Protection of Civilians and Safeguarding Children

The vast majority of the over 100,000 UN uniformed peacekeeping personnel and tens of thousands of civilian staff perform their jobs with courage, dedication and professionalism. Yet those who commit sexual offences bring shame on the entire UN system and betray the trust of those that they have been sent to protect. This is an issue that has received significant attention, with widespread agreement that solutions need to be proposed and implemented. The UN Victims' Rights Advocate has emphasised that one area that requires urgent attention is safeguarding children at particular risk.

There is an effective and robust method for child safeguarding that can be used to provide prevention, protection and safeguarding specifically in relation to children within peacekeeping. The toolkit, versions of which have been implemented successfully in thousands of organisations in nearly every country in the world, is based on international standards for child safeguarding, and is implemented within an organisation through (i) assessment of current policies and practices, (ii) a robust mapping of relevant local and international laws and practices on child safeguarding, (iii) developing context-specific policies, measures and procedures based on the organisation and the legal mapping, (iv) training, and (v) follow-up.

The toolkit is based on International Child Safeguarding Standards. The Standards emphasise the key aspects of managing child safeguarding within an organisation. They describe the features, systems and processes that need to be in place to ensure that child safeguarding is fully and effectively embedded in organisations.

The Standards cover four areas:

**#1 Policy**
The organisation develops a policy that describes how it is committed to preventing, and responding appropriately to, harm to children.

**#2 People**
The organisation places clear responsibilities and expectations on its staff and associates and supports them to understand and act in line with these.

**#3 Procedures**
The organisation creates a child-safe environment through implementing child safeguarding procedures that are applied across the organisation.

**#4 Accountability**
The organisation monitors and reviews its safeguarding measures.

In this draft paper we set out the need for leadership on child safeguarding to come from UN Headquarters and Member States. The creation of a Protection of Civilians workstream on child safeguarding to complement the Victim Rights
Advocate work in this area, and to address gaps in other related POC workstreams, would provide that leadership, and would ensure that child safeguarding is implemented and streamlined throughout all UN peacekeeping operations.

**Summary**

Children are better protected. No standards can offer complete protection for children, but following these Standards minimises the risk to children of harm.

1. The United Nations is mandated to protect some of the most vulnerable people in the world. That protection agenda includes during conflicts, humanitarian crises, and disasters. The Protection of Civilians (PoC) agenda has developed over the past 25 years, and includes focus on people at particular risk, and on specific thematic issues. Protection of children occurs in some PoC workstreams, as does protection of civilians from sexual exploitation and abuse. However, there is no specific workstream focused on safeguarding children from sexual exploitation and abuse. This is a gap in the UN’s protection agenda, particularly given the specific risks children face in these contexts, and the widespread reports of such harms being perpetrated during current and historic UN operations. This background paper sets out the need for a Child Safeguarding PoC workstream, what that would entail, and how it could be given effect.

**Background**

2. The United Nations Security Council gives mandates to peacekeeping, which now focus mainly on Protection of Civilians, which began with Agenda For Peace in 1992, and has developed significantly since peacekeeping failures in the 1990s in the former Yugoslavia and Rwanda, amongst others, and that have continued in more recent years.

3. Protection of Civilians is the responsibility of the whole peacekeeping mission, with each component playing a role. The main ways in which this responsibility is implemented are (i) Protection through dialogue and empowerment, (ii) Providing Physical Protection, (ii) Establishing a Protective Environment.

4. Although Protection of Civilians encompasses a broad range of areas, there are other workstreams aimed at protecting specific groups of civilians or protecting civilians from specific types of harms. Each has its own legislative basis and machinery, and has developed at different times, with different penholders, and although there may be overlap each has its own key focus.

5. PoC has come to encompass some of the following areas: Children and Armed Conflict; Genocide Prevention; Humanitarian Relief; Protection of Civilians; Sexual Exploitation and Abuse; Sexual Violence in Conflict; and Women Peace and Security.

