

# Protecting Children from Sexual Exploitation & Sexual Violence in Disaster & Emergency Situations





**A guide for local &  
community based  
organisations**





# **Protecting Children from Sexual Exploitation & Sexual Violence in Disaster & Emergency Situations**

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**Foreward** by Paola Viero, *Expert of the Directorate General for Development Cooperation Ministry of Foreign Affairs of Italy*

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## **Foreword**

The promotion and protection of the rights of children and adolescents represent fundamental pillars of the international system of human rights. For quite some time now they have formed an integral part of Italian Foreign Policy, which has been deeply influenced by the principles enounced in the United Nations Convention on the Rights of the Child of 1989 and in the Optional Protocols of 2002.

The principal objective of our current action is to contribute to raising the level of protection of the rights of children globally. We believe that the best way to attain such an objective is through the development of a multidimensional approach.

The Italian Ministry of Foreign Affairs, The Italian Cooperation, therefore takes action in favour of the rights of children, on at least three different levels: at the international level, we actively participate in the promotion of an increasingly broad consensus on topics that pertain to the safeguarding of the rights of children in all international contexts in which Italy takes part; at the European level, we work with other Member States of the European Union, so that the rights of the child may become a topic of relevance in relations with other countries through political dialogue and technical cooperation; lastly, at the national level, Italy is committed to fulfilling the objectives that have been identified at the international and European levels

through the promotion of bilateral and multilateral cooperation initiatives.

One of the main issues for the Italian Co-operation is the fight against child labour in its worst forms, defined by ILO Convention 182 and the correlated Recommendation 190 (June 1999), which require all State Parties to ratify the Convention, and prohibit and eliminate such forms of exploitation by means of immediate and effective measures to be implemented following emergency procedures. Particularly important contributions to the raising of awareness and understanding on this topic have been made by UNICEF and ECPAT with the promotion of international conferences at Stockholm (1996) and Yokohama (2001) against one of the worst forms of exploitation, the commercial sexual exploitation of children.

The protection of children in disaster and emergencies situation is a priority of the Italian Cooperation and this manual represents a practical tool to better protect children from sexual violence and sexual exploitation in these very specific contexts. It is a practical guide that will be very useful to people working in the field.

The lessons learned from the Asian Tsunami by the experts directly involved with relief efforts who participated in the consultation in Phuket - organised by ECPAT International with the support of the Embassy of Italy and the Italian Cooperation - will provide institutions and organisations at local level wider knowledge and more effective strategies necessary to protect children from sexual violence and sexual exploitation in the event of both natural and man made disasters and in emergency

situations.

We are very grateful to ECPAT International for this significant contribution in the promotion of the rights of the children and their continuous struggle against child sexual exploitation. In all our activities for the children of the world, we should never forget the goal that we have set for ourselves: that of eliminating all forms of violence and abuse in which children and adolescents are the victims.

The girl and boy children of today will become the adult women and men protagonists of tomorrow's societies. A world that does not love and respect its generations, is a world without a future. Starting from this simple truth, we must cooperate to build a new world in which children can feel safe.

**Paola Viero**

*Expert of the Directorate General for*

*Development Co-operation*

*Ministry of Foreign Affairs of Italy*

# Introduction

## What The Manual Is About

This manual, as the title suggests, is about how to protect children from sexual violence and sexual exploitation, specifically in disaster and emergency situations. It is not intended to be an academic report but instead is a practical guide that we hope will be of use to people working directly in the field. The aim is to provide fundamental information to assist personnel working in emergency situations in responding to protect children, in terms of what can be done before disaster strikes (which might be called ‘mitigation’ efforts), in the immediate aftermath (the ‘response’) and in the longer term reconstruction phase (sometimes called the ‘recovery’). We have also included recommended actions and key considerations to be taken into account in the event of sexual violence or sexual exploitation.

All humanitarian actors must take action, from the earliest stages of an emergency, to prevent sexual violence and to provide appropriate assistance to survivors / victims’

Interagency Standing Committee  
(2005) *Guidelines for Gender-based Violence Interventions in Humanitarian Settings*, Geneva

## Why The Manual Was Written

ECPAT International’s work in combating commercial sexual exploitation of children (CSEC) has highlighted the absence of practical

and systematic dissemination of knowledge and skills for protecting children from sexual crimes in difficult circumstances. During numerous conflict situations and following a number of natural disasters (notably the Asian Tsunami in 2004 and the Pakistan Earthquake in 2005) ECPAT received requests from organisations and members of the ECPAT International network seeking advice and guidance in relation to this issue.

Even though a number of guidance documents related to emergency response exist, none of these specifically focus on preventing sexual violence against children in emergencies. It is apparent however that this problem is a concern as it is often mentioned as an issue, although countermeasures are rarely suggested. The limited resources that are currently available tend to focus on the needs of larger, better resourced organisations rather than those which are locally based and are there in the immediate aftermath and have the added advantage of community and cultural knowledge. We believe that local organisations have a crucial role to play in protecting children which should not be ignored.

Furthermore, many emergency response guides give a policy overview, rather than guidance for practice, and while both are important, this means that such materials can seem of little relevance to people actually doing the work under difficult circumstances. Almost exclusively the available research focuses on the situation of women and female children, with the situation of boys being largely overlooked. While sexual violence is a particular manifestation of the broader framework of gender based violence, and thus affects girls greatly, it is important to appreciate that boys can also be victims.

## **Who The Manual Is For**

The manual was specifically written to give local grassroots organisations the knowledge and strategies necessary to protect children from sexual violence and sexual exploitation in the event of both natural and man made disasters and in emergency situations.

We also hope is that it will be of use to larger organisations, international agencies, policy makers, funders and anyone else who is concerned with protecting children from this particularly damaging kind of abuse and violence.

## **How The Manual Was Developed**

The manual was developed in a two stage process. Stage One involved a substantial literature research into previously published material and research. Stage Two was a Technical Consultation held in Phuket, Thailand in November 2005. This meeting brought together practitioners from children's organizations in Sri Lanka, Indonesia and Thailand that had been directly involved with relief efforts, together with international experts, to reflect upon their experience and distil lessons in relation to the protection of children from their work in the Asian Tsunami.

The contents of the manual are based on the outcomes of these two stages, in conjunction with the technical expertise of ECPAT International regarding the sexual exploitation of children.

## **The Format Of The Manual**

During the Technical Consultation, participants were asked for their recommendations in relation to the format of the manual, considering what would have been of most use to them during the tsunami. They were also asked how they thought the manual should be structured and what it should contain.

There was unanimous agreement that the manual should be practical and easy to understand, and small enough to be carried in the field, rather than being a desktop or office reference book. The language of the manual was also important. While translations into various languages was advised, participants thought that it essential that the language used be simple. As the document was to be developed in English, they were concerned that, from the first instance, the material should be readily understood by someone whose first language may not be English.

Participants agreed that it was important to include key concepts, both in relation to disasters themselves and to sexual exploitation and sexual violence, together with frameworks and risk and vulnerability factors. It was suggested that guiding principles be included with suggested responses as examples to illustrate concepts. Checklists and bullet points or summaries of the main points were thought to be of particular use in the field.

## **Contents Of The Manual**

We have tried to take into account the suggestions of participants at the Technical Consultation when writing the manual and to keep it as simple as possible without compromising content or meaning. The first part of

the manual concentrates on setting the context and explaining some of the key terms. This is followed by an exploration of the issues. Key points are summarised at the end of each section. There are then a series of suggested action sheets outlining guiding principles with necessary counter actions and suggested responses. Finally, at the end of the manual there is a reference section.

### **How Children & Young People's Voices Have Been Included**

ECPAT International is committed to the active participation of children and young people in processes that concern them. We were aware that a number of consultations were taking place with children and young people regarding their experiences in the Asian Tsunami at the same time as the development of our manual. We had also heard from children directly that, to some extent, they were frustrated at being asked the same questions repeatedly with a sense that nothing was really changing for them (this is not to say that nothing was changing, just that this was the perception of some young people).

Given this, and the fact that the Technical Consultation was specifically focusing on the experiences of children's organisations involved in the relief effort, we decided not to invite young people to the Consultation as we want to ensure that when we do consult with young people it is in a meaningful way. Instead we have used the outcomes of other research and consultations in order to bring the voices of children and young people into the manual. This also enabled us to consider the views of young people caught in the midst of long running conflict situations.

## **Some Limitations**

The manual brings together learning and information related to the vulnerabilities and experiences of children in emergencies which can make them victims of sexual abuse and violence. It is the first distillation and systematic treatment specifically related to sexual abuse and exploitation of children in emergency situations. While we have made an effort to be as comprehensive as possible in addressing key issues and considerations to ensure the usefulness for children's organisations working at grassroots level, the manual does not claim to be a definitive guide. There will be many other considerations and experiences that will emerge over time as we continue to strengthen prevention and responses against these particular types of violations.

We invite people to consider the points we raise and to develop their own, more practical and culturally relevant actions in order to meet the local needs. We would very much like to hear about your experiences of the manual, your ideas and solutions on protecting children from sexual exploitation and sexual violence, together with your thoughts as to how the manual can be improved.

## **A Note About Definitions & Terminology**

In order to have a shared understanding and to avoid any confusion, we have included a number of definitions throughout the text. Wherever possible we have favoured broad definitions, not because we want to oversimplify the issues but because we do not want to overcomplicate the manual. As previously explained, one of the requirements from participants was that the guide should be easy to read and simple to apply – to achieve that we have had

to give an explanation of the key concepts, while at the same time trying not to make the manual read like a legal agreement or a research paper. Invariably, some readers may think that by doing so we have not been as comprehensive as they would like, but we have kept in mind while writing the manual that the aim is to produce something which would be of practical use, especially in the midst of an emergency.

The terms 'sexual exploitation' and 'sexual violence' are used throughout this manual to refer collectively to rape, commercial sexual exploitation, sexual abuse, sexual exploitation, forced and early marriage, abduction and trafficking for sexual purposes. There are considerable difficulties in disentangling the different forms of sexual violence and abuse, typically because they do not occur in isolation. However where it is necessary to differentiate between types of abuse, this will be made clear.

It should be noted that the terms 'children' and 'young people' are used interchangeably unless noted otherwise.

# A Shared Understanding

## Sexual Exploitation & Sexual Violence – What Does It Mean?<sup>1</sup>

### Key Documents

- ECPAT International (2001) *Question & Answer About the Commercial Sexual Exploitation of Children*, Bangkok
- Subgroup Against the Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child (2005) *Semantics or Substance? Towards a Shared Understanding of Terminology Referring to the Sexual Abuse and Exploitation of Children*, ECPAT International, Bangkok

### Sexual Exploitation and Sexual Violence

are umbrella terms, encompassing a variety of harmful and sexually abusive behaviours. In this manual we are focusing specifically on children and young people, defined by the United Nations as being anyone under the age of 18 years old<sup>2</sup>. We include within

the scope of sexual exploitation and sexual violence all forms of sexual abuse, sexual assault, pornography, prostitution, trafficking for sexual purposes, sex tourism, early and forced marriage and enslavement.

It is important to appreciate that the different manifestations of sexual violence and exploitation are interlinked. An established route into commercial sexual

<sup>1</sup> We have used simplified and composite definitions. More information can be found in 'Semantics or Substance? Towards a shared understanding of terminology referring to the sexual abuse and exploitation of children' by the Subgroup Against the Sexual Exploitation of Children, NGO Group for the Convention on the Rights of the Child, 2005

<sup>2</sup> United Nations Convention on the Rights of the Child, 1989

exploitation is often through being sexually abused by someone known to the child, sometimes a member of the family. Similarly once a child has been sexually assaulted, they may be rejected or stigmatised by their communities – particularly if the assault results in pregnancy or it becomes public knowledge – which may make them more vulnerable to further abuses, or leave them to seek more desperate means of survival.

Sexual exploitation has been defined by children as:

“when them big men go loving with small girl for money. Them big men can go loving to small girls, they can call girl when she walking along the road, and then the girl go and they go in house and lock the door. And when the big man has done his business he will give the small girl money or gift.”

UNHCR / Save the Children UK (2002) *Sexual Violence & Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone*

With all forms of sexual exploitation and sexual violence perpetrated against children, the issue of consent is irrelevant. It does not matter if a child appears to ‘accept’ or ‘voluntarily’ takes part in such activities. No child ever consents to being abused. They may be tricked, deceived, or forced into it by situations beyond their control such as poverty, or as a result of societal conditions (including peer pressure) which can result in coercing a child in invisible ways, but nevertheless, they are still being abused. Children have a right and a need to protection and it is the responsibility of adults to ensure that children are not abused or exploited.

**Sexual abuse** involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. It is a series of interactions and a relationship between a child and an older or more

knowledgeable child or adult (a stranger, sibling or person in a position of authority, such as a parent or caretaker) where the child is used as an object of gratification for an older child's or adult's sexual desires. Uncontrolled and uncontrollable 'sexual need' is often used as a rationale for abusive sexual violence.

The activities may involve physical contact, including penetrative sex (such as rape) or non-penetrative acts and may include non-contact activities, such as involving children in looking at, or in the production of, pornographic materials, watching sexual activities, or encouraging children to behave in sexually inappropriate ways. As previously stated, the child who is sexually abused may be tricked, coerced, threatened or bribed in order to encourage them to take part in the abuse and to keep it secret.

