of violence, sexual abuse, trafficking and exploitation. Many if not all displaced children will suffer from some degree of psychological distress.

In the chaos of conflict and emergencies children routinely get separated from their parents and families who have been killed, maimed or fled elsewhere. Currently there are more than one million separated or orphaned children. More than 50,000 children have lost both of their parents due to the conflict in Sudan. An additional 170,000 children had no information about their biological parents.⁹

Displaced children also have minimal access to education. This reduces their opportunities for a productive future even after the conflict ends. In Gaza and the West Bank, curfews, sieges and violence have led to the closure of 1,300 schools.¹⁰ Since the renewed violence in Cote d'Ivoire more than 1 million primary school students have experienced interruptions in their schooling.¹¹

This inability to attend school correlates with other protection issues. Children have more free time and less supervision. They become increasingly vulnerable to physical and sexual abuse. The full extent of sexual exploitation and abuse of children in war

⁵ Ploughsares, "Children and Armed Conflict,"

⁶ Garcia, Victoria, "State Department Reports on the Use of Child Soldiers." April 14, 2004.

⁷ Human Rights Watch, "Sri Lanka: Tamil Tigers Again Abduct Child Soldiers," June 29, 2004. Also, Coalition to Stop the Use of Child Soldiers, "The rights of children used as soldiers: Good on paper, denied in practice," November 20, 2003.

⁸ Watchlist on Children, "The Impact of Armed Conflict on Children in the Democratic Republic of Congo, June 2003," New York

⁹ UN agencies estimates in 2000. Watchlist on Children in Armed Conflict, Sudan, March 2003,

¹⁰ UNICEF, *At a Glance: Occupied Palestinian Territories*, <http://www.unicef.org/infobycountry/>

¹¹ Women's Action Network, *Cote d'Ivoire, A Country in Distress*, June 2003

and conflict is largely unknown. However, according to UNIFEM in Sierra Leone 94 per cent of displaced families experienced sexual abuse. Furthermore, 40 per cent of the population, including 692,000 children, suffered sexual abuse from 1994-1997 at the height of the civil war.¹² Sexual abuse and exploitation of women and girls are common features of the wartime landscape, and they are increasingly systematic and targeted practices intended to advance military and political objectives. This make them more vulnerable to the spread of HIV/Aids and other diseases.

In emergencies children face heightened risks of being forcibly displaced and suffer human rights violations through warring parties and other opportunistic groups specifically targeting civilians. Contributing to this vulnerability is the absence of authority and social order which in turn disrupts critical economic systems as well as, material and social infrastructure. Children face increased risks of the following: separation from their families, whether accidental or forced; the risk of recruitment into armed forces; and the risk of violence, exploitation and abuse. The impact on children may be more profound because of their age and stage of development - unless relief efforts consider the specific needs of children it may be difficult to ensure their basic needs are met and their rights are protected.

¹² *Amnesty International*

The International response

International organisations, humanitarian agencies and Non Governmental Organisations seek to protect children in emergencies primarily through the provision of humanitarian assistance. This takes the form of providing life saving activities which enable children to meet their basic needs, putting in place specific programmes designed to address the specific protection needs of children (often in the context of wider protection programmes), and taking action to address the causes of protection violations.

Over \$5.5 billion a year is currently being spent on humanitarian assistance – some 10 per cent of total overseas development assistance. This figure has grown steadily over the last decade with humanitarian assistance taking up an ever-increasing proportion of total aid. The focus for this assistance is strongly influenced by political considerations and media pressure as much as need. In 2002, for example, over half of all humanitarian aid went to Afghanistan.

Yet despite this assistance, there is little doubt that the majority of children in emergency situations are not adequately protected. The inability to protect all children in emergencies is caused by the following factors:

- a. the scale of the problem outweighs the international community's ability or willingness to act (for example only 52 per cent of the current 28 Consolidated Appeals Process' (CAP) are funded suggesting that the international community is only able to respond to half the needs identified in these cases alone)
- b. gaps, weaknesses, management, coordination and planning failures and insufficient priority or political will given to the plight of children
- c. on the ground implementation lags behind the rhetoric of protecting children
- d. child protection is viewed as an issue that can be addressed later as an add on in the time frame of an emergency response rather than as a critical component of first phase responses.

The recent Secretary-General Report, a comprehensive assessment of the United Nations system response to children affected by armed conflict, found from an analysis of the Consolidated Appeals Process (CAP) from 2000 to 2002 shows donors did not fund children affected by armed conflict projects (CAAC) regardless of requesting agency – at the same level they are funding other projects. On average, donors provided 73 per cent of funding requested for all projects in the CAP as compared to only 60 per cent of funding requested for children and armed conflict projects over the same period of time. Projects focusing on child protection received less funding than child survival projects. Furthermore, 60 per cent of the UN and NGO staff surveyed in 28 countries affected by conflict indicated that funding levels were insufficient to meet even the most basic protection needs of children in these situations. It may be difficult to demonstrate the impact of CAAC projects on the lives of children. Funding agencies often want concrete indicators that

monitor successful initiatives. However, protection and prevention issues often do not have tangible results that can be measured. This could explain the gap in funding such projects.¹³

The scale and severity of recent emergencies¹⁴ has led to an examination of how the international community can take action to protect children in emergencies. Today, approximately 90 per cent of conflict casualties are civilians, the vast majority of whom are children and women. The internal nature of today's conflicts has resulted in the fact that the majority of people affected are unable to seek international protection as refugees. Therefore, national governments in which the emergency or conflict is taking place have the primary responsibility for protecting their citizens. This responsibility often overwhelms the government's capacities for protection and, moreover, the government itself may in fact be perpetrator of the violence against their own citizens.

Families and communities have primary responsibilities for protecting children but in emergencies these normal safeguards and protective structures can break down, leaving children even more vulnerable to exploitation. As a result, domestic and international governments, as well as other international bodies, have a responsibility to fill this void to better protect children.

¹³ *Comprehensive assessment of the United Nations system response to children affected by armed conflict, Report of the Secretary-General, paragraph 32.*

¹⁴ *Emergency is defined as a situation whereby life, well-being and dignity of the populations of concern are affected by a sudden and sharp crisis in their natural, social and/or political environment.*

International Legal Framework

Save the Children believes that the protection of children is a collective, societal responsibility exercised at family, community, civil society, state and international levels. Protection activities should therefore target a range of actors, systems, processes and institutions. While community involvement is instrumental to child protection, this does not diminish States' **primary** responsibilities to protect the civilian population pursuant to international law.

Humanitarian Law

International Law, in particular International Humanitarian Law (Geneva Conventions) lays down the standards for the protection of civilians in conflict. The four Geneva Conventions of 1949 and their two additional protocols of 1977 are the main instruments of international humanitarian law.

The Geneva Conventions (1949)

- Geneva Convention I – sets out obligations for warring parties relating to the treatment and protection of members of the armed forces who are wounded or sick in the field;
- Geneva Convention II – sets out obligations for warring parties relating to the treatment and protection of members of the armed forces who are shipwrecked or wounded and sick at sea;
- Geneva Convention III – sets out obligations for warring parties relating to the treatment and protection of prisoners of war;
- Geneva Convention IV – sets out obligations for warring parties relating to the treatment and protection of civilian persons in time of war, occupation or internment.

For the protection of civilians, International Humanitarian Law demands that warring parties will:

- respect the **distinction** between combatants and non combatants;
- weigh the **proportionality** of violence as against the potential of harming civilians;
- take **precautions** to avoid civilian losses and damage.

The Fourth Geneva Convention has very little information about children although it provides for parties to the convention to provide special protection for children. Specifically, Article 12 obliges parties to allow for the free passage of food, clothing and medicine intended for children; Article 24 obliges states to assist children who

are separated or orphaned and Article 14 allows state parties to establish hospital and safety zones to protect children including other vulnerable groups.

Given the nature of conflict has changed since the Geneva Convention came into force, it is weak on the issue of internal conflicts. Albeit, Common Article 3 obliges parties to an internal conflict to provide for a limited set of obligations to civilians.

Additional Protocols (1977)

The international community adopted the Additional Protocols to the Geneva Convention in 1977 which sought to update the Geneva Convention, to extend protection to civilians in international conflicts and to set out minimum guarantees in internal conflicts:

- Additional Protocol I – widens the protection afforded to children in international conflicts, ensuring that they shall be subject to special respect and protected from any form of indecent assault. Parties must also provide care and aid that they require:
 - Article 77 (2) & (3) – minimum age of recruitment being 15;
 - Article 77 (3) & (4) – juveniles shall be held separate from adults and not subject to the death penalty;
 - Article 78 (1) – provides that children shall not be evacuated unless there are compelling reasons and that parental consent shall be sought prior to any evacuation;
 - Article 78 (2) – provides that after the child has been evacuated that a child’s education shall continue.

- Additional Protocol II – addresses the conduct of parties in non-international armed conflicts, the obligations are less restrictive and the conflict must fulfil the requirement in Article 1. Protocol II provides similar obligations to Protocol 1 but more limited in nature:
 - Article 4(3)(a) – children are entitled to education;
 - Article 4(3)(b) – children are to be reunited with their families where they have been separated;
 - Article 4(3)(e) – children are to be removed from conflict zones to safer areas with parental consent;
 - Article 4(3)(c) – children under the age of 15 are to be protected from recruitment by government and armed opposition groups.

Human Rights Law

United Nations Convention on the Rights of the Child (1989)

United Nations Convention on the Rights of the Child sets out comprehensive economic, social and cultural rights as well as civil and political rights.

Article 38 specifically addresses the issue of protecting children in times of conflict. Unlike the other provisions of the Convention the protection from recruitment into armed forces does not extend to people up to the age of 18 but limits this protection to that of 15 years. Albeit, the Convention does not impose an absolute obligation on States to ensure protection of children in armed conflict and emergencies.

