

# National integrated strategies to eliminate violence against children Vienna, 20-21 May 2010

## Session II: Towards prohibition of all forms of violence against children

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Thank you to the Council of Europe and the Austrian Ministry for inviting UNHCR to participate in this important conference and for recognizing the need to include children who are refugees, asylum seekers, internally displaced and stateless in camp and urban situation across the world.

### Slide 1: “Community cooperation and capacity-building for stronger child protection”

- Violence against children is never justified and is preventable if the elements involved are identified and addressed as noted in Paulo Sérgio Pinheiro’s seminal study: *World report on violence against children (2006)*.
- Violence against children is a major threat to global development because of the physical and emotional scars children carry into adulthood affecting their ability to build strong families and communities. Research on the short and long term economic costs of violence against children would be a welcome endeavour.
- The perpetrators of violence are often in the child’s community: parents, care-givers, teachers, police, other children, strangers and, in conflict situations, armed groups.
- A multi-level, multi-disciplinary approach is needed to solve this problem towards greater awareness in the community and broad-reaching legislation to protect children even in special circumstances such as forced displacement where they may find themselves in a country other than their country of origin.

### Slide 2: International child protection framework

- The CRC, UN conventions, UN treaty bodies, and the UN Security Council resolutions provide legal structure and guidance for nations to raise the standards of child protection in their national legislation.
- Protective legislation requires enforcement by a sound judicial system, but a police force and legal proceedings alone cannot fill the protection gaps for children.
- All children need protection whether or not they are nationals of a country or even if they are stateless. There is a growing consensus amongst the child protection community for the focus of child protection to be within national legislation, extending to all children within a country’s borders.

### Slide 3: Violence against displaced children

- These are children who have experienced forced displacement, such as refugees, asylum-seekers, internally displaced persons (IDPs), unaccompanied and separated children, and others who are in need of national and international protection. All of these children, including children of all nationalities without discrimination, need to be guaranteed protection under comprehensive national legislation.

- No single organization, agency or government can solve the problem of violence against children alone. Collective action is required.
- Comprehensive child protection systems include prevention, monitoring, reporting, and responding to violence against children at the community level, while being sensitive to the varied needs of different children.

Slide 4: Protection mandate of UNHCR for children of concern

- UNHCR, as part of its protection mandate, provides protection and assistance to children in extremely vulnerable circumstances and to those in need of international protection such as victims of trafficking or those at risk of being trafficked.
- Most of the children of concern to UNHCR have lost the natural community-based protection networks available through family, community, local institutions and social systems.
- UNHCR works with other agencies to offer guidance and assistance to governments to increase their capacity to provide comprehensive care and protection to children over the short, medium and long term.
- Inter-agency guidelines offer standard operating procedures and a way to coordinate responses in emergencies and to prepare for situations before emergencies take place, working with each agency's strengths to fill protection gaps.

Slide 5: Communities as the front line for child protection

- National systems and communities. The legal framework including standards, codes of conduct and procedures protecting children, help to enforce child-friendly methods of engagement for police, border patrol, other civil servants and teachers, medical staff etc. essentially all who come into contact with children.
- Through field experience, UNHCR has learned that communities are the front line for child protection as they can create the protective environment.
- To raise local awareness and response, all stakeholders must be engaged at multiple levels in schools, community meetings, clinics and such. These stakeholders need to include all community groups with all their diversities and children themselves being heard and expressing their protection concerns.

Slide 6: Addressing the immediate needs of children

- First and foremost, the child's physical protection must be addressed with basic care such as physical safety, adequate food, shelter, clothing, and medical services.
- Early identification of groups and individual children with increased protection risks can help to prevent violence.
- One example is the HRIT (Heightened Risk Identification Tool) where specific criteria are outlined to assist UNHCR, government officials and other responsible agencies in providing additional services to unaccompanied and separated children, child mothers, children living in groups, child-headed households, or other children at risk.
- Appropriate and informed guardians must be appointed promptly for unaccompanied and separated children.

- Documentation such as birth certificates, nationality, names etc. are very powerful protection tools which should be accorded to all children.

#### Slide 7: Continuing protection for children over several years

- Because time passes so quickly in a child's life, every few weeks of school missed or compromised by the presence of violence hinders a child's development and by extension, their families and communities.
- Active measures must be taken by school authorities and followed up at multiple levels through Ministries of Education to ensure safe learning environments.
- Reducing idle time for adolescents through the provision of recreational and capacity-building opportunities in local institutions and local communities helps to give older children a sense of purpose. These interventions should not be short term or viewed as dispensable luxuries.
- Stronger investment is needed in livelihoods and vocational training to keep up with the shifting job market in different communities and to reduce dependence and frustration which may contribute to violence.

#### Slide 8: Towards long term child protection

- Cooperation amongst community partners and the involvement of women in decision-making positions is key to peace-building.
- Sustained and extended services for psycho-social care may be needed for children in armed conflict or those exposed to violence and as they grow into adults and face difficult life transitions.
- While rape as a weapon of war may not be present in refugee camps, the horrors of such may have occurred in the country or area of origin or while in transit, leaving a lasting and detrimental impact on persons of concern, especially children.
- Long term protection of children against violence involves sustained work to bring about changes in community attitudes, behaviors, practices, and expectations.