**Commercial sexual exploitation** refers to the sexual abuse of children in exchange for a payment of some kind. This can be money, but can also be for favours or other benefits such as food, protection or shelter. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography, and trafficking for sexual purposes.

### Who is a Child?

Under Article 1 of the United Nations Convention on the Rights of the Child (1989) (UNCRC) a child is defined as:

.....every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier'

Since the UNCRC was introduced the International Labour Organisation's Convention Number 182 on the Worst Forms of Child Labour has entered into force. This states that all those aged below 18 should be regarded as children

It is generally accepted within the international child rights community that the age of 18 years is the appropriate age for determining adulthood

**Child prostitution** occurs when someone benefits from a commercial transaction in which a child is used for sexual purposes. Some of those who may benefit from such transactions include pimps, other intermediaries, parents or certain business sectors, such as hotels. A child is also a victim of prostitution when he/she engages in sex in return for basic needs such as food, shelter or safety, or for favours such as higher grades at school or extra pocket money to purchase consumer goods. Typically in emergency situations, children are prostituted by unscrupulous adults in exchange for essential needs or for money to pay for such, or to allow passage across borders or into safe / restricted areas.

**Child pornography** refers to any representation, by whatever means, of a child engaged in real or simulated sexual activities or the representation of the sexual parts of a child. The main characteristic of child pornography is that it is produced for sexual gratification. Child pornography includes photographs, negatives, slides, magazines, books, drawings, recordings, movies, videotapes, computer disks or files and images stored on mobile phones.

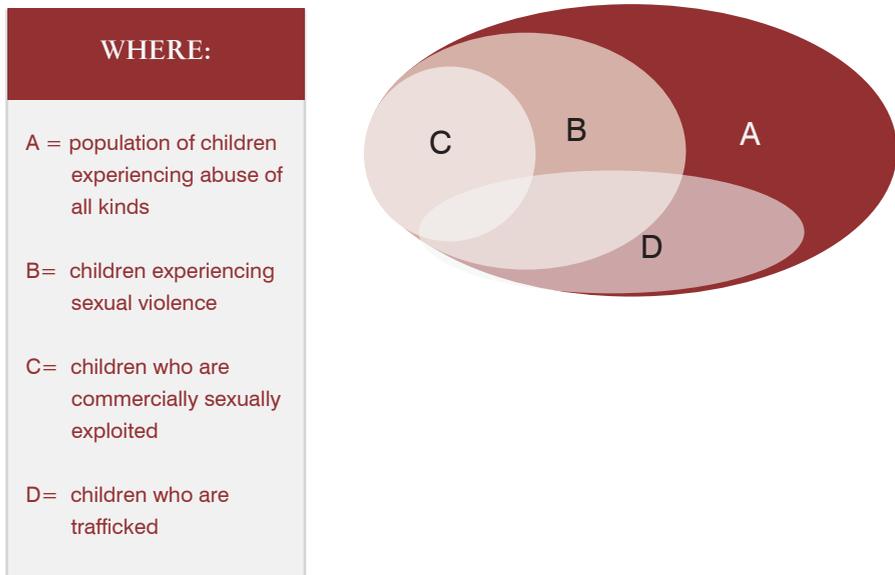
**Trafficking** refers to the cross-border or internal recruitment, transportation, transfer, harbouring or receipt of children (and adults) for exploitation. This manual is primarily concerned with children trafficked for sexual purposes, yet children trafficked for any purpose are highly vulnerable to sexual abuse and exploitation. Sometimes children are trafficked with their and / or their family's consent, and sometimes they are tricked or coerced or abducted. However, as with all forms of sexual abuse and sexual exploitation, the question of consent is irrelevant.

**Child Sex Tourism** (CST) is the commercial sexual exploitation of children by men or women who travel from one place to another, either to another

country or to a different part of their own country, and once there engage in sexual acts with children. Child sex tourists may have a specific preference for children as sexual partners or they may take advantage of a situation in which children are made available to them for sexual exploitation. In a disaster or emergency situation sexual exploitation of children may occur because of the influx of different types of visitors who regularly or occasionally visit the area in order to provide relief and assistance (one example of this would be a truck driver delivering essential supplies). Such visitors to the area may then take advantage of the situation to gain access to children who are less supervised and more vulnerable to sexual violence. In the reconstruction phase, without viable alternative livelihood options, young people may become victims to sex tourists who are visiting the area for social and recreational purposes once the situation has stabilized or other temporary visitors such as construction teams.

There are considerable difficulties in disentangling the different forms of sexual violence and abuse, principally because typically they do not occur in isolation, and there are many links between them. Not all children who are trafficked are sexually exploited (though it is a common feature) and similarly not all children who experience sexual violence (such as rape) are commercially sexually exploited. However, any child who has experienced any form of abuse is more vulnerable to subsequent abuse of both the same and different natures.

*Figure One: Sexual violence & Sexual Exploitation (Note: size of sectors does not imply ratio or magnitude of phenomenon, but is intended to indicate relationship between various sectors)*



Both girls and boys can be victimised through sexual exploitation and sexual violence although the nature of the risks and the types of abuse may differ. For girls, sexual violence is a form of gender based violence and is often centred around their comparatively powerless position in society. For boys, sexual violence is more typically, especially in conflict situations, used as a method of intimidation. Additionally, cultural and societal norms, particularly around the issues of masculinity and sexuality, contribute to making it difficult for boys to speak out about their experiences and for adults to recognise that boys are also in need of protection.

## Describing & Understanding Disasters & Emergencies

In this manual, we use the term disaster and emergency interchangeably. There are various ways that disasters and emergencies can be considered. It is important to be able to distinguish between the various disasters as they affect the vulnerability of children to sexual exploitation and sexual violence in different ways. Understanding this can assist with planning appropriate prevention and protection services.

One way is to distinguish between man made and natural causes:

<b>NATURAL</b>	• <b>Atmospheric</b>	E.g. tornado, hurricane, fire, tropical storms, cold & heat waves, hailstorm
	• <b>Hydrological</b>	E.g. flooding, erosion, drought
	• <b>Geophysical</b>	E.g. landslides, avalanches, earthquake, volcanic eruption, tsunami
<b>MAN MADE</b>	• <b>War / Civil Conflict</b>	
	• <b>Accidents</b>	E.g. explosion, fire, crash, collapse due to improper construction
	• <b>Contamination</b>	E.g. Nuclear, radioactive, biological
	• <b>Subversion</b>	E.g. Terrorism, vandalism
	• <b>Epidemics</b>	E.g. bird flu, measles, HIV

Another way is to differentiate between how the disaster develops over time. That is:

**Slow onset** (such as drought, leading to famine or escalating tensions between opposing political factions) or **rapid onset** (such as earthquakes or landslides).

A particularly difficult situation to deal with is a **complex emergency**. This is one way of describing emergencies that arise from complex and interacting economic and socio-political factors, often compounded by natural events. An example of this would be a long standing civil conflict, where life is made even more difficult because of endemic poverty and the effects of drought.

One of the factors that influences the likelihood of children being exposed to sexual violence and exploitation, and the nature of that exposure, is the stage of the emergency. In the immediate aftermath of a disaster, children may be exposed to particular risks such as separation, which may make them vulnerable to trafficking and abduction, or to sexual assault. During the relief and recovery stage, children may be more likely to be abused through prostitution as a desperate means of survival. In the longer term, reconstruction phase, the type of abuse children may suffer includes child sex tourism as visitors return to the area and, unless plans have been put in place to provide for the long term future of children, there may be no viable alternative income generating choices. The status of the affected community will also impact heavily on the vulnerability of children as refugee and internally displaced communities often have more restricted livelihood options and access to basic services. Indeed, the long term failure in restoring livelihood options and a lack of opportunities is one of the major factors contributing to the risk of sexual abuse and exploitation.

These stages, the aftermath, relief and recovery and reconstruction, are

perhaps more evident in the case of natural emergencies. For long term and complex emergencies, such as those arising from civil conflict, the stages may be less evident, repeated as subsequent crises arise or are so persistent as to be considered 'normal'. It is particularly challenging when working in an area of long standing strife to remember that while the situation may be familiar to those involved it does not mean that the risks to children have been reduced or eradicated.

In addition to differentiating between types of disaster and emergencies and the stages of recovery, we can also consider disasters in terms of the ways in which they are responded to. In recent years there has been greater international involvement, particularly with military forces, in disaster management. A number of national and international disaster management organisations and institutes have developed as a response to the need to both equip humanitarian and relief personnel with the necessary skills and to help communities prepare before disaster strikes. There is sometimes private sector involvement, typically around reconstruction work.

Increased interest and coverage by the media has raised awareness on emergency situations around the world, making the impact of any crisis visible to a wider audience, and also highlighted gaps in response, sometimes leading to frustrations at an apparent lack of appropriate resources or actions. More public awareness has led to increased volunteer action, typically in the context of natural emergencies, which are perceived as being less dangerous than conflict situations. This in turn has led to more volunteer action. While there can be great benefit, and many opportunities arising from such support,

in the absence of a framework to control and monitor the influx of external volunteer personnel, this can lead to an increased risk of sexual abuse and exploitation of children by adults who come into the environment and take advantage of such opportunities. This is something that can be very difficult for people working in an affected area to believe.<sup>3</sup>

Widely recognised is the importance of not only meeting physical needs but also addressing other issues such as emotional and psychological wellbeing. Different concerns have been recognised as needing to be addressed during the relief and recovery stages, such as education and gender. The emphasis on these different concerns may have a detrimental effect on children unless protection is considered a central theme.

## **Disaster Management Terminology**

The following definitions have been included because it is likely that, in the unfortunate event of a disaster situation or an emergency occurring, other humanitarian and assistance organisations will become involved. Some of these may well have experience in working in such difficult environments and may use terms which are specific to disaster management. We believe that having an understanding of some of the main terms and concepts will help local organisations in their communication with these specialist organisations and in planning their own responses.

<sup>3</sup> We have had been told directly and have heard many anecdotal stories from people in disaster affected areas that they feel that if people are volunteering their time then they must be kind hearted and thus not a threat to children

## **Hazard**

An event (usually used in relation to natural events such as earthquakes, floods, volcanic eruption) that can trigger a disaster. It is important to appreciate that it is not the hazard itself that is the disaster, but the effect that it has on a community or location. For example, it is not drought that is the disaster but the famine that results from the drought.

## **Disaster**

An event, either natural or human-made, causing suffering such as death, injury, loss of property or economic damage, that overwhelms a community's capacity to cope. This is the *impact* of a hazard on a community.

## **Risk**

The probability or likelihood of a disaster happening. This is linked to the severity of the disaster – some things are very unlikely to happen, but if they do the consequences would be disastrous. Being clear about this relationship can help plan strategies and interventions to prevent or reduce the effects of such consequences.

## **Vulnerability**

The extent to which something is affected by a hazard. This can be a person, group or socio – economic structure or something more physical such as the strength of buildings, bridges and roads in withstanding a hazard.

## **Capacity**

The ability of individuals, households and communities to cope with a threat or to resist the impact of a hazard. This is often related to the resources that exist.

### **Preparedness**

Any measures taken that ensure the readiness and ability of a society to forecast and take precautionary measures in advance of an imminent threat and to respond to and cope with the effects of a disaster by organizing and delivering timely and effective assistance.

### **Prevention**

Those activities designed to provide permanent protection from disasters. One example of this could be the resiting of a village outside of a flood plain or an earthquake zone.

### **Mitigation**

Any action taken to minimize the impact of a disaster before it occurs. This can range from physical measures such as flood defences or methods of making buildings more secure to training, legislation and raising public awareness.

### **Response**

Any action taken in anticipation of, during, and immediately after a disaster to ensure that its effects are minimised, and that people affected are given immediate relief and support.

### **Recovery**

The coordinated process of supporting disaster-affected communities in the reconstruction of a physical infrastructure and the restoration of emotional, social, economic and physical well-being.

## **Disaster Management**

A term which means the process of planning for disasters and responding to them. This also includes the management of the whole continuum from prevention to mitigation, through preparedness and response, to reconstruction and rehabilitation.

# Influencing Factors & Contexts in Emergencies

A number of factors and contexts influence the likelihood of children experiencing sexual violence and sexual exploitation in an emergency.

## Key Documents

Inter-Agency Standing Committee (2005) *Guidelines for Gender Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, Geneva

## Vulnerability of Children & Harms Suffered

All children are vulnerable to sexual exploitation and sexual violence, but some are at more at risk than others. Children at particular risk include:

- **Children without parental care including orphans, unaccompanied and separated children** – children living on their own, in foster families or in institutions face greater hazards given their lack of normal parental and community support and protection
- **Mentally and physically disabled children and those with other ‘special needs’** – these children frequently have a reduced ability to either evade abuses or understand what might be happening to them and to be able to speak out. This might be compounded by a perceived lack of ‘worth’ of the life of the child by the community and hence a consequent lack of care, attention and protection

- **Children from marginalized groups, such as those from minority ethnic, tribal and religious communities** - such children often suffer more adverse economic consequences due to discrimination, making them vulnerable to exploitation, or may be left unprotected by weak legal and policy frameworks. Children from some communities may be actively targeted for sexual exploitation due to disadvantageous beliefs about them. For example, in some conservative societies, certain villages and communities may have long-standing reputations and associations as being connected with prostitution and therefore it may be seen by some as more 'acceptable' to target children from these groups.<sup>4</sup>

While some children may appear to be less at risk because they are with their parents or other adults it may be that the level of risk that they are exposed to is much higher than imagined because of the pressures created by the emergency. Some children may be largely ignored or left unsupervised for long periods either because their carers are overwhelmed with the trauma of the emergency and so are not able to meet the child's needs, or because the carers are away working / trying to obtain the necessary means for survival. The increased socio economic pressures and consequent stress on families, sometimes coupled with an increase in community and family conflict, can create grounds for elevated levels of abuse generally. This means that all children in an emergency situation require support and differentiated strategies to ensure their protection.