The United Nations Convention on the Rights of the Child provides a comprehensive framework of children's rights, as well as a mechanism through which those obliged to fulfil these rights can be held to account. The articles in the Convention which are most relevant to child protection in emergencies include:

- Article 6 – the right to life;
- Articles 7 & 8 – identity;
- Article 9, 10, 20 – avoidance of separation from parents; family reunification; the protection of a child without family;
- Article 11 – freedom from illicit transfer and non-return;
- Articles 19 & 37 – freedom from abuse and neglect;
- Article 22 – the protection of refugee children, or children seeking refuge;
- Article 25 – rights regarding alternative care and placement in institutions;
- Article 32 – economic exploitation and protection from hazardous work;
- Article 34 – freedom from sexual exploitation;
- Article 35 – freedom from sale, trafficking and abduction;
- Article 36 – freedom from other forms of exploitation;
- Article 37 – freedom from torture and deprivation of liberty;
- Article 38 – children under 15 years of age have no direct part in hostilities, nor shall they be recruited into the armed forces;
- Article 39 – rehabilitative care: child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration;
- Article 40 – juvenile justice, rights regarding administration of justice (conditions of arrest, trial and detention).

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)

The Optional Protocol urges governments to take all feasible measures to ensure that children have no direct part in hostilities. On 25 May 2000, the United Nations General Assembly adopted by consensus an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict which raises from 15 to 18 years the age at which direct participation in armed conflict will be permitted and establishes a ban on compulsory recruitment below 18 years. Although the Optional Protocol sets 18 as the minimum age for compulsory recruitment, it does not establish age 18 as a minimum for voluntary recruitment.

Security Council Resolutions

Prior to 1999 there were no Security Council resolutions that dealt specifically with children and armed conflict. Through steady work of child rights agencies, the issue of children affected by armed conflict has been placed firmly on the peace and security agenda of the United Nations. There is increasing recognition that children's rights and concerns should be integrated within all phases of peacemaking, peacekeeping and peace-building activities. This means that the protection of children and their rights must be considered from the beginning of peacemaking efforts, when peace agreements are being negotiated, in the mandates of peace operations and during post-conflict activities.

Security Council Resolution 1261 (1999)

The first resolution in 1999, resolution 1261 significantly stated that the protection and security of children affected by armed conflict was an international peace and security issue and therefore within the mandate of the Security Council. The resolution urges all member states and all parts of the UN system to intensify their efforts to ensure an end to the recruitment and use of under-age combatants, as well as facilitating the disarmament, demobilisation, rehabilitation and reintegration of children already being used as soldiers. In addition, it urges all warring parties to take "special measures" to protect children, particularly girls, from rape and other forms of sexual abuse. Resolution 1261 urges that appropriate priority be placed during such negotiations on the protection and rehabilitation of children. It also calls for agencies, organisations and governments implementing post-conflict reconstruction programmes to place children's needs at the centre of planning and resource allocation. Resolution 1261 also recognises the damaging impact of the proliferation and cross-border flow of small arms on the security of vulnerable populations, particularly children.

Security Council Resolution 1314 (2000)

The Security Council emphasizes the responsibility of all countries to exclude from amnesty arrangements anyone responsible for grave crimes against children. It calls for measures against the illicit trade in natural resources such as diamonds, which fuel war machines and contribute to the massive victimisation of children. The resolution calls for greater protection and assistance to refugees and internally displaced persons – most of whom are children and women – and stresses the importance of addressing the special needs and vulnerabilities of girls affected by armed conflict. It also calls for intensified efforts to obtain the release of abducted children. Resolution 1314 followed the publication on 19 July 2000 by the UN Secretary-General, Kofi Annan, of a comprehensive report (S/2000/712), which was mandated by Resolution 1261. Many of the new resolution's provisions follow on from the 55 specific recommendations made in the Secretary-General's report, which was the subject of an Open Debate in the Security Council on 26 July.

Security Council Resolution 1379 (2001)

This resolution based upon the previous resolution addressed other issues of concern including HIV/AIDS. Building upon the measure against those parties who use and recruit children in hostilities the Security Council asked the Secretary-General to draw up a list of parties that recruit or use children in violation of international law. The Council also asked the Secretary-General to continue, and intensify, monitoring and reporting activities by peacekeeping and peace-building support operations on the situation of children in armed conflict. In a report requested by the Council on the resolution's implementation, the Secretary-General was requested to attach a list of parties to armed conflict that recruit or use children in violation of their international obligations. The resolution also called on all parties to armed conflict to fully respect international laws related to the rights and protection of children in armed conflict; provide protection and assistance to refugees and internally displaced people; take special measures to promote and protect the rights of girls, meet their needs and put an end to all forms of violence and exploitation; and provide protection for children in peace agreements. The Council also expresses its readiness to continue to include child protection advisers on peacekeeping operations. States were urged to ratify the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict

Security Council Resolution 1460 (2003)

This resolution requests the Secretary-General to submit a report by 31 October on the implementation of this resolution and of resolution 1379 (2001), which would include, among other things, progress made by the parties listed in the Annex of his report in ending the recruitment or use of children in armed conflict and an assessment of violations of rights and abuses of such children. The resolution requested the Secretary-General to ensure that in all his reports to the Council on country-specific situations, the protection of children in armed conflict is included as a specific aspect of the report. The Council also noted with concern all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crisis, including those cases involving humanitarian workers and peacekeepers. In that regard, it requested contributing countries to incorporate the Six Core Principles of the Inter-Agency Standing Committee on Emergencies into pertinent codes of conduct for peacekeeping personnel and to develop appropriate disciplinary and accountability mechanisms. Further, it called upon Member States and international organisations to ensure that children affected by armed conflict are involved in all disarmament, demobilization and reintegration processes, taking into account the specific needs and capacities of girls, and that the duration of these processes is sufficient for a successful transition to normal life, with a particular emphasis on education, including the monitoring through, inter alia, schools, of children demobilized in order to prevent re-recruitment.

Security Council Resolution 1539 (2004)

Resolution 1539 reaffirmed many of the issues addressed in previous resolutions, including the Security Council's concern with sexual exploitation in humanitarian crises, the importance of including children in Demobilisation Disarmament Rehabilitation and Reintegration (DDRR) programmes and the need for provisions for child protection in peacekeeping mandates. The resolution again condemned the use and recruitment of children in armed conflict, but further broadened the list of violations to include killing and maiming, rape and other sexual violence mostly committed against girls, abduction and forced displacement, denial of humanitarian access, attacks against schools and hospitals, trafficking, forced labor, all forms of slavery and all other violations committed against children during conflict. The Security Council requested the Secretary-General, in a report to be submitted by 31 October 2004, to devise an action plan for a systematic and comprehensive monitoring and reporting mechanism, utilizing expertise from the UN system, national governments, regional organisations, and NGOs in their advisory capacity, in order to provide information on the recruitment and use of child soldiers as well as other violations. The Council also expressed concern over the continued use and recruitment of children by parties listed in the Secretary-General's report in situations on the Security Council agenda and called upon these parties to prepare concrete, time-bound action plans to halt the recruitment and use of children, in close cooperation with UN peacekeeping missions and country teams. It further requested the Secretary-General to regularly review compliance and expressed its intention to consider imposing targeted measures in country-specific resolutions, such as weapons bans and bans on military assistance, if parties refuse to enter into dialogue, fail to develop action plans or meet commitments made in their action plan. Resolution 1539 also called upon States and the UN system to recognize the important role of education in conflict areas in halting and preventing recruitment and re-recruitment of children.

Security Council Resolution 1612 (2005)

Resolution 1612 reiterated several of the priorities of past resolutions, such as sexual exploitation and the need for parties to respect their international obligations with regard to conflict-affected children. This resolution also authorized the implementation of a mechanism for monitoring, reporting on and punishing those responsible for grave violations against children in conflict. The Council noted that the mechanism will monitor grave violations by Governments and non state actors, focusing especially on crimes identified in Resolution 1539: recruiting child soldiers in violation of international instruments, killing and maiming of children, rape and other sexual violence mostly committed against girls, abduction and forced displacement, denial of humanitarian access to children, attacks against schools and hospitals, as well as trafficking, forced labour and all forms of slavery. The resolution called for the mechanism to be implemented immediately in those situations listed in the Secretary-General's report that are already on the Security Council's agenda and then later to be applied to those situations in the Secretary-General's report that are not on

the Council's agenda. The Security Council authorized the establishment of a working group comprised of all 15 Council members, who would be responsible for monitoring the implementation of this and its previous resolutions on children and armed conflict and conducting an independent review of the monitoring and reporting mechanism. Additionally, the Council expressed concern about the lack of progress by listed offending parties on developing and implementing the action plans for ending violations, called for in Resolution 1539 (2004), and called on the involved parties to do so without delay. The resolution also requested regional and sub regional organisations involved with children affected by armed conflict to mainstream child protection into all aspects of their work, including training for peace operations and establishing child protection mechanisms within their secretariats. The Security Council also reaffirmed its intention to consider imposing targeted measures against those parties to situations of armed conflict which are on the Security Council's agenda and are in violation of applicable international law relating to the rights and protection of children in armed conflict.

International Labour Organisation Convention 182 (1999)

ILO Convention 182 deals with the worst forms of child labour. Article 3 of ILO Convention 182 defines the worst forms of child labour as: child slavery, the commercial sexual exploitation of children, use of children for illegal activities, and any form of work which is likely to compromise the child's health, safety or morals including children associated with armed groups and forces. All countries who adopt ILO Convention 182 are accountable for the child labour practices within their country. The Convention requires that each State establish effective measures that prohibit and eliminate the worst forms of child labour.

Rome Statute of the International Criminal Court (1998)

The International Criminal Court is an important deterrent to the abuses against children, specifically the conscription, enlistment, or use in hostilities of children under the age of 15 years, which was defined as a war crime in the ICC statute. The statute also included other important measures to protect children in armed conflict: it recognized intentional attacks on educational institutions as a war crime; provided special arrangements for children as victims and witnesses; and exempted children below the age of 18 from prosecution by the court. Ultimately, the Court will assist in ensuring that there is accountability for the crimes perpetrated against children which endure with impunity all over the world.