#### Slide 9: Community activation

- The community must be activated through dialogue and participation to build the natural sense of ownership through strengthening relationships and re-building trust.
- Child protection must include advocacy campaigns on children's rights and awareness-raising about the unacceptability and long term consequences of violence against children.

#### Slide 10: Good practices

- Activating the community means paying close attention to building community-based protection networks which involves all sectors (public, private, and social) and age groups.
- Improving prevention of and response to GBV cases is critical to ending the impunity enjoyed by perpetrators of sexual violence against children.
  - Coordinated GBV data collection between agencies and NGOs must include the use of common terminology and categories to better share sensitive data in a confidential manner. One such tool is the GBVIMS,

the Gender Based Violence Information Management System, created and currently being rolled out by UNHCR, UNFPA and IRC.

- Good and clear data informs trends analysis towards the provision of timely and coordinated GBV prevention and response programming.

#### Slide 11: Best Interests Determination (BID)

- Article 3 of the CRC requires States and other responsible parties to act in the best interests of the child.
- The BID process is an extremely useful tool for child protection because it places the child at the centre of any decisions.
- The UNHCR guidelines clearly outline the three situations where the BID of a child should be conducted using a 3 to 5 person BID panel. The three situations are:
  - Durable solutions, temporary care and possible separation of a child from parents depending on the individual child's circumstances.
- A BID panel prevents isolated decision-making by an individual or single organization. As a matter of fact, unaccompanied and separated children's protection, care, and durable solution are the shared responsibility of several agencies, organizations, and the relevant government officials.

#### Slide 12: Good practices

- Children must be aware of their rights in order to exercise them. Child's Rights and Anti-SGBV Clubs are offered in many refugee communities and schools.
- AGDM, Age Gender and Diversity Mainstreaming, implemented since 2005 and it's Community and Rights Based Approaches is UNHCR way of ensuring that all members of a community are served in an inclusive manner, and where each person's contribution towards their protection and lives is sought. In support of AGDM, Participatory Assessments (PAs) are consultations UNHCR and its partners in multi-functional teams, conduct in the field to increase involvement and ownership in communities in planning, implementation and monitoring of all its programming. It is critical that children are treated as full participants in PAs and that the child's perspective is sought in decision-making.
- Additionally, communities must establish safe monitoring and reporting mechanisms for community members and children themselves to seek assistance when violent acts are threatened or have been committed.
- In an interagency set-up, UNHCR is drafting a Community Based Complaints Mechanism as a prevention and response to SEA, Sexual Exploitation and Abuse.
- UNHCR has been actively working to engage men and boys against SGBV.
- UN ACTION is a network of 13 UN agencies that are working in together against Sexual Violence in Conflict.

#### Slide 13: UNHCR child protection guidelines and resources

- Some of UNHCR's existing guidelines for increasing the capacity of communities and governments in responding to violence against children.

*Action for the Rights of Children (ARC) resource pack, 2009*

- <http://www.savethechildren.net/arc/using/index.html>

*Inter-agency guidelines on unaccompanied and separated children, 2004*

- <http://www.unhcr.org/4098b3172.html>

*SCEP Statement of Good Practice,*

2004 <http://www.unhcr.org/refworld/pdfid/415450694.pdf>

- <http://www.unhcr.org/refworld/pdfid/415450694.pdf>

*UNHCR Guidelines on Determining the Best Interests of the Child, May 2006*

<http://www.unhcr.org/refworld/pdfid/48480c342.pdf>

*UNHCR Guidelines on International Protection: Child Asylum Claims, 22*

*December 2009* <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>

- <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>

*UNHCR Guidelines on International Protection: Victims of trafficking and persons at risk of being trafficked, 7 April*

2006 <http://www.unhcr.org/443b626b2.html>

- <http://www.unhcr.org/443b626b2.html>

*UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, February*

1997 <http://www.unhcr.org/refworld/pdfid/3ae6b3360.pdf>

- <http://www.unhcr.org/refworld/pdfid/3ae6b3360.pdf>

*UNHCR Handbook for the Protection of Women and Girls, January*

2008 <http://www.unhcr.org/refworld/docid/47cfc2962.html>

- <http://www.unhcr.org/refworld/docid/47cfc2962.html>

*UNHCR, Refugee Children: Guidelines on Protection and Care, 1994*

- <http://www.unhcr.org/refworld/pdfid/3ae6b3470.pdf>

*UNHCR Refugee protection and mixed migration: The 10-Point Plan of Action, January 2007* <http://www.unhcr.org/4742a30b4.html>

- <http://www.unhcr.org/4742a30b4.html>

#### Major documents of the international child protection framework:

- *Convention on the Rights of the Child* (1989);
- the two CRC optional protocols on the involvement of children in armed conflict (2000) and the sale of children, child prostitution and child pornography (2000),
- 1951 *Convention relating to the status of refugees* and its 1967 protocol
- 1954 *Convention relating to the status of stateless persons*
- 1961 *Convention on the Reduction of Statelessness*
- *Geneva Conventions* (1949) and their 1977 protocols
- ILO convention 182 on the elimination of the worst forms of child labor (1999),
- *UN convention against transnational organized crime* and its protocol to prevent, suppress and punish trafficking in persons, especially women and children (2000)
- UN Security Council Resolutions 1612 (2005) established the MRM for the worst forms of violence against children and 1882 (2009) called on armed parties to establish action plans to eliminate the worst forms of violence against children and takes steps towards targeted enforcement measures.
- Several regional treaties