

**Protecting the Rights of the Child in Humanitarian Situations**  
**Submission by UNICEF to the OHCHR Report**  
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**1. The main challenges in protecting the rights of the child in humanitarian situations**

An estimated 535 million children – nearly one in four children in the world – live in countries affected by humanitarian crises, often without access to medical care, clean water and sanitation facilities, proper nutrition, quality education or protection. Supporting the provision of these services is central to UNICEF’s policy of protecting children in humanitarian situations, as mandated by its Core Commitments for Children in Humanitarian Action<sup>1</sup>, which are guided by international humanitarian and human rights law, particularly the Convention on the Rights of the Child, which applies at all times, to all children, and in all situations.

Humanitarian crises can have a significant impact on children’s formative years, affecting their survival, growth and development. When civilians are forcibly displaced, the systems working to keep children safe – in their homes, schools and communities – may be undermined or damaged. Boys and girls may be separated from their families, trafficked, recruited or used by armed forces and armed groups, be detained, face economic exploitation, be forced into slave-like conditions, and suffer physical abuse and sexual violence. Boys and girls face different risks due to the gender inequalities that exist prior to a crisis, and which are often compounded during humanitarian situations.

Lack of humanitarian access

Lack of humanitarian access is one of the main challenges in protecting the rights of the child in humanitarian situations. Armed conflict, civil unrest, high-threat environments and the targeting of humanitarian workers have made recent years the deadliest on record for the humanitarian community.<sup>2</sup> Lack of humanitarian access can be security-related, including ongoing hostilities and military operations, as well as attacks against humanitarian personnel, assets or facilities. It can also result from interference by parties to conflict, including by imposing restrictions on the movement of humanitarian personnel and supplies or on freedom of movement of affected populations. It can similarly include logistical constraints such as poor or damaged road and port infrastructure, and inclement weather conditions.

In contexts such as Iraq, Libya, Myanmar, and the Syrian Arab Republic, humanitarian access remains a major concern in areas of heightened security risks, and ongoing military operations have prevented access to large numbers of people in need. Compromised humanitarian access is also hindering humanitarian response in several other countries, including Nigeria, Somalia, South Sudan, and Yemen, where the risk of famine conditions is high.

Increasing disrespect for international law by parties to conflict

Most situations of armed conflict today are non-international, occurring within the borders of States and involving government forces, their allies, and non-State armed groups. There is

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<sup>1</sup> [UNICEF Core Commitments for Children in Humanitarian Action \(2010\)](#).

<sup>2</sup> [Aid Worker Security Database, Humanitarian Outcomes \(2017\)](#).

an increasing disrespect by parties to conflict of international humanitarian and human rights law, as evidenced by the deliberate targeting of civilians through the widespread use of explosive weapons in densely populated areas, the destruction of infrastructure vital to civilians such as hospitals, schools, and water supply systems, unprecedented large-scale forced displacement of civilians, widespread rape and other forms of sexual violence, and the recruitment and use of children, among other violations. In most cases, perpetrators of grave violations against children operate with impunity, further contributing to their disrespect for international law.

In 2016 alone, the Secretary-General reported more than 3,500 child casualties in Afghanistan, the recruitment and use of more than 1,000 children (mostly boys) in South Sudan, and high rates of sexual violence against girls in the Democratic Republic of Congo and Nigeria.<sup>3</sup>

### Limited child protection capacity

Governments have the primary responsibility to protect children in humanitarian situations, but often lack the technical and financial resources needed for such interventions. Governments and their partners need to mobilize comprehensive, multi-sectoral and multi-year funding that allows for a broad spectrum of interventions, including but not limited to the provision of services, tackling impunity through legal reform, training of defense and security forces, capacity building of child protection actors, and public-awareness raising.

The capacity of governments and their partners to protect boys and girls is often limited in peace time, but is especially so during humanitarian crises when governments may give priority to security-related activities. Social workers, police, and human rights officers are frequently in short supply. Child protection is also a consistently underfunded activity within humanitarian relief operations. In addition, governments, partners, and humanitarian organizations often do not have the capacity to analyze – and in some cases disregard – how gender norms determine differentiated rights violations, and thus differentiated needs, failing to protect some children.