Convention on the Status of Refugees (1951)

The Convention on the Status of Refugees and its 1967 Protocol also provides for the right of protection for child refugees in times of conflict and emergencies. States have an obligation to respect the principle of non-refoulement. Non-refoulement is defined as the right not to be returned if an individual's life would be threatened. Refugees have the right to enjoy the same rights (political, civil, social and economic)

as those granted to foreign residents of the country of asylum, such as the freedom of thought, movement and freedom from torture and degrading treatment.

In particular:

- Articles 3 & 4 – Right of Non-discrimination: the rights contained in the Refugee Convention must be equally applied to every refugee, without any distinction on the grounds of race, religion, nationality, membership of a particular group or political opinion ;
- Articles 25 & 28 – Right to documentation and certifications on status, including travel documents;
- Article 16 – Right of access to courts of the country of asylum;
- Articles 17 & 24 – Right to work, refugees shall benefit from the labour legislation and social security regimes accorded to nationals of the country of asylum;
- Article 22 – Right to education (1951 Refugee Convention).

Definition

While the protection of children has become an increasing global priority, for example the United Nations Security Council recently highlighting this issue as a serious security concern, a definition of protection for children in emergencies is not widely agreed upon and many actors have their own definition.

Put simply when we programme or advocate for child protection we are concerned with preventing or mitigating the most damaging abuses of an emergency, direct or indirect, on children:

Save the Children defines child protection in emergencies as:

Actions to prevent or address the abuse of rights of children, directly or indirectly, caused to children's emotional and physical well-being, through the action or inaction of third parties, "or act of nature", during a conflict and/or emergency¹⁵.

In emergencies, as in all situations, children have the right to live free from:

- Exploitation – sexual, labour;
- Violence – Gender based violence (GBV), murder and torture and physical injury;
- Coercion – displacement, recruitment;
- Deprivation – denial of access to humanitarian assistance.

Many instances of risk and exploitation can be avoided. Third parties are most often responsible for creating an environment of exploitation and abuse forcing children to make difficult choices in order to survive; they join armed groups, trade sex for food, and undertake other actions that jeopardize their safety and security because they have no other options. Child protection programmes need to incorporate activities that protect children from further harm and ensure their needs are met in a way that does not put them at risk.

We can conceptualise child protection in three ways:

1) **Prevent or alleviate the immediate effects of a specific pattern of abuse:** Activities that identify an emerging or established pattern of abuse, such as gender-based violence, child recruitment and exploitation, and are designed to prevent its recurrence.

¹⁵ *Emergency is normally defined as a situation whereby life, well-being and dignity of the populations of concern are affected by a sudden and sharp crisis in their natural, social and/or political environment. In some cases members of the International Save the Children Alliance claim that an emergency also can be defined as "a state of chronic, ongoing and long-term emergency with cycles of heightened crisis, as is the case with most armed conflicts today".*

2) **Restore dignified conditions of life:** Activities that are designed to restore a child's dignity through self-sufficiency, rehabilitation and recovery.¹⁶

3) **Promote respect for children's rights:** Activities that are aimed at creating an environment – political, social, economic, legal, institutional or cultural – conducive to respecting children's rights. This includes practical actions to engage communities in the protection process.

To ensure the highest level of service and protection, Save the Children has defined key protection programming priorities to guide sustainable field activities, use resources efficiently and target advocacy efforts to achieve systemic change. The following seven programming priorities outline those areas that Save the Children has identified as deserving highest consideration when designing protection efforts for children in emergency situations:

- **Protection from physical harm:** As the nature of conflict and emergencies evolves, civilians, including children, are increasingly becoming targets and victims of physical violence. Organisations should support advocacy and programming initiatives designed to enhance children's physical safety, such as landmine awareness and physical rehabilitation programmes. Situations where children are directly targeted should be monitored, documented and brought to the attention of a range of actors and bodies including the Security Council, UN special representatives, national governments, etcetera.
- **Protection from exploitation of gender based violence:** Sexual violence is a chronic threat to children, particularly girls, in crises. Organisations should recognize that children are most vulnerable to abuses such as rape, incest and molestation, during periods of armed conflict and displacement when their support and protective structures are limited or non-existent.
- **Protection from psycho-social distress:** During periods of crisis, children are exposed to a variety of extreme circumstances. It is now widely recognised that in addition to meeting basic needs such as food and shelter, there needs to be consideration given to emotional and developmental support of children. Experience shows that children are likely to recover from distressing experiences more quickly if they are supported by their family and community. Therefore family reunification and return to normal life is a priority. Other initiatives might include provision of recreation and "safe spaces" for children to play, informal education and support to their families, particularly female or single-headed households.
- **Protection from recruitment into armed groups:** In situations of conflict, children are regularly recruited into armed forces. This may be forced or

¹⁶ *It is under this element that both protection and humanitarian assistance programmes merge in their intent and delivery.*

"voluntary" and children may take on a number of roles including fighting, acting as spies or messengers and for sexual purposes. The recruitment exposes children to a range of often extreme risks and harm including death, physical injury, physical and sexual violence. Actors need to be committed to field programming and advocacy that prioritizes recruitment prevention, as well as the release of children at all times from armed forces, followed by rehabilitation and reintegration.

- **Protection from family separation:** The separation of children from their families is likely to occur in most emergency situations. Programming should be designed to prevent this separation through advanced preparation and preparedness. Interventions are urgently required to identify any children who have been separated, provide immediate care and protection, prevent further separations from occurring and support longer term arrangements for children who have been separated from their immediate care-givers. Family tracing and reunification programmes must be carried out in a coordinated way and take into account local resources.
- **Protection from abuses related to forced displacement:** In particular, camp settings may provide women and children a respite from armed violence, however, the negative effects of this displacement can be equally dangerous as women and children regularly lack access to educational opportunities and adequate health care, including reproductive health services. They are also frequent victims of sexual violence often perpetrated by those designated to protect them. Programmes must be designed to address these risks through increased access to basic health and education services and better protection monitoring.
- **Protection from denial of children's access to quality education:** Education needs to be prioritised in emergency responses because it protects children. Education recognizes a child's right to education, reducing the risks associated with conflict situations and educating children about their other rights. Education has the potential to protect children physically, psycho-socially and cognitively. It provides a safe space for vulnerable children, can re-establish a sense of normality after the trauma of an emergency and gives children an opportunity to learn skills essential for coping with an emergency. Education also provides an opportunity for the dissemination of key survival messages, such as information about landmine safety or HIV/AIDS prevention.

Monitoring and Reporting: It is widely known that a robust, comprehensive system to ensure protection of children affected by armed conflict must include a reliable monitoring and reporting system accompanied by systematic actions for compliance at the field level. The entire system must be based on the principles of rule of law; accountability to the people, including children; and transparency. Such a system must contain provisions to detect early warning signals, to react

with early actions, and to deny impunity for those who commit crimes against children.

Promote social integration and reconciliation: In periods of conflict and post-conflict, it is common for children to feel isolated, angry, marginalized and stigmatized, particularly if they were victims or recruited perpetrators of violence. Recognizing the critical importance of social integration and reconciliation in the emotional and social healing process of a community affected by violence remains vital and, therefore, it is essential to support programmes that incorporate these protective coping mechanisms into their outreach activities.

Protection Priorities

General Principles

Integrating Protection

Protection and humanitarian assistance are inextricably connected by their common purpose of safeguarding and actualizing basic rights. In conflict situations, it would be self-defeating to think of protection only or primarily in terms of stopping attacks or standing between civilians and the potential perpetrator who wields a gun. Extensive harm often occurs when civilian populations lack access to adequate means of meeting basic needs. By helping to meet basic needs such as those for food, shelter, or basic health services, humanitarian intervention can be a first step in mitigating and preventing harm.

Human rights standards and policies delineate the legal protections to which people are entitled, and protection activities are aimed at inclusion, ensuring the mitigation of harm, preventing abuses, and creating an environment conducive to the respect of human rights. Humanitarian assistance is often the means through which essential protections are provided. If policy and practice are not fully integrated there is a risk that verbal commitments to protection will serve only as a moral salve; whereas the effective integration of protection and humanitarian assistance amplifies the impact of emergency response.

Integration does not mean that protection and humanitarian assistance are one and the same. The provision of humanitarian assistance in and of itself does not constitute protection, which requires extensive attention to policy, threats, risks, community assets, practice, capacity building, and effective monitoring and reporting, among others. Protection cannot be treated as an afterthought and must be integrated into the design of and implementation of assistance programmes deliberately and early in the process.

Implementing Protection

The following are practical ways of putting protection into practice:

Multi-sectoral Integration: Protection concerns may be integrated into humanitarian services in sectors such as food, shelter, health, education, and water and sanitation. For example, sanitation experts should consult with women to develop a camp protection plan, including proper lighting and locations of latrines, as well as the construction of lockable latrines for girls and women.

Data Collection: A visitor to camps for refugees or internally displaced people often finds that no accurate count exists of at-risk people, such as women or children in different age groups. All humanitarian agencies could contribute to protection by

collecting and disaggregating data by age and gender as part of any assessment and monitoring design.

Capacity Building: Training and awareness raising for the staff of humanitarian agencies is especially required in two areas: first, in designing programmes that integrate protection and humanitarian services; and second, in preventing sexual exploitation and abuse, identify risks and threats, and take appropriate steps to report violations. Capacity building is also important in regard to governments since they have the primary responsibility to protect people within their territory. National and local government officials should be included in planning dialogues, assessments, trainings, and policy discussions.

Coordination: The presence of international staff can in itself decrease protection threats and violations. Agencies should coordinate to ensure that regular visits are scheduled to all locations where protection is a priority concern. Agencies should designate protection focal points within their organisations to collect and present protection issues and concerns across sectors.

Advocacy: While many agencies may regard protection advocacy as too political, they may use dialogue and education as strategies to advance protection within the local context. Agencies can serve as local voices for encouraging partners to deliver aid in a manner that assists the most vulnerable people. Donor agencies can require prospective grant recipients to construct a plan indicating how their work will strengthen protection.