<sup>4</sup> Naik A (2005) Child Protection Assessment in India, for Save the Children UK

The harm done to children through the abusive experiences of sexual violence and exploitation are many and varied, having long lasting and dramatic implications for the child. Harms may include, but are not limited to:

- **Physical consequences** - physical injury, death, pregnancy, unsafe abortions, higher levels of infant and maternal mortality, sexually transmitted diseases and infections and the contraction of HIV/AIDS
- **Emotional consequences** – depression, a sense of shame at being violated, post traumatic stress disorder, loss of confidence and self esteem, self harm and suicidal thoughts and acts
- **Social consequences** - ostracism and rejection by family and community, social stigma, and longer term consequences including lost educational, skills training and employment opportunities, and reduced chances of marriage, social acceptance and integration

The effect of these harms can be increased risk and vulnerability to further incidences of sexual violence and sexual exploitation.

## Adopting A Rights Based Programming Response

### Key Documents

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

Universal Declaration of Human Rights (1948)

The principle of human rights has served as the foundation and framework for this manual. The foundation of human rights is the Universal Declaration of Human Rights 1948, which has been supplemented over time by subsequent treaties and

agreements. While children are, of course, humans it has been recognised that because of their vulnerable position in society they need additional support and protection. This premise lead to the development of the United Nations Convention on the Rights of the Child (1989) (UNCRC) which specifically contains provisions relating to the care and protection of children and their participation in decisions which must be observed in all situations, including emergencies. A summary of the main provisions of the UNCRC is included in the appendix section for reference

A natural extension of human rights is a ‘Right Based Approach’ to programming, which has been gaining momentum over the last decade. Prior to this, the concept of assistance was heavily rooted in the idea of ‘need’ and help was typically distributed according to what the organisation or agency providing services thought was necessary (although this would sometimes be negotiated with the person receiving the aid). While this means that people are (in ideal circumstances) helped, one problem is that it can reinforce the perception of helplessness. It can also convey a sense that people ought to be ‘grateful’ for assistance, donations and goodwill of others.

**Regardless of the situation children have rights which are enshrined in the United Nations Convention on the Rights of the Child (1989).**

**These must be observed and upheld at all times**

A Rights Based Approach imposes on

duty bearers (states and other agencies) both the responsibility for fulfilling, protecting and respecting rights and the need to be accountable for their actions. It enables people to demand the minimum standards that have been guaranteed by international law (while still having to respect the rights of others), and provides a forum for people to actively participate in the decisions that affect their lives.

Even where humanitarian workers are aware of a Rights Based Approach to programming and responses, there is a tendency in some situations to revert to a needs (or perceived needs) base approach. This is often driven by an assessment of competing priorities and a high demand for speedy responses with limited resources. However while practical obstacles may make it difficult to ensure that specific rights are met, especially in difficult circumstances, this does not mean that the obligation to fulfil them is suspended from the duty bearers.

The main implications of a Rights Based Approach to emergencies is that organisations and agencies must:

- Ensure equality, non – discrimination and inclusion
- Consider the 'best interests' of the child
- Fulfil the right to survival
- Fulfil the right to protection
- Fulfil the right to development
- Fulfil the right to information, expression and association (as a means of ensuring survival, protection and development)
- Be accountable for their own actions and hold other duty bearers accountable for theirs

## Legal & Policy Framework

The main international legal protection for children is the United Nations Convention on the Rights of the Child (1989). This, together with Optional Protocols on Child Prostitution, Child Pornography and Trafficking for Sexual Purposes and the protocol relating to child soldiers<sup>5</sup>, identifies the rights, including of protection, which should be afforded universally to all children and young people under 18 years old.

In addition, there are other international legal instruments which directly relate to the rights and protection of special populations such as refugees.

### Key Documents

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

**UNHCR (2001) *Protecting Refugees – A Field Guide for NGOs***, Geneva

The responsibility for the monitoring and provision of such services in such instances falls to the Office of the United Nations High Commissioner for Refugees (UNHCR). It is worth noting that the provisions for protection are broader where people are refugees and have crossed international borders.

Where people have moved within their country (known as Internally Displaced Persons or IDPs) often the mechanisms and guidelines are less likely to be applied. However, the changing mandate of UNHCR means that in situations of civil conflict, IDPs could be afforded the protection of the organisation.

The status of various treaties will differ from place to place and will be dependant upon whether states have signed and ratified these. However, even in the absence of such adoption in national law, it is still possible for

local and community based organisations (and other agencies) to respond *as if* these provisions were embodied in national law and thus provide the highest level of protection required both generally as well as during an emergency.

In addition to international conventions and treaties, regional and national legislation and policies may also serve to protect children.<sup>7</sup>

Again these will differ from place to place so it is important that local and community based organisations have an understanding of national law as it relates to children and are aware of the main provisions under international instruments which the country must adhere to. All of this can be done as part of the ongoing development of an organisation prior to an emergency taking place. It might be useful for organisations to compile a checklist noting the main legal provisions that apply to child protection,

The 'SPHERE' Project Standards<sup>6</sup> were developed in 1997 using the collective experience of many people and agencies. It is an attempt to establish a set of minimum standards in core areas of humanitarian assistance in disasters, both to improve the quality of that assistance and also to increase the accountability of those providing the assistance, although they tend to focus on organisation and material aspects rather than on protection mechanisms

The minimum standards are based around 5 programming areas:

1. Minimum standards in Water Supply and Sanitation
2. Minimum standards in Nutrition
3. Minimum standards in Food Aid
4. Minimum standards in Shelter & Site Planning
5. Minimum standards in Health Services

<sup>5</sup> Optional Protocols from the Convention of the Rights of the Child (1989) 2002

<sup>6</sup> More information on the Sphere Project Standards can be found at [www.sphereproject.org](http://www.sphereproject.org)

<sup>7</sup> An example of a regional agreement would be the African Charter on the Rights & Welfare of the Child 1990, available from [www.african-union.org](http://www.african-union.org)

together with any reporting procedure requirements (such as time frames) and other important factors for staff to be able to refer to quickly.

However, while a number of laws, treaties and conventions exist which afford protection to children from sexual exploitation and sexual violence, it must be remembered that in the normal chaos and disruption that is associated with disasters and emergencies, the structures that would enable the use of such mechanisms may be non-existent or difficult to access. This is not to say that the legal system will necessarily break down in an emergency. In a natural disaster, such as the Asian Tsunami, the legal systems in affected countries were generally able to function as before although these systems might be overburdened and not as responsive. Legal systems are much more likely to be weakened during extensive and prolonged conflict situations.

Nevertheless, there may be practical challenges and difficulties in pursuing legal action. Violations of rights must be reported and brought to the attention of authorities, but in situations where authorities are overstretched it may be difficult for these to be given the priority they need.

## **Existing Protection Frameworks**

ECPAT International believes that actions should be based on theoretical concepts and rooted in experience wherever possible. Being able to conceptualise an issue using a model or framework can be helpful to organisations and agencies both in framing their own ideas and responses and in relating to others. A number of such models or frameworks have been developed which are designed to illustrate the relationships between various factors relating

to protection. We are including them here as we think that being aware of them may be useful to local and community based organisations. However we acknowledge that other models exist which some organisations may find more useful.

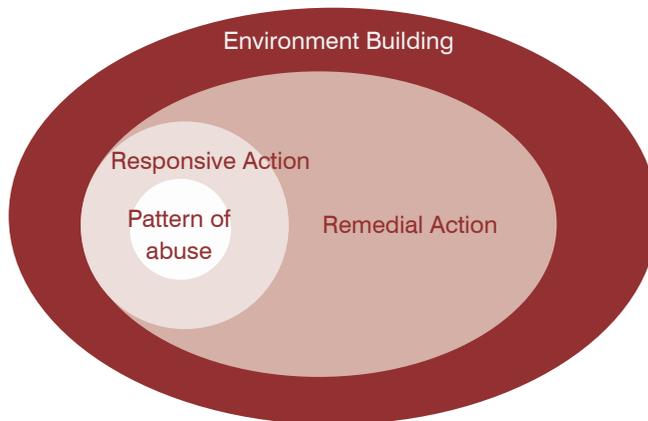
Although not specifically relating to children, one simple but useful model, developed by International Committee of the Red Cross (ICRC) in 2001 is known as the ‘Egg Model’ of Humanitarian Protection<sup>8</sup>. A simplified model of this is shown below. It demonstrates the relationship between abuse generally and the actions necessary both to address abuse as it occurs and also to prevent abuse occurring in the longer term.

### Key Documents

ICRC (2004) *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, Geneva

UNICEF *Eight Elements of a Protective Environment* [www.unicef.org/protection/index\\_environment.html](http://www.unicef.org/protection/index_environment.html)

*Figure Two: ‘Egg Model’ of Humanitarian Protection, adapted from ICRC*



<sup>8</sup> ICRC (2001) *Strengthening Protection in War: A Search for Professional Standards*, Geneva

The **Inter-agency Guiding Principles** on Unaccompanied and Separated Children<sup>9</sup> suggest a three stage approach, similar in some respect to the 'Egg Model'.

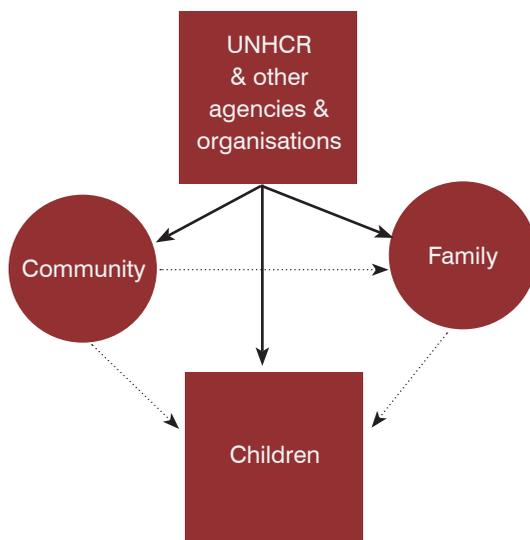
This framework identifies three crucial stages:

- **Responsive action** – aimed at preventing, putting a stop to, and / or alleviating the immediate effects of a specific pattern of abuse
- **Remedial action** – aimed at restoring dignified living conditions through rehabilitation, restitution and repatriation
- **Environment Building** – aimed at creating and / or consolidating an environment (political, institutions, legal, social, cultural and economic) conducive to full respect for the rights of the individual

While the Inter-agency Guiding Principles were developed specifically in relation to working with separated and unaccompanied children, they can be applied more widely in emergencies to children generally.

Another model developed by UNHCR (United Nations High Commissioner for Refugees) emphasises the relationships between the various actors involved with the protection and assistance of children (specifically refugee children)<sup>10</sup>:

Figure Three: UNHCR's Approach to Protect & Assist Refugee Children (adapted)



By contrast United Nations Children's Fund (UNICEF) have developed a model which looks at eight connected components that must be considered in order to establish and maintain a **'protective environment' for children**<sup>11</sup>.

These elements are:

- Attitudes, traditions, customs, behaviour and practice
- Governmental commitment to fulfilling protection rights
- Open discussion and engagement with child protection issues
- Legislation and enforcement
- Capacity building

<sup>9</sup> ICRC (2004) *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, Geneva

<sup>10</sup> UNHCR (1994) *Refugee Children : Guidelines on Protection & Care*, Geneva

<sup>11</sup> UNICEF Protective Environment - Interactive feature available at [www.unicef.org/protetion/index\\_children.html](http://www.unicef.org/protetion/index_children.html)

- Children's life skills, knowledge and participation
- Monitoring and reporting mechanisms
- Services for recovery and reintegration of those who have experienced abuse

While all of these models are useful one of their drawbacks is that none of them specifically looks at the issue of protecting children in emergencies from sexual violence. Although this manual specifically looks at protecting children from sexual violence and exploitation, it must be emphasised that there is a need to protect children from *all* kinds of abuse and exploitation.

## **Role Of Humanitarian & Peacekeeping Personnel**

It is likely, and hoped, that in an emergency or disaster situation, assistance and much needed aid will be provided, however this can be a double edged sword for the affected communities.

The poverty and dependency of affected communities and consequently the unequal power relations between agency personnel and victims of disaster is a factor giving rise to abuse. This, coupled with the lack of adequate managerial controls, proper regulation, monitoring, and supervision of staff, and the absence of effective complaints mechanisms means that exploitation in such situations can flourish.

Sadly, abuses by international peacekeeping and humanitarian personnel deployed to help victims of emergencies has become a frequent feature of crises. The UN peacekeeping operation/mission in the Democratic Republic of Congo confirmed that the problem was serious and widespread<sup>12</sup>.

International personnel were accused of bartering food and small sums of money with girls as young as 13 years old<sup>13</sup>.