## **2. Examples of good practices undertaken to protect the rights of the child in humanitarian situations**

In humanitarian situations, UNICEF's objectives are to actively prevent and protect children from being harmed, to monitor violations committed against them, and to develop programmes to assist children when they are at risk of or have been subjected to violence, exploitation or abuse. Though devastating, humanitarian situations can also provide opportunities to work with governments and other partners to 'build back better' and strengthen systems, including through legal reform, policies and capacity building. Following are examples of global approaches to protecting the rights of the child in humanitarian situations.

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<sup>3</sup> Draft 2016 annual report of the Secretary-General on children and armed conflict, to be issued in late September 2017 [UNICEF will provide the exact reference once the report is published].

## Strengthening of international norms

There is an urgent need to reaffirm and reinforce the international consensus on prohibiting the recruitment and use of children by armed forces or armed groups. As of June 2017, 108 States have endorsed the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups<sup>4</sup>, which are set of operational guidelines for all actors implementing programmes in support of children affected by armed conflict. They are based on accumulated field practice and work undertaken to prevent the recruitment and use of children, to secure their release from armed forces or armed groups, and to support their reintegration into civilian life. The Paris Principles and Guidelines are a clear example of a progressive advancement of norms to protect boys and girls in situations of armed conflict, which can in turn support the adoption or strengthening of national laws that criminalize the recruitment and use of children by armed forces or armed groups.

## Systems-strengthening at the national level

UNICEF's approach to strengthening systems at the national level focuses on building the capacities of governments, civil society and local actors for coordination and rapid scale-up of life-saving and protection services in humanitarian crises. This includes improving delivery systems for health, nutrition, and water, sanitation and hygiene, as well as for education programming. It also includes reform of child protection laws and institutions, to ensure, for example, the care and protection of children without parental care, and to prohibit, prevent and response to grave violations against children in situations of armed conflict.

This may involve a range of actions including the establishment of free and universal birth registration for all children within the State's jurisdiction; the establishment of family tracing and reunification systems for separated and unaccompanied children; review of recruitment procedures, age assessment mechanisms, and codes of conduct of defense and security forces; and the application of international standards for children in contact with the law, in particular that detention of children be applied as a measure of last resort and for the shortest time possible.

An example of systems-strengthening is in Ethiopia, where UNICEF supported the establishment of a permanent water system, which provides clean, safe water to 150,000 South Sudanese refugees and members of the host community. Construction is currently under way to expand coverage for an additional 100,000 people. The water system not only provides immediate access to clean water for boys and girls, mitigating the risks of water-borne diseases and allowing dignified menstrual health and hygiene, but also addresses longer-term development goals. Another example is in Georgia, where UNICEF used the Inter-Agency Standing Committee Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action<sup>5</sup> to work with the government to strengthen overall systems for better preparedness in case of crises.

A further example comes from Jordan, where in 2016 UNICEF supported humanitarian protection partners from International Rescue Committee, International Medical Corps and

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<sup>4</sup> [Paris Principles and Guidelines on Children Associated with Armed Force or Armed Groups \(2007\)](#).

<sup>5</sup> [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action \(2015\)](#).

UNHCR to establish a digital case management system for vulnerable refugee children. The system, called CPIMS+/Primero<sup>6</sup>, was rolled out in several camps across the country, assisting more than 100 service providers to manage the cases of more than 3,000 children. The Jordanian Government's National Council of Family Affairs adopted the same system, under the name "Tracking System for Family Violence", which integrates the service provision model for multiple government ministries, including health, education and social protection. It is based on principles of quality of care and is being implemented nationally.

### Monitoring and reporting systems

In 2005, the United Nations Security Council unanimously adopted Resolution 1612, authorizing the Secretary-General to establish a monitoring and reporting mechanism (MRM) on six grave violations committed against children in situations of armed conflict. These are the recruitment or use of children by armed forces or armed groups, killing or maiming of children, rape or other forms of grave sexual violence against children, abduction of children, attacks against schools or hospitals, and denial of humanitarian access to children.