There are many pathways through which agencies may contribute to holistic protection. Humanitarian agencies do not need to transform themselves into protection agencies but can do their part to strengthen protection by integrating protection approaches into their humanitarian work. Ultimately, integrated approaches help to close current protection gaps, fulfil collective responsibilities regarding protection, and create systems of comprehensive protection that make human rights a reality.

Protection from physical harm

Problem

Since 1990 more than 2 million children have been killed, and more than 6 million seriously injured worldwide due to armed conflict.¹⁷ In 1999, natural disasters killed approximately 40,000 children under the age of 19.¹⁸

¹⁷ Graça Machel, *The Impact of Armed Conflict on Children*, delivered September 2000, <http://www.unifem.org/>

¹⁸ *Disaster Relief, Disasters are the World's Most Deadly and Unrecognized Disasters*, Says Red Cross, <http://www.disasterrelief.org/worlddisastersreport2/>

The targeting of civilians, particularly children, has increased significantly over the last century. Children are directly killed or maimed as seen in Sierra Leone where children were the victims of purposeful mutilation – throughout the conflict, close to 10,000 were deliberately maimed. Most commonly, their hands were chopped off with a machete.¹⁹

Additionally, millions of children die due to the denial of life saving services. For example 95,000 children in southern Sudan have died from preventable diseases, a situation which is exacerbated by civil war.²⁰ Many modern conflicts directly target civilians and their social institutions. In addition, more women and children die from malnutrition, diarrhoea and other preventable diseases in conflict situations, than die as a direct result of fighting.

Landmines left over from past conflicts have claimed more than 1 million victims since 1975. In Afghanistan and Angola, there is approximately one mine for every person – with a cost of up to \$ 1,000 to clear each mine. In Cambodia, one in every 236 persons is an amputee. Angola has more than 70,000 amputees, many of them children.

The numbers tell a tragic story of indiscriminate destruction. Of the 350 kinds of anti-personnel mines produced by 35 nations, most are specifically designed to maim rather than kill. Of course, landmines cannot tell the difference between the boot of a soldier and the foot of a child. Children in landmine-affected countries are especially vulnerable to injury from these weapons.

By nature curious and adventurous, children can easily mistake a landmine for a toy or a strange object too interesting not to investigate. Very young children without reading skills often wander into dangerous fields or play areas. And many children are at risk for landmine injury just by performing everyday chores such as gathering wood, tending livestock and collecting water for their families.

Recommendations

Respect international humanitarian law - We call upon all government to compliance with relevant provisions of international humanitarian, human rights and refugee law and of providing appropriate training in such law, including child and gender-related provisions.

Unfettered humanitarian access – All international actors must acknowledge that humanitarian agencies have unimpeded access to civilian populations affected by armed conflict. We cannot ensure children’s protection or survival if we are not

¹⁹ *Youth Ambassadors for Peace, Sierra Leone: Fact Sheet*,
<http://www.freethechildren.org/peace/childrenandwar>

²⁰ *Relief Web, “95,000 children killed by preventable diseases in south Sudan in 2003”*
<http://www.reliefweb.int/>

permitted to reach them. We underscore the critical importance of the Security Council's call for parties to a conflict to make special arrangements to meet the protection and assistance requirements of children

Ratify landmine treaty - International policy makers to ratify **The Convention on the Prohibition, Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction**, also known as The Ottawa Treaty, by the year 2000. Endorsed by 122 countries in Ottawa, Canada, in December of 1997, this treaty not only bans the production, use and export of landmines and mandates the destruction of stockpiles, it also requires countries to participate in mine clearance and victim assistance programmes.

Protection from exploitation and gender based violence

The incidence of gender based violence often increases in times of armed conflict because of the breakdown in social structures and protective mechanisms that the state, community and family normally provide. Children, particularly separated children and households headed by women or children, are most vulnerable. It is estimated that somewhere between 250,000 – 500,000 women were raped during the genocide in Rwanda, for example, and surveys conducted with displaced households in Sierra Leone revealed that 94 percent of the households experienced sexual assaults, including rape, torture or sexual slavery.²¹

Gender based violence includes sexual violence such as rape, sexual exploitation, forced prostitution, female genital mutilation, forced marriage, domestic violence, abduction and trafficking. Although boys and men also are victims of this type of violence, girls and women tend to be the primary victims. Soldiers use rape and forced pregnancy as an instrument of warfare to degrade, humiliate, and destroy the social fabric of a community. Even in places where rape is not used as a systematic strategy of humiliation and degradation, women and girls still may fall victim to sexual exploitation as those who control access to goods and services or who have wealth and/or an income may trade sex for food or other necessary humanitarian assistance. A 2001 assessment carried out by United Nations Refugee Agency (UNHCR) and Save the Children UK in Guinea, Liberia and Sierra Leone found widespread allegations of sexual exploitation of mainly girls aged 13-18 by UN officials, peacekeepers or NGO staff. A refugee woman in Guinea noted that “in this community no one can access CSB (a soy nutrient) without having sex first. They say a kilo for sex”.²² Peacekeepers were also alleged to have sexually exploited children in exchange for food or money. Even some very young children report being asked to pose naked in exchange for biscuits or other food items. One girl explained, “When ma asked me to go to the stream to wash plates, a peacekeeper asked me to take my

²¹ E Rehn & E Johnson Shinleaf, *UNIFEM 2002*, p 9 *Women, war and peace, The Independent Experts Assessment*.

²² Report on www.savethechildren.org.uk

clothes off so that he could take a picture. When I asked him for money, he told me, no money for children, only biscuit.”²³ After this report was released more emphasis was placed on developing, disseminating and enforcing a code of conduct for humanitarian workers and peacekeepers but information continues to surface of exploitation in refugee and Internally Displaced Persons camps. At the end of 2004 the UN Office of Internal Oversight Services (OIOS) released a report on an investigation of the United Nations peacekeeping operation in the Democratic Republic of the Congo (MONUC) and found that sexual contact between peacekeepers and girls, usually between the ages of 13 and 18 occurred with regularity usually in exchange for food or small sums of money.²⁴

The effects of sexual exploitation and gender based violence are devastating. It leads to an increase in rates of HIV/AIDS; forced/unwanted pregnancies; and a high maternal and infant mortality rate due to the lack of infrastructure and health care. Young girls whose bodies are not developmentally mature enough to carry a child may also face long-term health problems. Babies born as a result of rape/exploitation may also face a high risk of being abandoned. Other consequences include girls being ostracised from their communities due to the shame of having been raped and/or becoming pregnant outside of wedlock. This can leave them further vulnerable to commercial sexual exploitation due to the lack of family/community support and the lack of alternative or viable livelihood options available to them.

International Response

The international community has sought to protect children from sexual exploitation through various legal mechanisms. The Convention on the Rights of the Child (CRC), for example, recognizes children’s right to be free from sexual exploitation and trafficking at all times and provides for special protections during times of conflict. Similarly, the International Criminal Court classifies rape and other forms of sexual violence as war crimes. There are also a variety of UN Security Council Resolutions (1261, 1314, 1379, 1460, and 1539) aimed at protecting children from sexual exploitation.

To support this legal framework, a host of international organisations have been created that have the protection of children in conflict situations as part of their mission. Under the direction of the United Nations, agencies like the United Nations Refugee Agency (UNHCR), The UN Office of Coordination of Humanitarian Assistance (OCHA) and the United Nations Children’s Fund (UNICEF) all have protection of children as part of their mandate.

Despite the international community’s recognition that gender-based violence in armed conflict is a crime against humanity, sexual violence continues to occur with impunity during armed conflict. Human rights agencies such as Amnesty

²³ Report on www.savethechildren.org.uk

²⁴ Report on www.reliefweb.int

International, Human Rights Watch and others continually report on these crimes, but most cases of sexual violence never go to trial.

In recognition of the problem, in July 2005, the United Nations Security Council approved Resolution 1612 which specifically sets up a monitoring and reporting mechanism for documenting and punishing those responsible for grave violations against children in crisis. The crimes identified include rape and other sexual violence as well as child trafficking. The mechanism requires that UN agencies such as UNICEF collect the data while a working group comprised of all 15 Council members insures compliance and considers imposing targeted measures against those parties of an armed conflict who are on the Security Council's agenda and are in violation of applicable international law relating to the rights and protection of children in armed conflict. Countries currently on the Security Council agenda are Burundi, Democratic Republic of Congo, Sudan, Côte d'Ivoire and Somalia.

The resolution is significant for its monitoring function and insistence that the data reach the UN Security Council. It remains to be seen, however, if the Security Council can muster the political will needed to respond to the most egregious violations against children that will be reported to them and make good on its promise to take "measures" against parties to sexual violence against children by imposing targeted sanctions.

Lessons Learned

When responding to an emergency situation, whether it is an armed conflict or natural disaster, actions must be taken to increase the security and protection of civilians from gender based violence. Reports indicate that the incidence of gender-based violence, particularly sexual violence, sexual exploitation and domestic violence, often rise immediately after a conflict.²⁵ This highlights the necessity to step up protective measures during the reconstruction phase of any programme or operation, as well as during the conflict or peacekeeping operations.

Save the Children's experience with gender-based violence and exploitation in emergency situations has led it to focus primarily on working to prevent it from occurring and when it does, to most effectively support the victims. The joint Save the Children/UNHCR assessment mission that took place in West Africa in October/November 2001 highlighted the fact that these issues need urgent attention and that more measures need to be put in place to protect children from being subjected to such gross violations of their rights. The draft report outlined the fact that a large number of children (mainly girls) were victims of sexual violence and many more also resorted to engaging in sexually exploitative activities as a desperate measure to meet their basic rights to food, shelter, health care and education.