6. Each workstream focuses on different forms of harm from which individuals require protection, and sets out how actors ought to behave. Two key groups at risk are singled out as requiring specific forms of protection: women and children. That is not to say that others are not at risk, but rather that women and children experience specific, widespread harms that require particular attention within peacekeeping mandates and operations.

7. Where it comes to the specific experiences of children in peacekeeping contexts, the relevant workstreams are: Children and Armed Conflict, Sexual Exploitation and Abuse, Sexual Violence in Armed
Conflict. Yet these mandates are not sufficient to ensure delivery of child safeguarding within peacekeeping operations, despite the fact that the Children in Armed Conflict workstream sets out the need for measures that form part of the International Child Safeguarding Standards.

Since the adoption of Security Council Resolution 1261 (1999) the issue of children and armed conflict has been placed on Security Council’s agenda owing to the disproportionate impact of war on children and identified them as a main group of victims of armed conflict. Key focus areas include protecting children from being (i) recruited or used in hostilities, (ii) killed, maimed, raped or sexually abused, (iii) abducted.

Implementing this workstream in a peacekeeping mandate typically includes: condemning violations against children; calls for accountability; calls for release, rehabilitation, and reintegration of children; child protection tasks, including monitoring, reporting, and dialogue, encouraging pre-deployment and in-mission child protection training for peacekeepers.

To date there has been no specific guidance for how to achieve those objectives. This is why we are proposing the need for a Child Safeguarding Workstream with concrete requirements for achieving that central aim and related objectives. The workstream would provide a method for complementing and drawing upon the work of the UN Victims’ Rights Advocate in this area, and for implementing proposals she has set out on the need for child safeguarding.

A New Child Safeguarding Workstream

Child safeguarding within any context requires safeguarding measures that comply with International Standards on Child Safeguarding. Those standards are contained in ‘Child Safeguarding Standards And How To Implement Them’ (2014), and draw upon a range of international legal instruments. All safeguarding must be context-specific and streamlined across an organisation. Creating context-specific child safeguarding measures requires joint-production between the mission and the host state, ensuring that standards adhere to International Standards on Child Safeguarding, laws and policies binding UN personnel, and local laws.

Children face specific risks, experiences and needs within peacekeeping contexts. In such contexts, not only are children more likely to be abused, but safeguarding measures from prevention through to accountability and remedies are unlikely to exist. Safeguarding children from abuse in those contexts is therefore of paramount importance. Under the United Nations Convention on the Rights of the Child all children have the right to be protected from exploitation and abuse and all states party have the responsibility to keep children safe within their jurisdictions. The UN Committee of the Rights of the Child and the Committee on the Elimination of Discrimination Against Women have identified particular risks and harmful practices faced by girls.

An estimated one billion children live in countries or territories affected by armed conflict. Millions of children have been killed or disabled as a consequence of war and many more are likely to be in situations of extreme physical and emotional risk. Fifty million children have been displaced by humanitarian disaster and conflict across international borders and experience very high levels of trafficking, exploitation and abuse. In these contexts the incidence of harmful practices also rises: early marriage, witchcraft allegations, and FGM, amongst others. In addition, children continue to be recruited or used by armed groups, including exploited sexually, are frequently denied the right to basic health care or education, and a large proportion of the 168 million children engaged in child labour live in areas affected by conflict and disaster.
Despite the increased risks these children face, victims/survivors of abuse in conflict-affected countries face significant barriers to accessing justice. For example, of 14,200 reports of rape registered in South Kivu, DRC, between 2005 and 2007, only 2% of perpetrators were brought to justice, and little if any justice was provided to the victims.

Some missions or UN entities within peacekeeping contexts have recognized the need for child safeguarding measures, and implemented some such measures, although usually in an ad hoc manner. Examples of best practice include child-focused information on sexual exploitation, on reporting, and on follow-up.