The three main objectives of the MRM are (1) to provide the Security Council with timely and reliable information on the six grave violations, (2) to encourage compliance with international law through the signing and implementation of Action Plans to end and prevent the six grave violations, and (3) to strengthen advocacy and programmatic responses for children affected by armed conflict. The MRM, currently rolled-out in 14 countries, is managed by country task forces co-chaired by the UNICEF Representative and the highest UN representative in the country.

Since the establishment of the MRM, the United Nations has signed more than 20 action plans with parties to conflict (both State and non-State) to end and prevent grave violations against children. The Governments of Afghanistan, Chad, Mali, Niger, Nigeria, Somalia and Uganda have signed protocols for the handover of children detained for association with armed forces or armed groups to civilian child protection actors. Non-State armed groups in CAR, Mali and South Sudan have signed military command orders prohibiting the recruitment and use of children by their troops. Parties to conflict (both State and non-State) in Afghanistan, DRC, Mali and South Sudan have withdrawn their troops from schools because of advocacy on the military use of schools.

### **3. Specific examples that aim to guarantee the right of the child to participate and to be heard in humanitarian situations**

Article 12 of the Convention on the Rights of the Child provides that all boys and girls have the right to express their views in all matters affecting them, and to have their views considered in relevant decision-making processes in accordance with their age and maturity. This right applies in all aspect of a child's life and does not cease to apply in humanitarian situations. Following are examples of ways of guaranteeing the right of the child to participate and be heard in humanitarian situations.

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<sup>6</sup> [www.primero.org](http://www.primero.org)

### Accountability to affected populations (AAP)

Accountability to affected populations is fundamental to achieving results consistent with UNICEF's Core Commitments to Children in Humanitarian Action. Listening to, engaging with and holding ourselves accountable to affected and at-risk people and communities helps drive appropriate, timely, and effective humanitarian action, including reaching and protecting the most vulnerable. This is part and parcel of UNICEF's mandate to promote and protect human rights and humanitarian principles, and to apply a human rights-based approach to programming, thereby fomenting the right of the child to participate and to be heard in humanitarian situations.

In 2016, for example, UNICEF used U-Report – a free social messaging tool powered by RapidPro – to generate real-time feedback from women and girls on the usefulness and effectiveness of family hygiene kits in Pakistan. The feedback will improve the contents of future hygiene kits (e.g. menstrual health and hygiene products), and has given women and girls a voice in projects affecting them. In Sri Lanka, as part of the post-disaster needs assessment, UNICEF and Save the Children consulted with 800 children affected by the 2016 floods and landslides in a safe and enabling environment so they could share their voices and opinions on the impact of the disaster, and on emergency and recovery efforts. In Lebanon, UNICEF women- and child-friendly safe spaces were established and/or supported to reach 61,570 women and girls, including 36 per cent adolescent girls, enabling them to discuss issues pertaining to their safety and security, plan risk mitigation strategies, and increase their participation in programme design.

### Conflict-sensitive and peacebuilding programming

A key principle of UNICEF's programming in humanitarian situations is to be conflict-sensitive or 'do-no-harm', and to contribute to peacebuilding or 'do-more-good' when appropriate. Involving children and young people in conflict prevention and peacebuilding activities is critical in this regard. In Mali, for example, UNICEF supported the implementation of Inclusive Community Dialogue workshops which gave local communities and young people of diverse background opportunities to discuss their needs and priorities, informing UNICEF's programming in education, child protection, health and beyond.

In the Philippines, UNICEF supported the establishment of community-based child protection networks and learning institutes as 'zones of peace' in conflict-affected communities of Mindanao. This community-driven, systems-based approach of protecting children and education enhanced security, resilience, empowerment and social cohesion. In Liberia, UNICEF and the Ministry of Youth and Sports supported the youth component of a broader peacebuilding programme for the country. It empowered young people by establishing a National Youth Service Programme to help address the causes of conflict and build social cohesion. The programme appointed National Volunteers who served as agents of change and positive role models in their communities and institutions.