We believe that universal codes of conduct for humanitarian workers and peacekeepers should be adopted to make sexual exploitation and abuse of victims of disaster a gross misconduct and grounds for immediate termination of contract; and which prohibit sexual activity with children under the age of 18 years old regardless of the local age of consent. Examples of these are included in the Appendix.

Training and support on codes of conduct is required if they are to have effect, both with humanitarian personnel and with awareness raising in the affected communities. Codes need to be backed by proper and reliable channels of complaint. They need to apply to the full cross-section of agency staff - permanent/casual, paid/voluntary, international/national as well as partner staff, since abuse of power can occur at every level. Moreover, codes should not only target abusive behaviour but also a failure to act. Staff and managers, in particular, need to be held accountable for abuses they could have prevented. Increasing female relief workers, the

“It’s difficult to escape the trap of those (NGO) people; they use the food as bait to get you to sex with them.”

Refugee child quoted in UNHCR / SCUK (2002) *Sexual Violence & Exploitation; The experience of Refugee Children in Liberia, Guinea and Sierra Leone*

<sup>12</sup> UN Secretary General Report on Children and Armed conflict, 2004, <http://www.redbarnet.dk/Default.asp?ID=4468>

<sup>13</sup> Save the Children Policy Brief, <http://scholar.google.com/scholar?q=tsunami+sexual&hl=en&lr=&start=20&sa=N>

proper monitoring of relief distributions by senior managers, and regular staff rotation between camps and sites can all help to prevent a pattern of abuse taking hold.

“When ma asked me to go to the stream to wash plates, a peacekeeper asked me to take my clothes off so that he can take a picture. When I asked him to give me money he told me, no money for children only biscuit.”

Refugee child quoted in UNHCR / SCUK (2002) *Sexual Violence & Exploitation; The experience of Refugee Children in Liberia, Guinea and Sierra Leone*

While it is tempting to accept all offers of help, caution is needed to ensure that outsiders do not take advantage of the situation. For example, it was reported that 20 Australian paedophiles attempting to travel to Indonesia and Thailand after the Tsunami were apprehended through a child sex offender register<sup>14</sup>.

In practice, local organisations may have little influence over the recruitment and behaviour of personnel from other organisations, however, they can take responsibility for remaining vigilant and ensuring that they report any concerns. They can also ensure that their own recruitment and supervision practices are effective in reducing the opportunity for abusive adults working in their agency and that staff are aware of policies in relation to child protection. Measures that would be appropriate to take include ensuring that there is a child protection policy within the organisation with clear reporting requirements and recording systems, and that this is communicated and understood by all adults. References should be taken for all volunteers and staff, and if not available they should not have unsupervised access to children.

Local organisations need to be able to develop working relationships with peacekeeping and other military personnel who might have different views and methods of achieving objectives.

It is important to remember that even those who do not appear to be in contact with children may still have substantial access to them. Furthermore, unscrupulous adults can use their connection with an organisations to give credibility to their reasons for being in contact with children.

## Poverty

A direct link has been observed between poverty and sexual exploitation in emergency situations.

Destitution following conflict and natural disaster can lead to prostitution becoming a desperate means of survival for both children and adults. The grinding poverty experienced by victims of disaster, a lack of food and basic amenities, education facilities, health care, employment opportunities, farming land and other means of subsistence, means that entering sexually exploitative relationships can be a survival and coping mechanism and seen as the only way to make ends meet. Even if a child seems to ‘consent’ to this as a means of survival, it is the adults’ responsibility to protect children. The child is being exploited and abused.

Reports from Guinea and Congo have shown that refugee women and children were coerced into sex in exchange for food and shelter for

<sup>14</sup> As reported in The Australian Newspaper - [www.theaustralian.news.com.au](http://www.theaustralian.news.com.au) "Call to Cancel Pedophile Passport"

themselves and their families<sup>15</sup>. Sexual exploitation was found to be endemic in refugee camps in West Africa in 2002, with the exploiters mainly being men in positions of power, money, and influence. These included camp leaders, casual labourers, teachers, security forces, traders, humanitarian workers and peacekeepers who were found to be trading sex with refugee children between the ages of 13-18 years old for desperately needed supplies such as biscuits, soap, medicines and tarpaulin or meagre sums of money.

It is therefore essential to ensure that, as poverty and destitution are at the root of much sexual exploitation, critical attention is paid to the issue of livelihoods. In the early stages this means reviewing the adequacy of aid, proper monitoring and distribution methods to ensure it is reaching those most in need, with special attention being paid to vulnerable groups such as separated and unaccompanied children. Attention to restoring livelihoods and developing longer-term alternatives (for example micro-credit, agricultural land and skills training) is also key to help families and children from falling into, or remaining in, the poverty trap.

## Host Communities

In the case of displacement – which may be across international borders – the community into which those having to flee move to (which is known as the ‘host community’) will both be affected by the settlement of those migrating from the disaster area and in turn have an impact on those displaced. It is crucial

<sup>15</sup> World Health Organisation – ‘Violence and Disasters’ [http://www.who.int/violence\\_injury\\_prevention/publications/violence/violence\\_disasters.pdf](http://www.who.int/violence_injury_prevention/publications/violence/violence_disasters.pdf)

that relief is administered in a way that takes account of consequences on relations with neighbouring and host communities. Resentment can erupt into violence and abuse.

Children from the host communities who are not caught up in the immediate disaster and who may not be considered as being from an affected community also need to be protected from being sexually exploited and experiencing sexual violence. For example, if a transport route to a camp or temporary shelter has to pass through an area where there are existing high levels of deprivation, measures need to be taken to ensure that children who live along that transport route are not exploited by those involved in the transportation process in exchange for much needed or sought after goods.

“We go to them for free sex, they live in our village and take all what we have, so we take their bodies”

Ganeshpanchan Z, *Domestic and gender-based violence among refugees and internally displaced women* [www.humiliationstudies.org](http://www.humiliationstudies.org)

## **A Framework for Understanding Sexual Violence Against Children In Emergencies**

The likelihood of children being sexually exploited or experiencing sexual violence is determined by an interconnected number of factors, some of which are in existence prior to the disaster and others which arise as a result of the emergency.

In emergency situations, what tends to happen is that the pre-existing inequalities and discriminations are mirrored and magnified by the effect of the disaster, unless countermeasures are put in place. Put simply, the weak

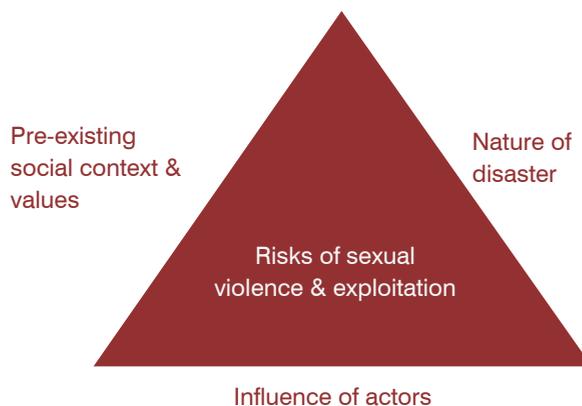
get weaker and the strong get stronger. This means that one area of action pre-emergency is to try and strengthen the resources and capacities of the most vulnerable members of society, and to advocate for change at a local and national policy level to end discrimination and disadvantage.

Children who are involved in a disaster are much less likely to experience sexual exploitation and sexual violence if the community they are from already has a high level of appreciation of the need to protect children and places importance on this.

The disaster itself, including its duration and nature, also affects the safety or vulnerability of children, as does the involvement of the various ‘actors’ involved in terms of the relief and reconstruction assistance. We have already seen how those who are supposedly there to help can be a source of exploitation and abuse. Similarly, the way in which aid is distributed and organised can expose a child to exploitation and sexual violence.

Operating at a broad structural level, these influences interplay in various ways to be either a source of protection or of increased vulnerability to children:

*Figure Four: Structural Influences*



Within this broad framework, there are a number of other factors which are more directly related to the situation for individual children or groups of children, and which again can serve either as protective forces or risks.

Although children without parental care are known to be more vulnerable, there are other adults who can be supporters of children such as teachers, community leaders and members of the community who act as a resource. The availability of social support systems, that is, who is around to protect the child informally and how able they are to do this, can have a dramatic effect on the safety of a child.

Another factor is the protection mechanisms which are in place. Even with a strong supportive network, in stressful and difficult circumstances, adults need the support of more structured systems to assist them with protecting children, both in terms of prevention and action when abuses take place. This might take the form of more formalised and organised protection committees within camps.

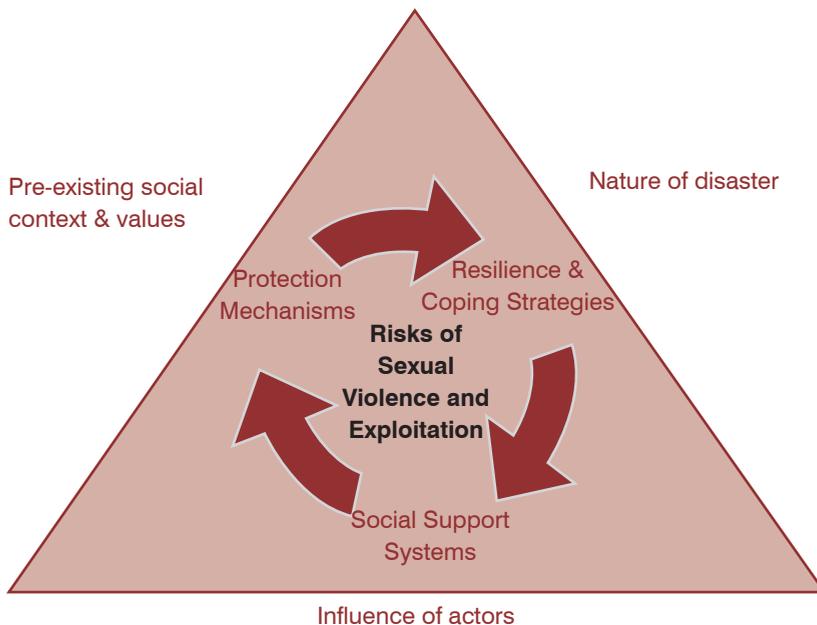
Finally, the child or children have an influencing effect. Children who have been taught the skills of how to keep themselves safer, who have higher levels of confidence and self esteem, the ability to articulate and explain their wishes, together with a range of coping skills, are less vulnerable to abuse. All of these skills can be taught to children prior to an emergency and then reinforced during the relief and recovery efforts.

Figure Five: Protective forces and risks



Together these six factors provide a framework for understanding the experiences of a child and the connections between the various influences, specifically in relation to sexual violence and emergencies:

Figure Six: A Framework For Understanding Sexual Violence Against Children In Emergencies



## **ESSENTIAL ELEMENTS: Influencing Factors & Contexts in Emergencies**

- **All children, both boys and girls under 18 years old, are vulnerable to sexual exploitation and sexual violence both during and after a disaster**
- **Some children are additionally vulnerable, such as separated and unaccompanied children and those with disabilities or belonging to minority groups**
- **The nature, stage and management of a disaster or emergency, be it man made or natural, can have an impact on the exposure of children to the risk of sexual violence and exploitation**
- **The many different manifestations of sexual violence and sexual exploitation are interrelated, and the abuses suffered by children can change over time**
- **Peacekeepers and humanitarian staff, including volunteers and others assisting the affected community may also pose a danger to children**
- **The role of poverty, both existing prior to the disaster and subsequently arising from it, can have a dramatic effect on the vulnerability of children**
- **Needs of communities not directly affected by the disaster but in close proximity to those affected must be addressed in order to ensure that children are not subjected to abuse resulting from resentment**

## **ESSENTIAL ELEMENTS CONTINUED**

- **Children from host communities, such as along transport routes, also need protecting from sexual exploitation and violence**
- **While international and national laws may afford protection, in the midst of the chaos and a breakdown of civil society, it may be difficult to ensure that legal measures are sufficient to ensure that children's rights are not violated**
- **Local and community based organisations need to pay attention to preparing children for emergencies before disaster strikes in order to increase their resilience**

# Importance & Value of Local Organisations

Local agencies have a crucial role to play in protecting children during emergency and disaster situations, bringing with them particular expertise and knowledge. For this reason we believe that it is essential that they, together with the affected communities and children themselves, are an integral part of the relief and reconstruction efforts.

**'Local knowledge'** is essential in protecting children from sexual violence because it provides:

- Understanding of existing areas of tensions and dynamics between various community members and sectors
- Appreciation of the pre-existing circumstances, such as challenges faced by the communities and specific risks to children
- Knowledge of the environment – such as areas of particular danger, vulnerability and risk. For example a local organisation may have knowledge that a particular region is particularly prone to use as a trafficking route or certain areas of town are considered a 'red light' area. The siting of camps in such areas or requiring children to transit through these zones places children at additional risk and if unavoidable additional security will be needed

- Understanding cultural norms and practices which, when taken into account, can ensure that the way camps are designed, relief is implemented and reconstruction takes place is carried out in a way that fits with the community's needs and expectations and does not place children in a position of additional risk

Grassroots agencies will, by the fact that they are local, often be the first on the scene of a disaster. What happens in the early days can be critical in terms of how services are provided in the future and the consequent effect of these decisions.