²⁵ E. Rehn & E. Johnson Sirleaf, *UNIFEM, 2002, Women, war and peace, The Independent Experts Assessment*; and *if Not Now, When? Addressing Gender based Violence in Refugee, Internally Displaced, and Post-conflict Settings*, Jeanne Ward, *The Reproductive Health for Refugees Consortium, 2002.*

Further discussions with children in refugee/IDP camps in Liberia in March 2003 continued to reveal that the lack of security in camps was a serious problem for them and their families. Girls expressed that rape and the threat of rape was a major problem for them in particular, the perpetrators being both from within the camp community as well as military forces from outside. The reduction in food rations also played a major role in relation to sexual exploitation. Children revealed that when food rations and other supplies ran out towards the end of the month, they were put under greater pressure to seek out alternative means of supplementing the family income. One young girl stated that they would often resort to “doing things we shouldn’t do with men” in order obtain food. Other girls noted that many girls from their camps would ‘hang around’ soldiers as a means of obtaining food or money. High rates of teenage pregnancy were also reported in the camps forcing many girls to leave school and fend for themselves and their babies.²⁶

In order to prevent these types of activities from occurring, agencies providing relief should ensure that its distribution systems are reaching vulnerable groups, such as separated children and child headed households, so that they are not forced to engage in exploitative behaviour in order to survive. Training in child rights and the humanitarian code of conduct should be given to all working to provide relief and protection. In addition aid groups can provide education or vocational training to people who are victims of gender based violence and exploitation so that they can learn skills to support themselves.

Teresa, a Liberian refugee who made her way to a Save the Children programme in Guinea, is one example of how appropriate interventions can turn a child’s life from one of violence and exploitation to one of hope for a successful future. When she was 14, rebels attacked her village in Liberia. They killed her parents and took her back to their base where they repeatedly raped her. Theresa became pregnant so the rebels planned to kill her. Although she escaped, she soon found herself in Guinea with no way to support her new baby so she resorted to prostitution in the local nightclubs. It was here that a Save the Children refugee staff worker found Teresa and convinced her to come and see the programmes they offered. There, Teresa learned sewing and embroidery, a trade that will help her to support her child and keep herself safe.

Recommendations

Recognizing that gender based violence occurs during periods of armed conflict and displacement, international relief organisations should support programming designed to prevent the occurrence of abuse and restore the dignity of survivors. In IDP camps, for example, the distribution of food aid, placement of latrines and wells, and procedures for collecting fire wood should be designed to limit the likelihood of abuse or exploitation. Peacekeeping and peace-enforcement personnel should receive specific training on the protection of children and women (particularly from sexual violence and exploitation). Children who have experienced gender based violence

²⁶ *Field visit to Liberia & Sierra Leone, March 2003.*

must have access to appropriate child-friendly support services and provisions. Such provisions should include access to appropriate reproductive health care including specific support to girls who are pregnant or who have babies. It should also include psychosocial programming and assistance in reintegrating victims and survivors back into their families and communities.

International relief organisations should work with local communities to ensure that community based protection strategies and mechanisms are supported and strengthened. Working in partnerships with local NGOs, national and local government, advocacy efforts can be directed toward the creation of legislation and action plans that prevent and address trafficking and exploitation. Targeted training of district officials, community leaders, law enforcement and media also helps to facilitate an environment that will not tolerate these abuses.

Finally, the NGO community should encourage UN agencies responsible for collecting information on gender based exploitation in conflict areas to engage local civil society organisations and community leaders. The system for monitoring and reporting violations and recourse mechanisms should also be implemented with child-friendly procedures to ensure that children feel comfortable in reporting violations and that they and their families are protected from retribution.

Protection from Psychosocial Distress

Problem

Psychosocial distress relates to the psychological and social impact on children in armed conflict or disaster. The term 'psychosocial' illustrates the close relationship between the psychological wellbeing and social relations in child development.

When children have been exposed to distressing "events beyond the normal boundaries of human experience," all kinds of stress reactions may be apparent. Although considered normal reaction to 'abnormally distressing events', they may not only be stigmatising, and inhibiting, but hinder the child's developmental or change its direction in a not wanted direction. Some children withdraw from contact, stop playing and laughing, or become obsessed with stereotyped war games, while others dwell on feelings of guilt, or fantasies of revenge and continual preoccupation with their role in past events. In a few cases, depression sets in and may even lead to suicide.

As related by some children who lived through the Rwanda genocide guilt is common. Some blame themselves for the genocide, while others blame themselves for surviving, or feel it would have been better to have been killed with their families. A sense of helplessness and hopelessness lives with many of them.

Other reactions include a constant arousal with flashbacks, aggressiveness, changes in temperament, nightmares, or children may experience eating disturbances, learning problems, repeated fainting, vague aches and pains, loss of speech, loss of bladder and bowel control, and clinging to (or withdrawal) from adults. Physical growth may be affected, and girls may experience a stop of the menstrual cycle. While the symptoms may be debilitating, the removal of symptoms are not the main issue for consideration, as they in most cases will disappear over time. The main issues are the impact on the child's mental, moral, physical and social development.

Most children in armed conflicts are affected to some degree by a breakdown in civil society: no school, no services, shortages, danger, fear and a family without its menfolk. This might be aggravated by property destruction, displacement and family separation. A frequent scenario is that the home is attacked and children witness the death of one or more family members or become separated from their parents. In some situations, children will be lured, coerced or forcibly recruited into the armed forces, and themselves become involved in the atrocities.

Many factors influence the impact of the child's experience. The most obvious being the degree (length and severity) of exposure, the age and gender of the child and the common interpretation of the violence, as evidenced among the Palestinian youth during the intifada. The Palestinian youth appear to be coping better if they have a purpose or can make sense out of the violence.

General Principles

Although it is essential that exploration of different methods and approaches continues, we believe that basic principles of good practice can be formulated and that experimental efforts should be made within the framework set by them.

• The United Nations Convention on the Rights of the Child

Other human rights and humanitarian conventions are, of course, also applicable, but this convention is specially relevant, not only because its focus is children, but because of its almost universal acceptance, and because it deals not only with legal rights, but also with every child's right to development.

• Focus on resilience and a double target group rather than individual trauma symptoms

Resilience defined the capacity to withstand adversity, is seen as not only a factor in the child, but as a combination of internal and external factors; or as the sum of the child's personal characteristics and environmental factors at any one time. This focus will not only avoid stigmatization, but give programming a double target group: a) the child and b) the communities' protective structures around the child.

- **Healing takes place in close social relations**

When providing humanitarian assistance it must be recognised that healing and opportunities for growth and development are to be found in close secure human relationships, thus family reunification is important.

- **A context specific approach**

A key issue that has emerged is to distinguish between what is culture-specific and what is universal when it comes to psychological healing. A rights perspective, coupled with knowledge in child development and psychology, is not a sufficient basis for psychosocial programmes. It needs to be combined with knowledge about culture, history, traditions and political realities, as well as consequences of different aid methods and techniques. This calls for interdisciplinary cooperation and contextual awareness.

- **Creation of a healing environment by application of healing principles**

Programmes must promote the following in order to create a healing environment:

1) avoidance of secondary stresses. 2) establishment of good relationships, in which the child is being heard, cared for, respected and accepted. 3) creation of secure and daily routines expressing normalcy.

4) reestablishment of self-esteem or pride through possibilities for fulfilment of the expected norms of society and the ability to bring something to society.²⁷

5) a future orientation recreated through play and opportunities for growth.

These are the principles any psychosocial programme should contain and the goals of any programme promoting normalisation for children

Recommendations

Long term perspective – As child development is long term, donor and international agencies need to apply a long term perspective to programmes that incorporates the psychosocial well-being of children.

Community based approaches – All international actors need to prioritise a community-based approach that encourages self-help and builds on culturally informed healing principles and contextualised perceptions of child development. If interventions are to be effective and appropriate, they need to involve all levels in society, and have children participate in forming the intervention.

A double focus for resilience – As the child's resilience is a combination of internal and external factors, we believe that interventions in emergency and refugee

²⁷ *Report of the Secretary-General, at 56th Session of the General Assembly Item 127, September 2000, p. 127. States that an approach to reintegration of ex-child combatants has been developed, which not only benefit the child, but the whole community. Packages of teaching, learning and recreation supplies are provided to schools for each former child combatant enrolled in the school. The supplies are utilised by all students and teachers in the school, and reduce resentment that may develop when preferential treatment is given to only a few, thus helping to create a welcoming environment for the ex-child combatants.*

situations that automatically provide individualized trauma therapy and recommend establishment of residential treatment centres are most often inappropriate, unsustainable and a poor use of resources. They may sometimes even be stigmatising and inflict further psychological and social harm on children. As a rule, integration into the community and local cultures and practices is preferable to segregation, narrow specialized programmes for vulnerable groups, e.g. widows, unaccompanied children, former child soldiers and orphans, may contribute to their social marginalization, unless they are geared to social reintegration.

Development and earning ability – All international actors need to programme and fund vocational and skills training for young people. Psychosocial well-being, developmental opportunities and competence to satisfy material needs are inter-related. The child's wellbeing is closely related to his ability to fulfil social expectations, i.e. adding something to the family or general society. Thus vocational and skills training for young people not only helps to augment income-earning ability and economic independence, it also serves to increase a feeling of identity and self-worth that enhances psychological healing.

Reuniting families – Agencies and donors must make family reunification a top priority in an emergency. It is crucial begin at once to documenting refugee children and tracing lost family members, especially parents. All organisations involved need to collaborate to make this effective. Other options, such as creating orphanages, child centers and other institutions encourage the separation of children from their families and, in any case, have a vested interest in their own continuance and survival.

Provide support for good parenting – One of the most important contributions that can be made to improve children's psychosocial well-being is to help adults in a family re-establish their capacity for good parenting. A particularly risky combination is a deeply-depressed and isolated young mother with small children.

Promotion of family and everyday life – Programmes and policies targeting children in emergencies need to promote normal family and everyday life so as to reinforce a child's natural resilience. Some factors that promote the psychosocial well-being of children seem to be universal: safety and security; sympathetic care-givers (preferably one or both parents); familiar routines and tasks (such as school provides) and interaction with other children (e.g. in play and sports).

Provide support as well as training for personnel who care for children – All programmes should fund and implement support and training for personnel. Field staff does not always act as if they are aware that their own behaviour and attitudes affect the psychosocial well-being of children in their care. This is a point that their training must emphasize if they are to be effective. Relief and development cooperation programmes in war-affected communities often require staff to work under highly stressful and sometimes dangerous conditions. A heavy work load, risk of injury, even death, and frequent ethical dilemmas all contribute to high staff turnover.