The UN ought to have a central focus on safeguarding children from the outset of all peacekeeping operations beginning with the mission mandate. As has been highlighted and evidenced by the Victims’ Rights Advocate, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women, children face particular risks and require specific protections. To that end, there is a need for a new PoC workstream focused on child safeguarding.

Within peacekeeping operations there is a clear need to provide specific child safeguarding to protect children from harms caused by parties to the conflict, peacekeeping personnel, and other international interveners partnered with the UN. It is the responsibility of the mission to ensure safeguarding, although that does not negate the State’s responsibility to do the same. Implementing comprehensive child safeguarding measures will ensure that the UN upholds its responsibility to ensure that its personnel, programmes and partners do not harm children.

Implementation

Child safeguarding measures ought to comply with International Child Safeguarding Standards. They require the following steps, all contained within the Keeping Children Safe ‘Peacekeeping Toolkit’.

The toolkit is rooted in International Child Safeguarding Standards. The Standards emphasize the key aspects of managing child safeguarding within an organization. They describe the features, systems and processes that need to be in place to ensure that child safeguarding is fully and effectively embedded in organisations.

The Standards cover 4 areas:

**Standard 1: Policy**
The organization develops a policy that describes how it is committed to preventing, and responding appropriately to, harm to children.

**Standard 2: People**
The organization places clear responsibilities and expectations on its staff and associates and supports them to understand and act in line with these.

**Standard 3: Procedures**
The organization creates a child-safe environment through implementing child safeguarding procedures that are applied across the organisation.

**Standard 4: Accountability**
The organization monitors and reviews its safeguarding measures.
The advantages of implementing the Standards:

Children are better protected. No standards can offer complete protection for children, but following these Standards minimises the risk to children of harm.

Organization staff and associates are protected. By implementing these Standards, all staff and associates will be clear about how they are expected to behave with children and what to do if there are concerns about the safety of a child.

The organization and its reputation is protected. By implementing these Standards organisations make clear their commitment to keeping children safe. The Standards will help them to move towards best practice in this area.

The Peacekeeping Toolkit provides a robust methodology for context-specific child safeguarding that adheres to the highest standards.
(i) Mapping of relevant laws, norms and standards
(ii) Assessment of existing safeguarding measures
(iii) Co-production of context-specific safeguarding measures
(iv) Training
(v) Follow-up

The mapping of international, UN, and TCC/PCC laws, norms and standards will be contained in a central database held by the U. As a result, any mapping for a new mission will only require a mapping of the local laws in order to produce context-specific safeguarding measures. Knowledge of laws and practices provides an essential evidence-base for co-producing and implementing robust and context specific safeguarding measures.

Assessment will occur with the UN entities already on the ground and with the SRSG and Force Commander/Police Commissioner during mission start-up. The assessment identifies gaps and weaknesses that need to be addressed through jointly-produced safeguarding measures.

The co-production of safeguarding measures will ensure that they are context-specific, they adhere to International Standards on Child Safeguarding, and that they are streamlined with all other UN peacekeeping operations.

Training will take place for the mission leadership and all Focal Points for Child Safeguarding within each UN entity in the host state. A Focal Point will be appointed for all UN entities, and it will be their responsibility to ensure that safeguarding measures are implemented and followed.

Follow-up will occur periodically throughout the mission, as well as ad hoc when the mission requests support.

The toolkit is being trialled and tested in a UN mission and in a large TCC, in order to produce a gold standard of child safeguarding that can be adapted and implemented in all UN peacekeeping entities and actors.

Next Steps

To give effect to a PoC workstream that focuses on child safeguarding requires a coalition of UN member states, UN actors, NGOs, and other entities to join together to ensure that this issue if foregrounded and championed.
Implementing child safeguarding in the UN could take place through a Security Council instruction to the Secretary-General to ensure that this is enacted as part of UN peacekeeping policies, or via a specific Security Council resolution that creates the mandate (as a thematic issue) and then each mission would have to be specifically mandated to carry out that task.