One of the difficulties for local organisations is that they may lack necessary resources. Following a natural disaster, such as in the case of the Asian Tsunami, offices and staff members may be lost, or the organisation may simply never have been able to build up sufficient expertise and reserves. In a rapid onset disaster situation staff may be traumatised and unable to function at levels they normally would. However we believe that the value of their local knowledge means that other humanitarian and relief agencies must support local organisations to function at optimum levels. Local organisations can also prepare themselves by considering in advance what strategies they should employ in the event of an emergency. This might include identifying support systems for staff or areas of responsibility, the provision of training and ensuring that child protection policies are in place, understood and implemented.

A difficulty faced by many local organisations caught in the midst of disaster is the feeling of being overwhelmed. Quite naturally, efforts can be focused

on providing emergency relief to the general population and as a result the particular needs of children, especially in relation to child protection, can be overlooked. A challenge for local child welfare organisations is to keep in mind their primary focus, and to hand over to other better equipped agencies, when they arrive, the responsibility for relief operations generally. They can remain involved in a consultative way but this ensures that the relief process is managed by those used to doing so, and that local child welfare organisations can carry on doing what they know best – protecting children.

One of the disadvantages of local knowledge and experience which cannot be denied is that local agencies may be seen, or actually be, biased in favour of various communities or harmful community practices. Culture should never be used to sanction or excuse the abuse of children. Corruption and abuse are not solely confined to people from outside agencies and it is important that local organisations pay attention to addressing these issues both before a disaster happens and in the event of one occurring.

The issue of appearing to be neutral can be especially important in times of civil conflict / war. This is not to say that it is not important to raise concerns about serious abuses and violations of human rights, but that by keeping the focus on *children* and their needs it can often be possible to avoid getting into disagreements and conflicts with opposing factions. A more difficult place to be is where the local organisation is clearly identified with a specific community, and in such cases, outside agencies, which are seen to be more impartial, may need to provide a channel through which local knowledge and expertise can be fed into the relief efforts. It is important to remember that many smaller organisations target their initiatives to a specific area or group within a community and represent their interests. Security can be a

key issue for the staff and volunteers of local organisations, especially when working in situations of civil unrest. It is essential that appropriate security measures are put in place and reviewed regularly. This may necessitate developing a plan with other agencies, especially those with experience in providing security, to facilitate this. As a minimum, we suggest that workers do not work alone, but at least in pairs, and that there are arrangements in place to ensure that other members of staff / supervisors know where people are going and what they are doing at all times. This includes, if necessary, a system for letting people in the organisation know when workers have left work and are returning home. Any and all threats made to staff should be taken seriously and security measures reviewed in light of such.

### **ESSENTIAL ELEMENTS: Importance & Value of Local Organisations**

- **Local organisations have specific knowledge and expertise that can be invaluable to ensuring that relief efforts are directed in ways that maximise the protection to children and which should be taken into account**
- **The ability of local organisations to be fully involved in protecting children may be seriously compromised by a lack of resources and the effects of the disaster on the organisation itself – consequently they may need support from other agencies and organisations to be able to function at optimum levels**

## **ESSENTIAL ELEMENTS CONTINUED**

- **Culture should never be used to sanction or excuse the abuse of children**
- **The issue of impartiality and unbiased approaches can be critical in terms of the ability and acceptability of the work of local organisations**
- **Appropriate safety and security measures should be put in place for staff and volunteers and these should be reviewed regularly**
- **Local child welfare organisations should, as soon as possible, handover the responsibility for general relief efforts to humanitarian agencies and focus their efforts on child protection**

# Minimizing the Risks of Sexual Violence

## Key Documents

Interagency Standing Committee (2005)  
*Guidelines for Gender-based Violence Interventions in Humanitarian Settings*, Geneva

ICRC (2004) *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, Geneva

During a disaster, the fabric of children's lives is turned upside down, and sexual violence and exploitation are among the numerous risks facing children and young people. It has been observed that all kinds of abuses increase during and after disasters, often blamed on the stress that adults suffer from economic pressure as a result of the emergency<sup>16</sup>. Other risks to children's wellbeing (such as the loss of schooling and future employment opportunities;

severance from family, friends and communities; premature assumption of adult responsibilities; and exposure to other forms of exploitation such as military recruitment and abuse in the labour market) can all contribute to making a child more vulnerable to sexual exploitation. For this reason it is important that children's needs are considered holistically.

Sexual violence can occur in the chaos of flight and in the immediate aftermath, and become a feature of children's lives in the longer term. It is known to increase after disasters because of the wider social and economic disintegration that takes place in affected communities<sup>17</sup>. Social norms and prohibitions which may normally be a constraining force, can be weakened

by conflict, poverty, and displacement. In some cases sexual violence is used as a weapon of 'war' and is part of a campaign of humiliation and subrogation. Organised gangs may also be involved in large scale and sophisticated trafficking operations.

'Sexual violence is the most immediate and dangerous type of gender-based violence occurring in acute emergencies'

Interagency Standing Committee (2005)  
*Guidelines for Gender-based Violence Interventions in Humanitarian Settings*,  
Geneva

Sexual violence and exploitation are of course closely associated with child soldiers as such abuses often occur within the context of children being forcibly recruited into armed forces. Girls especially may be forcibly recruited and used as 'sex slaves', though this may be considered as a way of protecting themselves and their families against further physical and sexual abuse in conflict situations. In such situations children and young people can be repeatedly sexually assaulted either by one particularly influential person, and / or by his or her associates.

When thinking about how we can remove or minimise the risks of children being sexually exploited or experiencing sexual violence, it is important to consider not only what is the nature of the risk, but also to think about what is the likelihood of it occurring and, if it does, what would the consequences be.

<sup>16</sup> World Health Organisation – 'Violence and disasters' [http://www.who.int/violence\\_injury\\_prevention/publications/violence/violence\\_disasters.pdf](http://www.who.int/violence_injury_prevention/publications/violence/violence_disasters.pdf)

<sup>17</sup> *Ibid*

In any particular emergency context it is necessary to think specifically about sexual violence and sexual exploitation in terms of:

- What could happen?
- How could it happen?
- Where may it happen?
- Why may it happen?
- When may it happen?

The answer to these questions can help frame appropriate protection measures. Ideally, such measures should be identified in advance of an emergency situation developing, but because of the varying nature of disasters, many of the circumstances may not be known beforehand. Agencies will need to be able to both anticipate and respond to risks as they become apparent.

## The Role of Advocacy & Campaigning

Children and young people need to be supported to articulate their views in relation to decisions that affect their lives because, especially in an emergency situation, they may be more disempowered and less able to claim their rights owing to their relative lack of power and authority to affect change

The role that advocacy and campaigning strategies can play in influencing government policy and in raising public awareness, and the impact this can have in protecting children should not be undervalued. Such efforts can take place both before a disaster and afterwards to great effect. For example,

advocacy efforts in raising awareness of trafficking in the aftermath of the Asian Tsunami led to governments taking the important steps of placing a

moratorium on adoptions and limitations on the travel of unaccompanied and separated children in some affected countries<sup>18</sup>.

The media can play a key role in reporting incidents of abuse and exploitation, and in raising awareness of the conditions for children. It is important to keep in mind the need to work with the media in ways which are ethical and do not compromise the well being and privacy of the child. We do not believe that it is ethical to show images of children and young people who have been sexually exploited, partly because it is an invasion of their privacy and also because of the stigma created by such images.

While advocacy efforts are no doubt helped by intense media interest, it is possible for effective advocacy to be carried out without such interest. One very successful campaign on gender-based violence in Nicaragua following Hurricane Mitch entitled “Violence against women is one disaster that men can prevent” was particularly effective.<sup>19</sup>

## **Creating Child Safe Organisations<sup>20</sup>**

We believe that it is good practice for child welfare organisations, and indeed any organisation that works with children even if it is only in a limited way, to have a child protection policy.

<sup>18</sup> We advocate that children should not be relocated except for safety reasons or urgent medical care

<sup>19</sup> R Jones (2005) *Gender and natural disasters: why we should be focusing on a gender perspective of the tsunami disaster*, Association for Women's Rights in Development <http://www.awid.org/go.php?list=analysis&prefix=analysis&item=00226>

<sup>20</sup> There are lots of excellent materials that exist to assist organizations with both developing their own child protection policies and train staff appropriately. For example those produced by Child Hope UK and Child Wise

This policy does not need to be especially complicated or lengthy. It should formalise the practices that currently exist in relation to both reacting to situations of abuse that are reported or come to the notice of the agency, and also to ensure that the chances of abuse being perpetrated by people working for the organisation is reduced.

A clear protection policy ensures that people know what to do in situations of abuse and that there is consistency to the response given and decisions taken. It should also ensure that there is an appropriate way of monitoring incidents and of ensuring that necessary action has been taken.

We suggest that organisations:

### **Before an emergency**

- Develop and write their own child protection policy and guidelines to include
  - Who should be informed of concerns – both inside the agency and outside
  - Who should make decisions about actions necessary
  - How information should be recorded
  - What follow up actions should be taken
  - What special measures should be taken to ensure that recruitment processes of both paid and non paid staff are carried out in ways to limit the opportunity for abusers to work for the organisation (for example ensuring that references are taken up and limiting the unsupervised access to children)

- Ensure that the policies are communicated to and understood by all people connected with the agency, including staff, volunteers and committee members
- Carry out training for those working with the organisation so that there is a shared understanding of what constitutes child abuse
- Develop referral procedures with relevant agencies and organisations responsible for child protection, within the framework of national law and policies
- Seek to establish an environment where concerning behaviour can be challenged – both from within and outside of the organisation

**During an emergency & throughout the reconstruction period** (that is until the situation is stabilized)

- Emphasize the commitment to child protection policies
- Review the procedures to identify if they need changing in the light of circumstances (for example a key member of personnel may be missing) to ensure that the reporting and decision making processes are in place
- Carefully check offers of help and assistance (in terms of new staff and volunteers) and where it is not possible to check backgrounds do not allow these people to work alone with children and involve communities and children with the monitoring of workers actions (including a system for reporting back)
- Re-establish networks and develop new working relationships and protocols with other agencies and organisations that come into the area to provide assistance

## **Disaster and Emergency Management**

The way in which disasters and emergencies are handled both by national authorities and international agencies can have dramatic implications for the incidence of sexual violence and exploitation, so it is important that consideration is given to this. This is especially true in the initial stages as decisions taken then can often have dramatic and unforeseen consequences.

### **Camp Design & Layout**

The layout of camps and temporary settlements can make a difference to the incidence of abuse. Crowded sleeping conditions, a lack of privacy and partitions, a lack of separate toilet and washing facilities for men and women, and basic facilities that are in secluded areas too far away from the main camp can all compound the risk of sexual violence and provide opportunities for abuse.

Similarly, rapes, abductions and sexual assaults can occur during water and firewood collection<sup>21</sup>, resource distribution and when children are moving around the camp to other locations. Low levels of lighting, especially near toilet and washing facilities can offer cover where abuse can easily take place<sup>22</sup>.

It is important that camps are sited and designed with due regard to needs for privacy and safety. This also includes the need for security personnel to monitor visitor entry and ensure that the camp is safe to move about in. In some places rules of acceptable behaviours (such as no alcohol) have been introduced in order to reduce the risk of actions fuelled by lower inhibitions<sup>23</sup>.

## Relief Distribution & Service Provision

The methods for relief distribution can also increase risks, especially in the immediate phase of the emergency. Failure to register for rations or where the distribution of rations is left to corrupt members of the community who are in positions of power and influence can leave children and families in a desperate struggle for survival. Children without papers may find it especially difficult to register for assistance. It is essential that all children are registered for aid as a priority and that 'child headed households' are recognised.

The way in which relief is distributed, such as the location and method of distribution of provisions can all create situations where children can become separated or exposed to the risk of sexual violence and exploitation. For example, children can lose their carers in the crush at distribution points. Furthermore, the *type* of provisions available can place a child at increased risk. It is essential to ensure that the particular needs of girl children and young women are taken into account in planning service provisions. In some cultural settings, the manner of dress may be particularly important, and where children are perceived to be transgressing normal 'modesty' rules, this can single them out as targets of abuse. Similarly, sanitary protection for those girls and women who are menstruating should be provided routinely. This also includes considering how this can be done in a sensitive manner and how to ensure that any requirements regarding cultural practices surrounding

<sup>21</sup> World Health Organisation – 'Violence and Disasters' [http://www.who.int/violence\\_injury\\_prevention/publications/violence/violence\\_disasters.pdf](http://www.who.int/violence_injury_prevention/publications/violence/violence_disasters.pdf)

<sup>22</sup> Falk L, Lenz JA & Okuma P (2004) *Sleepless in Gulu – A Study of the Dynamics Behind the Children Night Commuting Phenomena in Gulu, Uganda*, Save the Children

<sup>23</sup> Protecting the children after the tsunami, Plan Asia, 12 Jan 2005 Plan USA <http://www.planusa.org/contentmgr/>

‘There is no privacy for girls (for sanitation purposes). It is very difficult during periods. We wash our menstrual cloths at night and wake up early to collect them after they have dried’

Young Person in Tsunami Affected region of India, quoted in Plan International Asia Regional Office (2005) *Children & The Tsunami – engaging with children in disaster response, recovery and risk reduction: Learning from children’s participation in the tsunami response, Thailand*

menstruation (such as bathing) can be observed.

Services for victims of disaster can themselves become a conduit for exploitation and abuse. In various conflict settings, sexual harassment in schools and educational

establishments providing services for refugee and displaced children has been a feature.