Protection from recruitment into armed groups

Problem

The issue of Children Associated with Armed Forces has received considerable attention in recent years resulting in the development of a legislative and policy framework and a shared understanding and common approach to address their needs. However, despite this progress a wide gap remains between the pledges made by the international community and agreed standards in law on the one hand, and the practical reality of children's lives on the other. Hundreds of thousands of girls and boys remain in armed groups around the world with, in some cases, a massive increase in recruitment occurring during 2003.

Children who are a part of armed forces take on a variety of roles which include acting as active combatants, messengers, spies/informants, forced labourers and providers of sex; all of which expose them to the horrors of war to a greater or lesser degree and generally involve separation from family.

In the most recent Coalition to Stop the Use of Child Soldiers report the situation of the use of and recruitment of children has increased. Côte d'Ivoire, parts of the Democratic Republic of Congo (DRC) and Liberia, experienced a massive increase in recruitment occurred during 2003. It reported that there were horrifying stories emerging from the DRC of children forced to commit atrocities, of rape and sexual torture, and of constant beatings. Thousands of children in northern Uganda continued to flee their homes at night to avoid being abducted by the opposition Lord's Resistance Army and forced into brutal combat and servitude. Yet the abductions continued. In Myanmar little if any progress was discerned, with an estimated 70,000 children in the government's armed forces. Exiled children recounted being abducted by government forces while on the way to school and taken to military camps where they were subjected to beatings, forced labour and combat. Disturbing recent reports from Colombia revealed that the number of children used by armed groups has increased to around 11,000 in recent years, with children as young as 12 being trained and deployed to use explosives and weapons. In addition to involvement in combat, girls attached to Colombian armed groups have reported the enforced use of contraceptives and abortions, often after pressure to become the "girlfriend" of an adult soldier. In Sri Lanka the abduction of children by the armed opposition Tamil Tigers of Eelam (LTTE) reportedly continued unabated.

In all the conflicts children were forcibly recruited, sometimes in large numbers. Others enlisted voluntarily as a means of survival in war-torn regions after family, social and economic structures had collapsed. Many said they joined because of poverty, unemployment, or domestic violence, abuse or exploitation. Others reported enlisting after seeing family members tortured or killed by members of government forces or armed opposition groups.

General Principles

The term “Children Associated with Armed Forces” is the preferred term to be used, and is in line with the definition of a child soldier contained within the Cape Town Principles & Best Practice.²⁸ Roles within armed forces can be fluid, and whether a child is used as a cook, a porter, a soldier’s ‘wife’ or for any other purpose he/she will most often be exposed to the same dangers as children engaged in physical combat, and will be equally forced to witness atrocities. Those with ‘auxiliary’ roles may even face greater threats than those in combat roles, as is the case with children who act as informers or spies, or laying landmines, and with children who are exposed to HIV through forced sexual contact with male soldiers.

Children should not have to demonstrate that they can use a weapon to qualify for demobilisation. All children recruited into armed forces experience the deprivations associated with separation from family and exposure to the horrors of warfare. It is therefore important that the above mentioned inclusive definition be applied to children associated with armed forces, in order to ensure protection for all those children whose lives and well-being are at risk, and whose fundamental rights are violated, through their association with armed forces.

Recent research shows that in most circumstances at least a third of children associated with armed forces are girls. Girls are reported to experience severe problems reintegrating into their communities, yet few if any girls have been identified in past demobilisation programmes. In all programming to prevent recruitment, and to assist children associated with armed forces, special attention must be paid to identifying, documenting and responding to the specific needs of girls and the particular threats they face, even if girls are not initially visible. Programmes for girls must be flexible in order to respond to their stated needs.

Demobilisation, reintegration and prevention of recruitment or re-recruitment are indivisible components, and must all form part of any programming designed to assist children associated with armed forces.

Demobilisation processes should aim to separate children from adult fighters as quickly as possible and children should experience the process as non-militarised and child-friendly. Children should be released from fighting forces without having to wait for peace agreements provided that agencies are ready and able to receive them. Once demobilisation has taken place as part of a peace agreement there needs to be

²⁸ *Adopted at a Symposium organised by Unicef and the NGO Working Group on the Convention on the Rights of the Child 30 April 1997. A "child soldier" is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity including but not limited to: cooks, porters, messengers, and those accompanying such groups, other than purely as family members. This includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying, or has carried, arms.*

ongoing monitoring to ensure the chain of command within the armed forces is broken and children are not vulnerable to re-recruitment.

Effective, transparent coordination between organisations is critical and standard approaches should be developed to guide all aspects of programming. Organisations/personnel with experience and expertise in child protection should be present during the entire process. In our experience in the field we think that tasking a specific agency for the coordination of children in the Demobilisation, Disarmament, Rehabilitation and Reintegration (DDRR) process would be an important step in ensuring a more holistic and focused approach towards children.

At all stages, the views of children, their families and communities should be sought and taken into account. They should be involved as much as possible in programme planning, implementation and evaluation, policy making and advocacy. All programming for children associated with armed forces needs to be based on a thorough understanding of the political, socioeconomic and cultural context and the reasons why children are involved in armed groups. Where possible, interventions should be community-based, and supportive of existing protection mechanisms and capacities.

A brief period in interim care may be required for some children such as those who require family tracing or medical care. This time of interim care can be important for children making the transition from military to civilian life, and can be useful in preparing the family, community and child for their return. Interim care and reintegration efforts for children who have been associated with armed forces should take into account the specific health and child development needs of these children, including their psychological and social needs. Interim care should always be planned and implemented as part of a community based programme that works to facilitate the return of children associated with armed forces to their communities, and to promote the protection and development of conflict-affected children in general.

Given that most children associated with armed groups never go through a formal demobilisation process, any support given to children should be provided within the framework of a broader programme of support for all children who have been affected by the conflict. An integrated approach is also important to ensure that former child soldiers are not stigmatised, or seen to be favoured over other children who have been affected.

A long-term commitment to children who have been associated with armed groups is absolutely critical. Research shows that one of the major frustrations they face on their return home is lack of access to education and/or economic opportunities. If children are to benefit fully from skills training and income generating programmes, donors and organisations must acquire an understanding of the livelihood systems that exist in the places to which children are returning.

Children should not be prosecuted for their participation in armed forces, or for acts committed during their participation. Any judicial proceeding involving children associated with armed forces must occur within a framework of restorative justice that guarantees the psychological and social rehabilitation of the child; and be carried out in accordance with the provisions of the UN Convention on the Rights of the Child and other international standards for juvenile justice.

DDR programmes should specifically refer to the role of education in the DDR process. Reintegration is unlikely to be sustainable unless education plays a central role.

Recommendations

An integrated approach should be taken to programming for children associated with armed groups and armed forces which addresses the needs of all conflict affected children within a broad child protection framework. All interventions must take into account the fundamental necessity for children to participate meaningfully at all stages of the project cycle, and in particular in decision making on issues that will affect them.

Situation analysis – All programming for children associated with armed groups and armed forces needs to be based on a thorough understanding of the political, socio-economic and cultural context. Where possible, interventions should be community-based, supporting existing protection mechanisms and capacities.

Prevention of recruitment – All prevention efforts should respond to the root causes for recruitment and provide children with viable alternatives.

Contact with armed groups and armed forces for the purposes of training and advocacy – Armed groups and armed forces should be informed/trained in relation to children's rights, how they should treat children, and their potential positive role in protecting children.

Ways in which children leave armed groups and armed forces – Peace agreements should include specific provisions for the post-conflict needs of children including amnesties for them, with reference to the CRC. However, children should not have to wait for a peace process to leave armed groups or armed forces. Save the Children in collaboration with other organisations who can play a role in child protection must be prepared at all times to assist children who may leave armed groups or armed forces.

Negotiation with armed groups and forces for the release of children during conflict should be attempted whenever possible as long as this does not place children at greater risk, and must include girls and their eventual children.

Monitoring of recruitment and re-recruitment – Monitoring of recruitment should take place throughout armed conflict and continue after children have been

demobilised, or cease-fires/peace agreements signed, as experience shows that they can still be at risk of re-recruitment, or recruitment by other armed groups or forces. Issues of security for all involved must be taken into account.

Processes which facilitate return to family and community – The international community should be committed to helping children associated with armed groups and armed forces return to their families and communities and successfully reintegrate.

Health, disability and developmental problems – Interim care and reintegration efforts for children who have been associated with armed groups and armed forces should take into account the specific health and child development needs of these children, including the psychological and social development.

The challenges facing girls – In all programming to prevent recruitment and to assist children associated with armed groups and armed forces, special attention must be paid to identifying, documenting and responding to the specific needs of girls and the threats facing them.

Children conceived or born to girls in armed groups and armed forces – Special attention must be paid to assessing and responding to the specific needs of children conceived or born to girls in armed groups or armed forces, as well as to the specific situations which these mothers face.

Documentation, monitoring and evaluation – The international community should systematically document the situation of individual children, exercising extreme caution not to expose the child's identity, as well as documenting processes, approaches and lessons learnt. This information should be used to maintain and build competence in all aspects of work, and to inform the advocacy.

Research – The international community should be committed to carrying out ongoing research on children associated with armed groups and armed forces. All such research must be ethical, participatory and action-oriented.

Advocacy – Advocacy with and on behalf of children associated with armed groups and armed forces should be strategically planned and opportunistic, targeting a range of actors from the local to the international level and based on a solid evidence base using credible documentation.

Prosecution – Children should not be prosecuted for their participation in armed groups or armed forces, or for acts committed during their participation. Any judicial proceeding involving children associated with armed groups or armed forces must be within a framework of restorative justice that promotes the psychological and social rehabilitation of the child and be carried out in accordance with the provision of the CRC and other international standards for juvenile justice.

Peace Agreements – Peace agreements should include specific provision for the needs of children within which explicit provision should be made for the needs of girls and any children they have or will have. Such provisions should explicitly include financial and other resources required for addressing the needs of children.