## Gender equality programming (GEP)

Gender equality programming aims to realize both the practical needs (i.e. those related to survival) and the strategic interests (i.e. those related to a person's control over resources and decision-making in the household, community and society) of girls, boys, women and men. It is a way of promoting equality for girls and boys, from birth through adolescence, by addressing the gender-specific discrimination and disadvantages that generally affect girls, but also boys. It aims to guide analysis and solutions around the nature and extent of gender inequality in key life outcomes for girls and boys, in health and nutrition, education, and protection against violence and exploitation.

In 2016, UNICEF reached over 86,000 women and children with gender-based violence (GBV) specific health and psychosocial support in Somalia. In addition, following allegations of sexual exploitation and abuse (SEA) of children by international peacekeeping forces in the Central African Republic in 2016, UNICEF launched and implemented a new set of internal alert and reporting protocols. It also supported the development of a United Nations system-wide protocol on the provision of assistance to victims of SEA; the scaling up of services including medical care, psychosocial support, legal assistance, access to school and to material assistance; and the development of guidance for the safeguarding of children in the SEA investigatory process.

## Including children with disabilities in humanitarian action

Children with disabilities are among the most marginalized of all boys and girls. They are less likely to attend school, access medical services, or have their voices heard. In humanitarian situations, children with disabilities face increased risk of violence, discrimination, abuse and neglect. They are often excluded from needs assessments and other data collection exercises, either because these are often carried out in facilities such as schools that are not attended by children with disabilities, or because they are hidden from the community due to stigma. The result is lack of access to humanitarian assistance, including to health and education facilities and child-friendly spaces that may be in sites inaccessible for children with disabilities. They may also lose essential medications and assistive devices, reducing their level of functioning and resulting in increased dependence on caregivers. Girls with disabilities are particularly vulnerable to GBV in humanitarian situations.

Worldwide, one in every 10 children has a disability, and the proportion is even higher in areas with armed conflict or disasters. In addition, situations of armed conflict are also creating new disabilities among children: (1) for every child killed in an emergency or conflict, three are injured or left with a permanent disability; (2) the widespread use of explosive weapons in populated areas creates a range of disabling injuries amongst children, including loss of limbs or senses, internal injuries, and psychosocial distress, which can leave some children with an extreme form of lasting post-traumatic stress disorder.

UNICEF is adapting its regular humanitarian interventions to reach children with disabilities. It was one of the first agencies to endorse the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, and has developed guidance to ensure that children with disabilities are included in all stages of humanitarian action – from preparing for emergencies to

recovering from them – and that victim assistance services are focused and adapted to the specific needs of children. For example, after the 2015 earthquake in Nepal, UNICEF supported the Government to institute a cash-transfer grant that had disability as one of the five criteria for enrolment. More than 13,000 children and adults with disabilities accessed the grant. In the Syrian Arab Republic in 2016, UNICEF launched a cash transfer initiative specifically for children with disabilities. The initiative is currently reaching more than 4,000 children with disabilities in Aleppo. UNICEF has also modified its Education in Emergencies Kit to make it more inclusive and accessible to children with disabilities. Nearly 50,000 such kits were sent to over 25 countries in 2016.

### **Relevant guidelines or resources**

#### On humanitarian action for children

- [Minimum Standards for Child Protection in Humanitarian Action \(2012\)](#)
- [Assistance to Victims of Landmines and Explosive Remnants of War: Guidance on Child Focused Victim Assistance \(2014\)](#)
- [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action \(2015\)](#)
- [Interagency Gender-Based Violence Case Management Guidelines \(2017\)](#).
- [Guidance on Inclusion of Children with Disabilities in Humanitarian Action \(2017\)](#)
- [Field Handbook on Unaccompanied and Separated Children \(2017\)](#)

#### On the Monitoring and Reporting Mechanism (MRM)

- [Guidelines on the Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict \(2014\)](#)
- [Field Manual on the Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict \(2014\)](#)

#### On accountability to affected populations (AAP)

- [The Communicating with Disaster Affected Communities Network](#)