## **Establishment of Protection Committees**

One method of community-based protection that can be very effective is the establishment of protection committees. These should be set up in camps and villages comprising a cross-section of community members such as leaders, women’s groups, teachers, children, health care and youth workers. Their role is to monitor issues facing children and to raise awareness. It is important, especially in camp situation that these committees are recognised by the authorities in charge of the camp and have a route for dialogue with those in positions of responsibility so that their recommendations and actions can be effective. It may be necessary to provide committee members with additional security (this might be on a personal level or in terms of the venue in which they meet) in order to ensure that they are not vulnerable to pressure and threats from exploiters.

Identification of suitable personnel and training in advance of an emergency can help ensure that committees operate as effectively and quickly as possible.

Along similar lines, because children and young people are often the first to know what is happening to their peer group and because children frequently share their experiences with friends before confiding in an adult, children are empowered to set up their own child protection circles. Such peer support schemes would need support mechanisms to ensure that incidents could be reported and acted upon appropriately, but can still provide invaluable services. It is important that by being part of such schemes children are not exposed to further risks (for example being seen as the ‘cause of trouble’). One way of doing this is for such schemes to operate under the protection, authority and guidance of child ‘safe spaces’. This enables children to have a platform for their voices to be heard and their activities, but at the same time ensures that they are not left unsupported.

### **Creation of ‘Safe Spaces’**

An effective way of ensuring that services are delivered to children and that needs are met is to create a number of child ‘safe spaces’, which we call Child Friendly Spaces. These are not necessarily places for the children to live, but somewhere where they can gather on a daily basis. Child Friendly Spaces need not be elaborate or complicated – a tent and / or covered area can suffice.

It is essential to ensure that these spaces are ‘staffed’ either by paid personnel or volunteers who are ‘safe adults’. Careful recruitment and selection is

necessary as wherever services are provided for children these can also be a forum where children experience sexual violence and abuse. Measures to minimise these risks include training of staff/volunteers/children and young people on sexual violence, the increased use of female supervision (for example to monitor grades) and instituting complaints mechanisms and codes of conduct. Some of these measures, especially those in relation to skills training, could be introduced prior to a disaster taking place as one of many ways of preparing the community.

In addition, Child Friendly Spaces can serve as a network / communication point for relevant NGO and other agency responses by having an adult who is able to monitor, make recommendations and take appropriate action on the situation for children using that particular Child Friendly Space. This includes following up with other agencies where necessary (for example when additional services or support is required, in particular for those who have experienced sexual exploitation and violence and may require specialised and skilled support).

Vigilance is needed, as such areas in conflict settings can unfortunately be used as a recruiting ground for child soldiers and can be easy targets for attack and bombardment. It is important that tightened security arrangements are put in place, both at the safe space and to ensure that children have safe passage from their living quarters to the safe space. These requirements should be regularly reviewed and revised as necessary.

## The Importance of Consultation

Consultations with victims of disaster, particularly women and children, regarding provisions and services that are being made can help minimise possibilities for sexual exploitation and violence. Children can be mobilised to take a lead in their own protection.

Consulting with children about the risks that they feel they face (such as what makes them worried and where they think they are most in danger) and how they feel these difficulties could be addressed can be useful both in terms of identifying potential risks and in helping children to acquire the skills and knowledge to help keep themselves safer.

Methods for carrying out such work can be individually or in groups and can also involve children in peer support and education schemes. Whatever methods are employed, it is essential that they enable children to truly participate rather than mirror the inequalities of the social and cultural environment. It may be necessary to give special attention to gender, age and disability and the roles these play in children's lives.

We firmly believe in the active participation of children and young people but recognise that this must be balanced against the child's right to protection. It is important, particularly at times of great stress and distress, that children

### Key Documents

Mann G & Tolfree D (2003)  
*Children's Participation in Research: Reflections from the Care and Protection of Separated Children in Emergencies Project*, Save the Children Sweden, Stockholm

are not made to feel responsible for their protection and choices they make. Furthermore, participatory and consultative activities, especially those involving exposing violations and abuse, must ensure that child safety is not compromised and that children are not victimised because of the opinions they express. Adults need to demonstrate that they have heard what young people have said and should be prepared to explain the decisions they make in relation to the views of the young people.

## Psychosocial Support & Education

### Key Documents

The Psychosocial Working Group (2003) *Psychosocial Interventions in Complex Emergencies: A Conceptual Framework*, Centre for International Health Studies, Queen Margaret University College, Edinburgh

Bernard van Leer Foundation (2005) *Responses to Young Children in Post Emergency Situations in Early Childhood Matters*, July 2005, Number 104

Inter-Agency Network for Education in Emergencies (INEE) (2004) *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*, UNESCO, Paris

Psychosocial support for affected communities can play an important role in preventing further social disintegration and avoiding the creation of an environment in which abuses occur. However, Western models of trauma counselling in major emergencies have been criticised for being culturally inappropriate<sup>24</sup>, counter-productive and undermining of individual psychological defence and

coping mechanisms. It may be very difficult for workers from outside the

communities, with little cultural sensitisation, to be able to understand the beliefs, rituals and ideals at work and the consequent effect of these on the population. This is particularly so of some of the more metaphysical powers that can be attributed to certain people and objects. Agencies are increasingly favouring community based approaches that seek to re-establish pre-existing coping strategies. Regardless of the solutions and strategies involved, it is essential that this 'fits' with the community. It is important also to ensure that the benefits of such programmes are both useful and sustainable.

Creating a sense of 'normality' by returning to structured and routine activities that involve and listen to children can be extremely beneficial to them. By including schooling and non- formal education, together with support groups with meaningful activities and recreational opportunities, the support needed by most children can be provided and children's resilience and coping skills promoted. We would advise particular caution in relation to therapeutic work with children as well meaning but unskilled and unsupported adults who attempt this can cause further distress.

In an emergency situation the distinction between what is education and what is psychosocial support can be difficult to define. Education<sup>25</sup> can play a critical protection role by helping develop self-worth, knowledge, and social networks and by providing adult supervision and a protective environment. Access to educational and training opportunities increases the

<sup>24</sup> The Psychosocial Working Group (2003) *Psychosocial Interventions in Complex Emergencies: A Conceptual Framework*, Centre for International Health Studies, Queen Margaret University College, Edinburgh

<sup>25</sup> Global Survey on Education in Emergencies, Women's commission for refugee women and children, Feb 2004 and Humanitarian Practice Network, HPN network paper, The role of education in protecting children from conflict, Susan Nicolai and Carl Triplehorn, ODI, March 2003 and id21 insights education #4, August 2005, [www.id21.org](http://www.id21.org)

options available to children and in the longer term acts as a protector against exploitation.

### **ESSENTIAL ELEMENTS: Minimizing the Risks of Sexual Violence**

- **Children are especially vulnerable to sexual exploitation and sexual violence in emergencies and their needs must be considered in a holistic manner to reduce these risks – this includes providing appropriate support and education opportunities to develop skills and resilience**
- **Advocacy and campaigning can be an effective way of raising awareness of the risks to children and in influencing policy changes to protect children**
- **Establishing protection committees and undertaking consultation with vulnerable groups can help monitor abuses and risks**
- **Children can also be a source of support for each other and can play a key part in protecting other children and in ensuring that any incidents are reported**
- **Careful consideration should be paid to camp design and layout together with the distribution of aid and services as these can provide opportunities for abuse**

## **ESSENTIAL ELEMENTS CONTINUED**

- **The creation of 'safe spaces' can be an effective way of providing services and ensuring that children's wellbeing is promoted**
- **Security and supervision arrangements must be regularly reviewed to ensure that children are not placed in positions of increased risk, both while using the services and travelling to them**
- **Organisations need to ensure that they do whatever they can to reduce the opportunity for abuse occurring within their own agency and to have a clear idea as to how to respond to situations of abuse**
- **Clear complaints procedures which are understood by staff and explained to children and adults are important in terms of ensuring that action is taken when people have not been treated as they should**

# Particular Issues of Separated & Unaccompanied Children

## Key Documents

ICRC (2004) *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, Geneva

Tolfree D (2005) *Facing The Crisis – Supporting Children Through Positive Care Options*, Save the Children Fund, London

In the chaos of emergency and disasters, children and young people can become separated from their parents and carers. Such children have long been recognised as being particularly vulnerable to exploitation and abuse at the hands of passers by, foster carers

or staff in institutions. Children from single parent families, though still in parental care, are also at risk as the remaining parent struggles to support the family. This is particularly true of female headed households which may be excluded from economic recovery opportunities and are at risk of social isolation. Where lone fathers are left to bring up children in cultures where men traditionally have no role in child rearing, children can also be placed at increased risk.

Children who are separated from their parents even for part of the day can also be in danger. The dynamics of night commuting of children in northern Uganda (travelling to the urban centres as the camps are considered too dangerous to stay in overnight) shows that separation of children from their families even for those few hours exposes them to risks and that many incidents of sexual harassment occur while children are commuting on foot

especially when they were alone<sup>26</sup>.

It is essential to ensure that separations are avoided and prevented wherever possible and that where children are separated or their care is insufficient, that they have additional protection. This requires careful monitoring of the situation of children to identify those at risk.

Separations during the crisis itself are hard to prevent especially in the case of unexpected disasters but in areas where there are regular disasters, community disaster preparedness programmes can take these issues into account. For example by advising families to agree places of meeting in the case of separations, and giving specific identification to children (such as learning information by heart or an identity tag with family information and addresses). Such measures can also be useful in situations where evacuation is necessary to ensure that children remain with those responsible for caring

**Generally accepted definitions among agencies:**

**Separated children** - those separated from both parents, or from their previous legal or customary primary care-giver but not necessarily from other relatives

**Unaccompanied children** - those separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for their care

**Orphans** - those whose parents are both known to be dead. In some countries, a child who has lost one parent is also called an orphan

Adapted from the ICRC (2004) *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, Geneva

<sup>26</sup> Falk L, Lenz JA & Okuma P (2004) *Sleepless in Gulu – A Study of the Dynamics Behind the Children Night Commuting Phenomena in Gulu, Uganda*, Save the Children

for them or can be easily reunited.

Structures are needed to minimise the likelihood of separations occurring accidentally such as at food distributions centres and to respond to cases of separation when they occur. For example designating child safe spaces as meeting points for ‘lost children’ and for this information to be disseminated to children and adults so that people know what to do and where to report in the case of accidental separation.

Separations in the relief phase can be prevented by ensuring that households have access to basic supplies so that there are no incentives for splitting up families and keeping residential care options to a minimum to avoid desperate parents abandoning their children in children’s homes. This also includes long term strategies around education and livelihoods to ensure that young people are not forced to move away in order to find sources of income. The removal of children to other countries for any reason except for the most urgent medical care should be avoided.

There are a number of ways to respond to unaccompanied and separated children that promote their well being and help to reduce their vulnerability to exploitation and sexual violence. These include:

- Immediate identification, registration and documentation (done by or under the supervision of government, where the government is still able to perform this function), involving the careful identification of unaccompanied and separated children who may not be readily visible and may already be in the company of other adults. All

agencies should use a common format for data collection to ensure ease of information sharing, but measures should be in place to ensure confidentiality is maintained. Retaining some key information (such as particular identification signs such as scars or a preferred toy) within the organisation and using it as a means of verification with claiming parents / relatives provides a useful counter check

- Provision of immediate safe care – preferably with extended family members. Where this is not possible separate shelters should be set up for unaccompanied minors which are centrally located, near basic camp facilities, with safe and secure access to washing and toilet facilities, and which are well lit with proper security and supervision
- Placing a ban on adoptions and removal of unaccompanied and separated children without government permission, except for emergency medical treatment
- Coordinated steps for tracing and reunifying family members should begin as soon as possible as valuable information and sources can be lost. The emergency phase should concentrate on tracing and reunification and short-term care. Long-term solutions should not be considered at this stage
- In terms of short and long-term care, community based options are preferred over institutions. Whatever form of care is provided whether it be foster care, independent living or institutions, careful monitoring is required with caregivers ideally agreeing to codes of conduct

- The separation of siblings should be avoided
- Adoption should only be considered after a reasonable time has elapsed, once there is no hope of successfully tracing the parents or they are known to be dead, and with the consent of the child. Priority should be given to adoptions by relatives or within the community.

### **ESSENTIAL ELEMENTS: Particular Issues of Separated & Unaccompanied Children**

- **Children who are without parental care are particular vulnerable to abuse and need special protection measures – it is important they are quickly identified**
- **Coordinated tracing systems should be established immediately so that children should be reunited as soon as possible with their families**
- **Permanent alternative care such as adoption should not be considered until a reasonable period of time has elapsed**
- **Transport and travel of children should be limited to reduce the risk of trafficking and abduction**
- **Structures should be put in place, such as identified meeting points, so that in the event of accidental separations children can be reunited as soon as possible**
- **Children and families need to be equipped with strategies for managing accidental separation**

## **ESSENTIAL ELEMENTS CONTINUED**

- **It is important to ensure that children are not separated from their families due to economic pressures and strategies should be put in place to reduce the chances of this occurring both in the short and long term**
- **When alternative care is provided there must be mechanisms put in place to monitor the situation**

# Actions in the Event of Sexual Violence

Unfortunately, despite the best endeavours of all concerned, there may well be incidences of sexual violence and exploitation. If these occur it is important to provide the victim with the necessary support and care, and in addition to taking action against the perpetrator, to put in place mechanisms to prevent similar incidences from occurring. For example, if a child has been raped, apart from identifying the abuser it is essential to consider influencing factors, such as low levels of lighting making it possible for the attack to happen unseen, and for this to be addressed before a similar assault occurs again.