Protection from family separation

Problem

Over the last decade, more than 1 million children have been orphaned or separated from their families by armed conflict. In almost all armed conflicts, mass population displacements, natural disasters and other crises, children become separated from their families or from other adults responsible for them. The scale of the problem and number of children affected varies depending on the circumstances. For example where large numbers of people are forced to flee from fighting, particularly where families typically have many children, it is more likely that children will be left behind.

In many emergencies it is not obvious that children are separated as they may be in the care of adults other than their original caregiver, including extended family members. An assessment should still be made of their needs as tracing may be required and these children may be vulnerable because of the nature of their arrangements. For example a child who has lost contact with his or her parents may be in the care of an elderly grandparent or young relative who does not have the capacity to care for them or who may abuse them.

Separated children form one of the most vulnerable groups in emergency situations and require urgent assistance. They are often deprived of care and protection. However, most can be reunited with parents, siblings, members of the extended family or other adults whom they know and who are willing to provide for their care.

General Principles

Families are the basic unit of society. In almost all cases, the family provides the best environment for meeting a child's developmental needs. In addition to providing care and protection, the family is where children learn how to behave with other people, where they discover their family history and the language and customs of their community.

In some cultures, the 'family' is defined as the child's immediate relatives: their parents and siblings. Elsewhere, there may be a far wider extended family that includes grandparents, aunts, uncles and more distant relatives within a clan, village or community. Ways of caring for children may vary, but all societies recognise that the best place for a child is with his or her family.

The purpose of family tracing and reunification is to return children to their families and communities. But programmes face a dilemma over reunifying children into difficult family circumstances, caused for example by:

- Poverty
- Interpersonal violence
- Sexual or emotional abuse
- Neglect
- Rejection owing to the fact that the surviving parent has remarried

Occasionally it will be necessary to make alternative arrangements for the child's care; this may be temporary or long term. Difficulties always arise where residential institutions are seen as an alternative form of care. The very existence of institutions may encourage children to leave their families or families to place their children in them. Institutions may seem to offer benefits to children, but they are by no means the best place for them to grow up.

Recommendations

Preparedness and coordination when an emergency begins – Coordination, information exchange and coherence at policy level are vital. There should always be close collaboration with agencies providing other forms of assistance. Since agencies intervening in emergencies need to bear in mind the long-term social policy implications of their actions, they should also work with local groups and local governments right from the start. Work with separated children is generally part of a wider relief effort that may involve the provision of food, medical help and other services. However, the way in which this relief is distributed can sometimes have a negative effect on children, causing further separations.

Adaptability in emergency situations – Tracing work in emergencies may have to be adapted to suit urgent needs; for example, some procedures may have to be simplified. Nevertheless, protection of the child must always be the paramount consideration.

Collaboration with local authorities – When moving from emergency to long term development international organisations should consider from the outset the broader issues of child welfare that arise from their programmes, thinking strategically not only about the manner of implementation but also about eventual phasing-out or handover. This is likely to involve collaborating with local authorities and governments, and developing local capacity from an early stage.

Interim care and placement – Despite efforts to prevent it, children do become separated from their families, and until they can be reunited with them they must be cared for. The agencies and governments providing care will have to make choices about how they do this. Although no solution can be right in every situation, the various options for interim care are described, together with what is known about

their advantages and disadvantages. Furthermore, interim care should be interrelated with other aspects of protection, such as family tracing, community-based support services, education and skills training.

Reunification with communities - Children often return home or are reunified with family members to find themselves in new and difficult situations. It is important to utilize community monitoring and work with government social welfare departments. A long term view is needed so that appropriate support for local structures can be included in programming. They can support the efforts of governments to coordinate work with children in need of protection by analysing the nature of the problems facing children in the communities where they are working, and by increasing the flow of information that government needs for planning and policy development.

Protection from abuses related to forced displacement

Problem²⁹

Within the past few years, many reports have been published about the widespread abuse of refugees and internally displaced persons (IDPs). These reports have led to serious internal investigations among agencies working with humanitarian relief and assistance. Agencies, including UN peacekeeping forces, international and local NGOs, and government agencies responsible for humanitarian response, found themselves guilty of employing individuals who perpetuated crimes, particularly of a sexual nature, against the dependent populations. While most of the victims were girls aged 13 to 18, children as young as four have been identified as victims of sexual assault. The children most vulnerable to sexual exploitation were those without the care of their parents, children in child-headed households, orphaned children, children in foster care, children living with extended family members and children living with just one parent.

Factors that contribute to the sexual exploitation of refugee and internally displaced children include poverty and the lack of options to earn a livelihood and meet basic survival needs. This is particularly true when refugees are denied access to wages due to policies of host governments. In addition, refugees cited insufficient rations as a primary contributing factor to sexual exploitation. A lack of food supplies led to a desperation to access food and items for survival. Victims often felt that such behaviour was the only way that they might receive food and other basic items needed for survival. Girls may be pressured by their parents or peers to engage in sexual activities to supplement the family's income or access to goods. Furthermore,

²⁹ *Background information for this section was gathered from "Note for Implementing and Operational Partners by UNHCR and Save the Children-UK on Sexual Violence and Exploitation" www.reliefweb.int*

victims of sexual abuse are unable to seek recourse due to a fear that their sources of basic survival will be removed.

In the past, perpetrators of sexual abuse have had freedom to choose with whom they will pay to have sex and when without any regard to punishment or repercussions. This is due to the fact that most often, they are individuals in positions of power relative to their victims. Sometimes the perpetrators are aid workers who may withhold basic commodities intended for the refugees or IDP's. Often excuses are made until sex with the worker is proffered.

In general, internally displaced children face a higher risk of sexual exploitation than refugee children. This is especially true if education and advocacy campaigns have been carried out in the camps. IDP camps do not have access to the same resources as refugee camps and IDP's lack many of the rights that are guaranteed to refugees by the Geneva Conventions.

General Principles³⁰

Fostering independence – Organisations should minimize the dependence of refugee and IDP populations upon humanitarian aid. This can be accomplished in many ways. For example, governments and aid agencies should reserve portions of land for the camp population to cultivate. This will supplement food availability for the population and enhance self-sufficiency. In addition, initiatives among the refugee and IDP communities should be fostered. The community should care for those within the immediate neighbourhood, thus providing additional protection for children within the community.

Practicing protection – Agencies should also assist in the protection of camp populations from the beginning of the camp. During camp design, consideration of latrine and bathing facilities should be remembered. Planners should consider gender sensitive aspects, such as segregated latrines separated from one another. Furthermore, education and sensitization of the community about female and child rights, as well as the ramifications of sexual violence should be given.

Recommendations³¹

Camp management – Special attention must be given to developing responses and skills necessary at level of camp management to ensure integration and coordination of services. Training in camp management is essential. In addition, more female staff

³⁰ Background information for this section was gathered from "Note for Implementing and Operational Partners by UNHCR and Save the Children-UK on Sexual Violence and Exploitation" www.reliefweb.int

³¹ All recommendations are taken from the IASC Task Force Mission Report: Liberia and Sierra Leone, 21-31 October, 2002.

should be hired, especially for jobs which put staff workers in direct contact with the camp population.

Definitions and analysis – There is a need for in-depth analysis of direct linkages between economic and social status of IDPs/refugees, provision of relief services (food and non-food items) and risk of or vulnerability to sexual exploitation and abuse. The lack of definition of core competencies for Protection issues should be defined in a document that would complement SPHERE standards. For example, the responsibility for "protection" in the camps (i.e. what protection means) needs to be clarified.

Monitoring and reporting – There should be systematic data collection on incidence of Sexual gender based violence (SGBV) in terms of cases reported to agencies and to local law enforcement. There needs to be increased monitoring and evaluation of individual cases of SGBV, including response to the victim and perpetrator. Furthermore, best practices for response to survivors of sexual abuse and exploitation within different cultural contexts should be documented and shared.

Government and international agencies – Governments are urged to review their legislation including age of consent laws and laws on sexual violence and sexual exploitation. Serious attention must be given to improved systematic coordination between peacekeeping and humanitarian communities - at global and country level.

Funding – Donors must bear responsibility for the chronic underfunding of humanitarian operations in West Africa and the consequences that ensue.

Protection from denial of children's access to quality education

Problem

Wars deprive millions of children of an education. Experts estimate that approximately 60 per cent of the world's reported 117 million school-age children who are not enrolled in school are living in crisis or post-crisis countries. Conflicts destabilize government infrastructure, leaving gaps in the nation's education system. Schools are closed because of insecurity or destroyed during the fighting. Simply walking to class may endanger a student's life in conflict-prone areas. The Education Ministry in Sri Lanka reported that once the conflict ended, 75,000 students enrolled in first year primary school, compared to the 40,000 to 50,000 who enrolled each year during the war. At least one-third of the children did not attend school because of the war.³²

³² Sri-Jayantha, Avis. "The Impact of War on Children in Sri Lanka"

Without an education, children face a severely limited future. Uneducated young people often face a future of poverty and violence and can lack the more complex skills needed to contribute to their society's peaceful reconstruction and development. Schools can help children to learn democratic behaviour; to develop respect for others and gain a variety of conflict resolution strategies. Classes teach children important communication skills and how to work in group. In addition, children who learn together develop strong bonds of trust that help them to connect with others as they grow into adults. The interruption of a child's education can have detrimental short- and long-term consequences.

Without the stability and structure of education, the impact of the conflict is intensified and children are more vulnerable to exploitation and harm, including many of the issues included in the Secretary-General's report on children and armed conflict: abduction, child soldiering and sexual and gender based violence. The right to attend school must remain a major aspect of children's protection rights.

General Principles

Education needs to be prioritised in emergency responses because it protects children, in terms of protecting their right to education, reducing the risks associated with conflict situations and assisting children to access their other rights. Education has the potential to protect children physically, psychosocially and cognitively. It provides a safe space for vulnerable children, can re-establish a sense of normality after the trauma of an emergency and gives children an opportunity to learn skills essential for coping with an emergency. Education also provides an opportunity for the dissemination of key survival messages, such as information about landmine safety or HIV/AIDS prevention.