We know that for a host of reasons, including shame and the use of threats

## Key Documents

Inter-Agency Standing Committee (2005) *Guidelines for Gender Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, Geneva

Delaney S & Cotterill C (2005) *The Psychosocial Rehabilitation of Children who have been Commercially Sexually Exploited – a Training Guide*, ECPAT International, Bangkok

or bribes, children can find it difficult to speak out about their abuse. In some situations they may simply think that they will not be believed or taken seriously or may be worried about the consequences of reporting. It is therefore important that the environment around the child is one in which adults

show that they respect and value children and that their concerns are heeded. As previously mentioned, children can play an important role in this, particularly if empowered to set up peer support schemes.

Trying to anticipate in advance as many 'weak spots' as possible where children may be

susceptible to abuse and addressing these can be an extremely effective way of ensuring that children are protected. Similarly, helping children to acquire the skills to be able to keep themselves safer (while not removing the onus of responsibility from adults) can be helpful both in preventing abuse and enabling the child to disclose what has happened.

In an ideal world, if an act of sexual violence or sexual exploitation was committed there would be sufficient resources necessary, together with the will to provide appropriate support for the child and to investigate and prosecute the offender. However, the reality in an emergency situation is that this may be very hard or impossible to do. The chaos of the situation, a lack of resources or a preoccupation with dealing with more pressing and wide spread issues (for example trying to maintain public order) may mean that recourse to legal protection measures are limited or nonexistent. A lack of recognition of child abuse or a culture of corruption or acceptance also limits the action that can and is taken.

### **Victims versus Survivors**

When we talk about children and young people who have been sexually exploited or who have experienced sexual violence, we use the term 'victim'. We recognise that many prefer the term 'survivors', which these children are. However, we chose to use the term victim as we want to continually remind people that the reason that a child is in this situation is ultimately because of a crime that has been committed.

We consider that the protection of children should be placed at the top of any agenda in terms of responses to emergency and disaster situations. This can be achieved by advocating and lobbying for such protection prior to emergencies occurring and also by ensuring that the systems are put in place for a coordinated response to such abuses. Nevertheless, we appreciate that, even with these efforts, grassroots organisations may still find themselves in the situation of being aware of sexual violence or sexual exploitation, but feel that there is little that can be done to either prevent or prosecute given the volatile situation they may be in.

While not minimising the need for adults to be held accountable for their actions against children, we firmly believe that in all situations of abuse the guiding principle should be that of the best interests of the child, taking into account a holistic view of their needs and wishes. Efforts should also be taken to prevent similar violations, either a repeat against the same child or towards other children.

There are a number of key questions and responses that should be addressed as a minimum once it has been discovered that a child has, or is, experiencing sexual violence or sexual exploitation. These include:

- Does the child need any medical attention?
- Is the child somewhere safe? If not where can they be placed?
- What is the support available to the child and their carers?
- What is the child saying they would like to happen next?
- What were the circumstances of the incident? Are any other children at risk and, if so, what needs to be done to reduce that risk?

- Who does the case need to be reported to?

Children who have been sexually abused and / or sexually exploited need specialist support and services. Immediately following disclosure or discovery it is important that victims are interviewed in a sensitive way that enables them to tell their story. It is essential that 'suggestions' are not put to the victim as this may make the pursuing of the case difficult (on the basis that they have been told what to say) and may also be very misleading. Victims may also require specialist medical intervention, especially around issues of sexual health and unplanned pregnancy. In the longer term other support may be necessary to help aid with recovery and reintegration (always assuming that is what is seen as being culturally appropriate and fits in with the victim's wishes).

It is difficult to imagine how the training and skills development necessary to strengthen an organisation's ability to respond to a victim of sexual violence would be prioritised during an emergency, particularly in the initial phase of a short onset disaster. It may be more possible for this to be programmed into work during longer running disaster and emergency situations but still may be difficult. We therefore advocate that, wherever possible, staff be given the opportunity to develop specialist skills in this area as part of a preparedness plan.

Finally the maintenance and documentation of clear records serves a number of purposes. Firstly, it provides a record of the incident which can be used if the situation changes and it is possible to pursue legal action at a future date. It also provides a mechanism for sharing information between organisations

and agencies so that trends and patterns can be identified and remedial action taken. This does not mean that the confidentiality of the child has to be broken, as this can be done anonymously. The point is to be able to identify emerging problems. Finally, records provide a way of monitoring the services provided and to follow up to ensure that the child is getting appropriate support and assistance and any action that can be taken is done.

The record system does not have to be elaborate or complicated. A suggested simple form is included as an Appendix. What is more important is the quality of the information and that whoever obtains the information from the child and witnesses does this in a supportive and sensitive way. This highlights the need for training in advance as part of a preparedness plan.

#### **ESSENTIAL ELEMENTS: Actions in the Event of Sexual Violence**

- **In the event of any incident occurring it is important that any actions are based on the best interests of the child, taking into account the wishes and feelings of the child**
- **The safety of the child should be a prime consideration, together with providing appropriate medical and support services**
- **It is essential that the circumstances of all incidences are considered and countermeasures taken to ensure that the child is not revictimised or other children abused in the same way**

## **ESSENTIAL ELEMENTS CONTINUED**

- **Recording systems should be established to ensure that information is passed on to the appropriate authorities and to provide a method of follow up of individual cases**
- **Staff should have training in advance as to appropriate ways to work with children who have been sexually abused, including interviewing skills**

# Checklists for Actions

These checklist are not intended to be definitive guides to actions necessary, but instead highlight key considerations:

**Key Actions for Organisational Capabilities & Capacity in an Emergency**

**Key Actions for Child Protection Generally (both prior to and during emergencies)**

**Key Actions Prior to Emergencies**

**Key Actions During Immediate & Short Term Phases of an Emergency**

**Key Actions During Longer Term Recovery Phase**

## Key Actions for Organisational Capabilities & Capacity in an Emergency

Organisations should give consideration prior to an emergency on their ability to respond should disaster happen. This should be reviewed during an emergency as the situation and consequent demands on the organisation changes.

Key areas to consider include:

- **Staffing**

including recruitment of paid and non paid staff, skills and knowledge development and staff mix (ie number, gender, capabilities)

- **Management**

ability to support and supervise staff and provide clear leadership

- **Communications**

lines of communication and decision making, including reporting of concerns

- **Logistics**

practical issues such as transport, communications systems and storage facilities for records etc

- **Security**

arrangements to ensure safe working for staff and for service users

- **External relations**

networks and relationships with other organisations and agencies, governments and donors including referral procedures

## **Key Actions for Child Protection Generally (both prior to and during emergencies)**

### **Strengthen local communities' abilities to protect children**

Responses include: Child protection training  
Advocating for changes in law & policy  
Identification of 'safe adults' & protection committees

### **Develop capacities of children**

Responses include: Teaching keep safer skills  
Programmes to develop self esteem and confidence  
Establishing peer support schemes

### **Establish Formal Protection & Monitoring Mechanisms**

Responses include: Setting up of protection committees  
Establishing 'child friendly spaces'  
Systems to review and monitor security arrangements and corruption  
Developing referral arrangements and networks with other agencies  
Registration schemes for aid and support

### **Development of Specialist Skills**

Responses include: Training for staff in sexual violence, including investigation and support skills  
Training for staff in child protection generally and specifically in emergencies

### **Create 'Child Safe Organisations' & Increase Organisations Capabilities**

Responses include:

- Developing child protection policies & monitoring systems together with training of staff
- Introducing clear complaints procedures
- Careful recruitment and selection procedures (including checking references) for staff and volunteers
- Introducing codes of conduct for staff and volunteers
- Supervision of staff and volunteers – avoiding lone working

### **Avoid Separations & Reunite Children with Families**

Responses include:

- Careful consideration to design of camps and service delivery and distribution to avoid accidental separation
- Working with children and families to develop strategies in case of separation (eg designated meeting areas)
- Establishing (with other agencies) coordinated identification and tracing systems
- Preventing 'planned' separations by ensuring registration for aid and distribution takes place equitably
- Developing livelihood and income generating schemes and education programmes
- Monitoring care provided for children not living with their family

Note – Consultation and participation important and should be instituted at every stage to develop appropriate responses

## **Key Actions Prior to Emergencies**

### **Strengthen local communities**

Responses include:      Livelihood schemes and community programmes to address issues of discrimination and disadvantage  
Developing community & family preparedness plans  
Child protection training & identification of ‘safe adults’ and local child protection committees

### **Develop capacities of children**

Responses include:      Education programmes  
Teaching keep safer skills & programmes to develop self esteem and confidence  
Establishing peer support schemes

### **Advocate for changes in law & policy & practice**

Responses include:      Awareness campaigns

### **Create ‘Child Safe Organisations’ & Organisational Capabilities**

Responses include:      Developing child protection polices and procedures and complaints systems and implementing these throughout organisation – including issues of recruitment and supervision  
Introducing codes of conducts  
Providing specialist training for staff and volunteers for working in emergency situations, including working with vulnerable children  
Developing organisation’s own disaster

preparedness plan and associated training  
Preparing checklists of relevant law and procedures  
for easy reference  
Establishing coordination mechanisms between  
organisations working in area, including regional  
offices of larger organisations and agencies

Note: Consultation and participation important and should be instituted at every stage to develop appropriate responses

## **Key Actions During Immediate & Short Term Phases of an Emergency**

### **Provision of Basic Services to Children, including children from host communities**

Responses include

- Registration of children for aid
- Monitoring relief and aid distribution
- Establishing child friendly areas
- Careful planning of camp facilities

### **Enhance Child Protection Procedures**

Responses include

- Reviewing existing procedures and revise as necessary
- Establishment of protection committees and peer support schemes
- Assessing potential impact of children in host communities and addressing needs
- Monitoring system for children, especially those who are unaccompanied / separated
- Introducing systems for reporting and dealing with areas of concern / incidents of abuse

### **Create Sense of Security & Safety**

Responses include

- Careful assessment of suitability of personnel working with children
- Regular reviews of security arrangements both for services and staff
- Providing ‘child friendly’ safe spaces for children, with a link person to groups of children

### **Reinforce children's resilience**

Responses include

- Activities to strengthen coping mechanisms
- Provision of education
- Consultations with children around issues affecting them

Note: Consultation and participation important and should be instituted at every stage to develop appropriate responses

## **Key Actions During Longer Term Recovery Phase**

Review organisations capabilities and capacities and programme accordingly and / or attract additional resources (including carrying out training where necessary)

Ensure that situation for children continues to be monitored and followed up and appropriate remedial action taken

Implement schemes for livelihoods and future opportunities for children and adults

Reinforce networks and develop new working relationships and protocols with other agencies and organisations

Emphasize commitment to child protection and review policies and their implementation

Undertake longer term planning for separated and unaccompanied children, avoiding institutional care

Ensure that basic services are still being distributed safely and fairly

Promote active participation of children (balanced against the child's right to protection) and communities in reconstruction plans

Strengthen communities' ability to protect children

Advocate and lobby for appropriate / improved services for children and changes in law, policy and practice

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# **Appendices**

## **APPENDIX 1: PROTECTING CHILDREN GENERALLY IN EMERGENCIES & DISASTER SITUATION: IMMEDIATE STEPS**

## **APPENDIX 2: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)**

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## **APPENDIX 1: PROTECTING CHILDREN GENERALLY IN EMERGENCIES & DISASTER SITUATION: IMMEDIATE STEPS**

In emergency situations, quite naturally, effort is focused in rescue attempts and in providing relief to the population. Given their vulnerable position generally and the fact that their principle carers may be missing or dead, children are at increased risk of harm. For this reason it is essential to ensure that measures are put in place both to protect children from further harm and abuse, and to ensure that the effect of the trauma itself and the further consequences of it are minimised.

For this reason ECPAT International advocates that specific measures be adopted in order to ensure that children are adequately protected generally and specifically in relation to sexual violence and sexual exploitation.

It seems obvious but of course children's basic needs – such as shelter, food, water, sanitation and medical care – should be addressed as a matter of urgency, and in relief situations attention is normally given to this. However, these needs must be met in ways that are appropriate to the child's age and development (such as provision of appropriate food and nutritional levels). It is important to ensure that where there are only children-headed households remaining after the disaster, that they are also able to access emergency assistance.

Careful assessment of children's needs is important to ensure that these needs are met. However it is recognised that in the immediate aftermath of an emergency this may be virtually impossible to carry out systematically. Nevertheless, following on from meeting basic survival needs, there are a number of specific measures that should be taken in relation to children:

The most convenient way of ensuring that these needs are met is to establish a number of 'CHILD FRIENDLY SPACES', areas within which the wellbeing of children can be promoted. These are not places for the children to live

necessarily, but place where children can come on a daily basis. In addition they can serve as a network / communication point for relevant NGO / agency responses by having an adult who is able to report on the situation for children using that particular Child Friendly Space. This includes following up with other agencies where necessary (for example when additional services or support is required).

Child Friendly Spaces need not be elaborate or complicated – a tent and / or covered area can suffice.