Education during an emergency also provides children with a sense of hope for the future, as it prevents the emergency from permanently damaging their educational chances. Education can raise communities' awareness and ability to systematically respond to threats faced by children, when parent-teacher associations or school management committees are involved with programmes addressing these issues. The provision of emergency education can be of particular benefit to the more vulnerable children in a conflict situation – in particular, separated children, children associated with armed forces and child survivors of gender-based violence.

Moreover, education has the potential to deter a cycle of violence through the introduction of a child-friendly pedagogy, the inclusion of content that promotes peace, and the use of positive methods of discipline. In the midst of an emergency, teachers can deliver protection-related information to children and their families and better equip them to monitor issues of concern. When mothers and children have access to education and to psychological support, the likelihood that violence will be perpetuated in the next generation is diminished.

In emergencies, education programmes are typically the largest activity focusing specifically on children. They are often justified in that they fulfil a child's fundamental right to education and, although there may be some reference to education's role in mitigating the psychosocial effect of conflicts, all too often education in emergency situations has been seen not as a humanitarian priority but a long-term development activity.

As a consequence, humanitarian donors traditionally do not focus their funding on education, and if they do fund emergency education, they tend to focus on school reconstruction or supplies. Appropriate education interventions in emergencies need to focus on quality and content, rather than solely access and infrastructure, through investments in teacher training, curriculum development, and the development of schools as safe areas.

Recommendations

Humanitarian response – All key actors must incorporate, increase and resource education as an integral component of every humanitarian response, and use the minimum standards for education in emergencies as the framework for ensuring quality.

Financing: Education for children affected by conflict must be sufficiently resourced:

- International funding mechanisms must be established for fragile states³³
- Fees must not be a barrier to children's participation in education³⁴;

In order to achieve this:

- Donors must commit to long term predictable financing for education that includes recurrent costs³⁵, including in countries affected by conflict that contributing countries make education eligible for funding as an emergency response programme.

Security and protection – Education must be integral to initiatives for resolution and prevention of armed conflict, post conflict reconstruction and reintegration, peace building and promotion of security and increased protection of children must be ensured³⁶.

Protection of schools – Uphold the Rome Statutes by swiftly prosecuting those who target schools and educational facilities. With the adoption of the Rome Statutes the

³³ *This is likely to be through the FTI/Catalytic Fund/EPDF, but could be through alternative mechanisms.*

³⁴ *SC would need to closely examine its own practice before lobbying others, ensure that SC supported programmes are also lobbying in-country for schools to be fee-free and, until that time, are not exclusive of children who cannot contribute.*

³⁵ *This would include teachers' remuneration, and can be seen as the only sustainable way to ever see school fees abolished.*

³⁶ *This requires research to establish a causal link between education, protection and prevention of further conflict.*

targeting of schools and educational facilities is now clearly a war crime. Parties to conflict who continue to target such institutions should be among the first to be prosecuted in the ICC.

Safe areas – School educational facilities should be designated ‘safe areas’. All parties to a conflict and communities in areas of conflict should be supported to treat schools as safe spaces. Any reconstruction should include the clearing of adequate play space for children and fencing of school compounds. Peacekeepers should be mandated to protect these safe spaces, and this should be incorporated into their protection training.

Protection networks – Existing protection networks should reach out to include education actors in their scope. Regional networks, governments, community organisations, families, schools and children themselves each have their own role to play in providing day-to-day protection for children. Schools are often a focal point of communities and groups like school management committees and parent-teacher committees should be mobilised to be aware of and act on protection issues.

Minimum Standards – Member States should support the Inter-Agency effort to establish Minimum Standards for Education in Emergencies. Unlike other aspects of humanitarian assistance, no formal consensus exists on implementation of education programmes in emergency situations. Members should encourage Ministry of Education involvement in the development and adoption of minimum standards for education in emergencies, driven by the Interagency Network on Emergency Education (INEE) (www.ineesite.org). These standards will directly address issues of protection in schools and education activities.

Information – Ensure education programmes include information on where children can go, or who they can contact to access support for survivors of gender based violence.

Monitoring and Reporting

Problem

Millions of children are being affected by armed conflict and emergencies as has been spelt out in this paper. Further, to the recommendations that have already been made it is widely accepted that comprehensive system to ensure protection of children affected by armed conflict must include a reliable monitoring and reporting system accompanied by systematic actions for compliance at the field level.³⁷

In most recent United Nations studies they have recognised the need to develop a monitoring and reporting system for child rights violations was cited in the 1996 Machel Report. Consistency is needed in the standards and methodologies used to identify, document and verify child rights violations, and appropriate mechanisms are required to utilize this information to mobilize public opinion, policymaking, resource allocation, and programme interventions. Senior United Nations officials, as well as NGOs local and international require comparable data to make informed policy decisions.³⁸

Despite several initiatives of UN agencies and most importantly the Watch List on Children and Armed Conflict and the Coalition to Stop the Use of Child Soldiers, there is still no systematic monitoring and reporting system in place. Efforts to date remain piecemeal and ad hoc, and information about children and armed conflict is uneven and unreliable. This is brought on due to lack of capacity, lack of sustained funding for these activities but also a lack of will to turn the agreed policy of a real system of monitoring and reporting into action

General Principles

As pointed out by the Watchlist on Children and Armed Conflict the entire system must be based on the principles of rule of law; accountability to the people, including children; and transparency. Such a system must contain provisions to detect early warning signals, to react with early actions, and to deny impunity for those who commit crimes against children. States and other parties that fail to take early action to avert well-identified risks of major violations should be held accountable for their *inaction*.

Recommendations

Core principles for monitoring and reporting – which are the building blocks of the Watchlist Action Plan. These are: 1) international human rights and humanitarian law, 2) trust among all actors involved, 3) minimization of risk to children,

³⁷ *Watchlist Blue prints for Compliance.*

³⁸ *OIOS report on Children and Armed Conflict 2004.*

information providers and collectors, and 4) respect for the integral role of civil society.

Verification and accuracy – The system should have standard methods for ensuring that information is verified and reliable. For example, eyewitnesses placing information in chronological sequence to check for contradictions, and/or comparing information from multiple sources, are all tested methods of verification.

Security of information – Security of information received, and confidentiality for those who provide it, must be one of the key values for the National Child Protection Network and all others. Sensitive information must be carefully stored to ensure confidentiality as appropriate, and to avoid loss of information. Information security systems do not need to be sophisticated; however, they must be developed according to particular contexts. Encryption of electronic data or double copying of audiocassettes are examples of systems used in different types of conflict situations. Confidentiality should be discussed by each Child Protection Network to ensure consensus on how it is defined in specific cultural contexts.

Timeliness – Both monitoring and reporting must be done in a timely and strategic way. For instance, monitoring should take place consistently or as near in time to the event as possible and reporting should be done to facilitate and ensure appropriate responses.

Database – A database should be designed to provide aggregate data for reports about violations, as well as detailed, descriptive cases that provide context and point to trends. A tool will need to be developed for the database to ensure that egregious cases are flagged for urgent action, new types of incidents point to early warning activity, etcetera. Database must ensure respect for confidentiality, security of children, and safety of reporters.

Social Integration and Reconciliation

Problem

Social integration and reconciliation are essential aspects to bridging the gap between conflict and a peaceful society. In periods of conflict and post conflict, it is common for children to feel isolated, angry, marginalized and stigmatized, particularly if they were victims or recruited perpetrators of violence. Children who survive are often physically injured and psychologically scarred, having lost years of schooling and socialization. Furthermore, these children may be shunned, while others are expected to resume their roles as students, siblings, parents, community members and workers.³⁹ Children may not receive guidance or direction of how to move beyond their experiences from conflict into productive members of their communities. Children who are not properly reintegrated into their communities may be susceptible to participation in renewed conflict. Children formerly associated with armed forces present security risks to the community and government. A concentration of such children who have been isolated may lead to an increase in banditry and conflict in the region.⁴⁰

General Principals

Efforts by organisations working with individuals affected by conflict have sought to identify key issues and priorities in carrying out child-conscious integration and reconciliation policies. Recognizing the critical importance of social integration and reconciliation in the emotional and social healing process of a community affected by violence remains vital and, therefore, it is essential to support programmes that incorporate these protective coping mechanisms into their outreach activities.

Recommendations

Family tracing and reunification – As children separated from their communities by conflict, family reunification must remain a priority. Various agencies working with children separated from their families should make every effort to collaborate and pool their resources to ensure efficient reunification.

Support local traditions and reconciliation methods – Organisations should survey what methods community leaders rely on to integrate those affected by conflict back into the community. Furthermore, support for local value systems that

³⁹ *Children and armed conflict: Report of the Secretary General (S/2000/712-A/55/150)*.

⁴⁰ *Human Rights Watch. "Struggling Through Peace" Return and Resettlement in Angola.*
<<http://www.hrw.org/reports/2003/angola0803/6.htm>>

are protective and supportive of children in situations of conflict and post conflict should be of utmost importance.

Community sensitization – Reconciliation involves not only the returning children, but also the receiving community. Before children are reunited, communities should be familiarized to the trauma children have experienced and educated about methods that appropriately respond to the needs of these children. Special emphasis should be placed on children who have suffered physical disabilities from the conflict. Furthermore, long term monitoring of the children's integration into the community should be included in programme planning.

Information sharing – Information exchange amongst intervening organisations and agencies remains essential. As organisations work to reunite families and reconcile communities, they should note the harm done to children during armed conflict. This data will provide for the development of an accessible body of lessons learned in the area of, rehabilitation and reintegration of war-affected children.⁴¹

Funding – Member States, multilateral donors and international non-governmental organisations should be encouraged to commit the resources necessary to ensure adequate capacity and the long-term reintegration and reconciliation of children affected by violence.⁴²

ⁱ The numbers of children impacted by emergencies rises and falls depending on the occurrence of conflict and natural disasters.

⁴¹ *Children and armed conflict report to Secretary General* <<http://www.reliefweb.int>

⁴² *Children and armed conflict report to Secretary General* <<http://www.reliefweb.int>