- **IDENTIFICATION OF “SAFE ADULTS”**

This needs to happen as a priority. In practice this will probably be NGO workers or well known and trusted members of the community, such as teachers. Their roles should be to act as a focus for care of children. Other adults should not have unsupervised access to children, however well meaning they seem. Adults that are concerned with the protection of children will appreciate the needs for such measures.

- **REGISTRATION, TRACKING & MONITORING**

It is essential that children are registered—especially if they are unaccompanied. Basic information (such as name, age, height etc) should be recorded together with family details. This information may be difficult to obtain, especially where a child is non verbal either because of age, disability or trauma. Photographs can be useful as can information from any accompanying adults who are not necessarily related to the children.

Ideally such information should be shared between agencies, and a central register established so that children can be reconciled with family members as they are identified. This central register will also help in identifying whether ‘disappearances’ of children are occurring.

It is essential to ensure that if people present themselves as being family

members and wish to take children with them that this is verified. Unfortunately unscrupulous adults can use emergency situations to gain access to children. An older child should be able to recognise their family members – for younger children check with members of the community for confirmation.

Regardless of where children live, or even if a child is looked after by a family member, there needs to be a system in place to ensure that children are being looked after adequately and that people know where they are. Identifying one or two people to act as a ‘link’ for each child can be a way of ensuring that monitoring of the child takes place, as the adults can be more familiar with the child’s individual situation.

Be aware of children who are at special risk of abandonment, exploitation or abuse, such as those already living apart from families, children with disabilities and those with special needs.

- **FAMILY PRESERVATION**

Ensure that there are measures in place to prevent accidental separations of children from family members at points where they are likely to occur (e.g. loading points for transport, health facilities, distribution or registration points).

There should be a process established to ensure that if a separation does occur then ‘lost’ children can be quickly reunited with their carers. For example, this could be reporting to a ‘Child Friendly Space’ if nearby, or identifying a specific location as a meeting point.

- **PROVISION OF SUBSTITUTE CARE**

Many children may be unaccompanied and may need care. The principles for quality substitute care are that it should be, wherever possible, community based. Children should be cared for within their extended family wherever feasible. Where this is not possible children should ideally be looked after in

small groups (as a guide 4 - 6).

All care solutions, apart from return to parents or established family members who are able to provide safe and suitable care, should be deemed as *temporary* until relief and recovery operations are complete (this may take some months). Formal adoption (where it is culturally and legally sanctioned) should not be considered for any child within the short term (for at least one year) as it may take many months for relatives to be located if people are dispersed unless it has been definitively established that the parents are dead.

- **ESTABLISH SENSE OF NORMALITY**

Children find an enormous amount of reassurance in routine and certainty. As quickly as possible re-establish as many 'normal' aspects of the child's life as possible (such as attendance at classes etc) with, ideally, adults already known to the children (such as teachers). Where this is not possible establish routine to create a sense of safety (e.g. lunch at a certain time, followed by a particular activity).

Remember that children had lives before the disaster struck, and they need opportunities for lives (although changed) to continue. Education and recreational facilities, appropriate to the age and development of the child, should be provided.

- **PROMOTE RESILIENCE**

Help promote children's own resilience (that is their ability to cope and thrive) by giving them a sense of control over their situation. Wherever possible include children in decisions that affect their lives, although do not burden children with the responsibility for making decisions that are inappropriate for their age and development as this can leave them feeling even more helpless.

- **PROVISION OF PSYCHOSOCIAL SUPPORT**

Remember that distress and disorientation following trauma is normal.

Many children will not need specialist help in coming to terms with their experiences, and it is not necessary to provide psychological services immediately for all children. Instead, allow children the space to share what they are feeling and thinking, without putting them under pressure to do so. This is best done with adults that are already known to the child and can speak the child's language. (It should be noted that adults may be severely affected by the situation themselves and may need additional support so that they can respond to children appropriately).

- **CONTACT WITH FAMILY / COMMUNITY**

Wherever possible maintain links with the community. Children need to feel secure about their place in the world, and maintaining connections with people from life before the disaster (including friends) can be reassuring and comforting.

- **MEDIA CONTACT**

Respect the dignity of children, however young, and their wishes in relation to involvement, or not, with media coverage, including filming and the taking of photographs.

- **SEXUAL ABUSE, EXPLOITATION & VIOLENCE**

As members of the ECPAT network, we are only too aware of the risk factors of sexual abuse to children following an emergency. Young separated girls are at particular risk, though boys are sexually abused as well. Risk flash points may occur where children acting as 'heads of households' are not entitled to ration cards and in turn have to prostitute themselves in order to get food; separated and unaccompanied children are not able to access proper care and support; and shelters experience poor camp management.

Women and girls may be particularly vulnerable when crossing police or military check points; and where they have to move in relatively isolated, unprotected or dark surroundings (such as when using sanitary facilities).

## **APPENDIX 2: UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (1989)**

This is not the full text of the Convention on the Rights of the Child, but a summary of it which was produced by CRIN (Child Rights Information Network – [www.crin.org](http://www.crin.org)). We are including it here as we think that it gives a useful overview of the provisions of this important document.

A copy of the full text can be obtained from many places, including CRIN and the United Nations.

### **Preamble**

The preamble recalls the basic principles of the United Nations and specific provisions of certain relevant human rights treaties and proclamations. It reaffirms the fact that children, because of their vulnerability, need special care and protection, and it places special emphasis on the primary caring and protective responsibility of the family. It also reaffirms the need for legal and other protection of the child before and after birth, the importance of respect for the cultural values of the child's community, and the vital role of international cooperation in securing children's rights

### **Article 1      Definition of a child**

A child is recognized as a person under 18, unless national laws recognize the age of majority earlier

### **Article 2      Non-discrimination**

All rights apply to all children without exception. It is the State's obligation to protect children from any form of discrimination and to take positive action to promote their rights

### **Article 3      Best interests of the child**

All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility, fail to do so

- Article 4**      **Implementation of rights**  
The State must do all it can to implement the rights contained in the Convention
- Article 5**      **Parental guidance and the child's evolving capacities**  
The State must respect the rights and responsibilities of parents and the extended family to provide guidance for the child which is appropriate to her or his evolving capacities
- Article 6**      **Survival and development**  
Every child has the inherent right to life, and the State has an obligation to ensure the child's survival and development
- Article 7**      **Name and nationality**  
The child has the right to a name at birth. The child also has the right to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them
- Article 8**      **Preservation of identity**  
The State has an obligation to protect, and if necessary, re-establish basic aspects of the child's identity. This includes name, nationality and family ties
- Article 9**      **Separation from parents**  
The child has a right to live with his or her parents unless this is deemed to be incompatible with the child's best interests. The child also has the right to maintain contact with both parents if separated from one or both
- Article 10**     **Family reunification**  
Children and their parents have the right to leave any country and to enter their own for purposes of reunion or the maintenance of the child-parent relationship
- Article 11**     **Illicit transfer and non-return**  
The State has an obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party
- Article 12**     **The child's opinion**  
The child has the right to express his or her opinion freely

and to have that opinion taken into account in any matter or procedure affecting the child

**Article 13**

**Freedom of expression**

The child has the right to express his or her views, obtain information, make ideas or information known, regardless of frontiers

**Article 14**

**Freedom of thought, conscience and religion**

The State shall respect the child's right to freedom of thought, conscience and religion, subject to appropriate parental guidance

**Article 15**

**Freedom of association**

Children have a right to meet with others, and to join or form associations

**Article 16**

**Protection of privacy**

Children have the right to protection from interference with privacy, family, home and correspondence, and from libel or slander.

**Article 17**

**Access to appropriate information**

The State shall ensure the accessibility to children of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information which is of social and cultural benefit to the child, and take steps to protect him or her from harmful materials

**Article 18**

**Parental responsibilities**

Parents have joint primary responsibility for raising the child, and the State shall support them in this. The State shall provide appropriate assistance to parents in child-raising

**Article 19**

**Protection from abuse and neglect**

The State shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims

- Article 20**      **Protection of a child without family**  
The State is obliged to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care or institutional placement is available in such cases. Efforts to meet this obligation shall pay due regard to the child's cultural background
- Article 21**      **Adoption**  
In countries where adoption is recognized and/or allowed, it shall only be carried out in the best interests of the child, and then only with the authorization of competent authorities, and safeguards for the child
- Article 22**      **Refugee children**  
Special protection shall be granted to a refugee child or to a child seeking refugee status. It is the State's obligation to cooperate with competent organizations which provide such protection and assistance
- Article 23**      **Disabled children**  
A disabled child has the right to special care, education and training to help him or her enjoy a full and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible
- Article 24**      **Health and health services**  
The child has a right to the highest standard of health and medical care attainable. States shall place special emphasis on the provision of primary and preventive health care, public health education and the reduction of infant mortality. They shall encourage international cooperation in this regard and strive to see that no child is deprived of access to effective health services
- Article 25**      **Periodic review of placement**  
A child who is placed by the State for reasons of care, protection or treatment is entitled to have that placement evaluated regularly

- Article 26**      **Social security**  
The child has the right to benefit from social security including social insurance
- Article 27**      **Standard of living**  
Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The State's duty is to ensure that this responsibility can be fulfilled, and is. State responsibility can include material assistance to parents and their children
- Article 28**      **Education**  
The child has a right to education, and the State's duty is to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child and to make higher education available to all on the basis of capacity. School discipline shall be consistent with the child's rights and dignity. The State shall engage in international co- operation to implement this right
- Article 29.**      **Aims of education**  
Education shall aim at developing the child's personality, talents and mental and physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and foster respect for the child's parents, his or her own cultural identity, language and values, and for the cultural background and values of others
- Article 30**      **Children of minorities or indigenous populations**  
Children of minority communities and indigenous populations have the right to enjoy their own culture and to practise their own religion and language
- Article 31**      **Leisure, recreation and cultural activities**  
The child has the right to leisure, play and participation in cultural and artistic activities

- Article 32**      **Child labour**  
The child has the right to be protected from work that threatens his or her health, education or development. The State shall set minimum ages for employment and regulate working conditions
- Article 33**      **Drug abuse**  
Children have the right to protection from the use of narcotic and psychotropic drugs, and from being involved in their production or distribution
- Article 34**      **Sexual exploitation**  
The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography
- Article 35**      **Sale, trafficking and abduction**  
It is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children
- Article 36**      **Other forms of exploitation**  
The child has the right to protection from all forms of exploitation prejudicial to any aspects of the child's welfare not covered in articles 32, 33, 34 and 35
- Article 37**      **Torture and deprivation of liberty**  
No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without the possibility of release are prohibited for offences committed by persons below 18 years. Any child deprived of liberty shall be separated from adults unless it is considered in the child's best interests not to do so. A child who is detained shall have legal and other assistance as well as contact with the family
- Article 38**      **Armed conflicts**  
States Parties shall take all feasible measures to ensure that children under 15 years of age have no direct part in hostilities. No child below 15 shall be recruited into the armed forces.

States shall also ensure the protection and care of children who are affected by armed conflict as described in relevant international law

**Article 39**

**Rehabilitative care**

The State has an obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration

**Article 40**

**Administration of juvenile justice**

A child in conflict with the law has the right to treatment which promotes the child's sense of dignity and worth, takes the child's age into account and aims at his or her reintegration into society. The child is entitled to basic guarantees as well as legal or other assistance for his or her defence. Judicial proceedings and institutional placements shall be avoided wherever possible

**Article 41**

**Respect for higher standards**

Wherever standards set in applicable national and international law relevant to the rights of the child that are higher than those in this Convention, the higher standard shall always apply

### **APPENDIX 3: CODE OF CONDUCT FOR THE INTERNATIONAL RED CROSS AND RED CRESECENT MOVEMENT & NON GOVERNMENTAL ORGANISATIONS (NGOS) IN DISASTER RELIEF<sup>27</sup>**

This Code of Conduct was developed by the ICRC and various International NGOs in an effort to establish standards of behaviour in disaster situations. It based on a 10 principles. The code is voluntary which means that it is enforced by the will of the organization accepting it. We are including it here as it may be a useful basis for local and community based organisations to use and develop as a basis of their own behaviour and ethical codes.

1. Humanitarian imperative comes first
2. Aid will be given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities will be calculated on the basis of need alone
3. Aid will not be used to further a particular political or religious standpoints
4. Not to act as instruments of government foreign policy
5. Culture and custom will be respected
6. Disaster responses will be built wherever possible on local capacities
7. Programme beneficiaries will be involved in the management of relief aid
8. Relief aid will strive to reduce future vulnerabilities to disaster as well as meeting basic needs
9. To be accountable to both those being assisted and from those receiving resources
10. In information, publicity and advertising activities, to recognize disaster victims as dignified humans and not as hopeless objects

<sup>27</sup> The full text of the Code of Conduct – including explanations of each principle - can be found at [www.icrc.org](http://www.icrc.org)

## **APPENDIX 4: SAMPLE ETHICAL CODE OF CONDUCT**

This is the code of conduct that ECPAT International uses. We are not suggesting that organisations adopt this document but it may be a useful starting point for those wishing to draft their own code.

### **Statement of Ethical Conduct for Board Members and Employees**

ECPAT International recognises that as a child rights organisation it has a moral and legal responsibility to ensure that children are safe when they are in the organisation's care – directly or indirectly. We are committed to defining and upholding the highest standards of behaviour at all times, both inside and outside the work environment.

To this end, the statement below applies to Board Members and Employees, consultants and visitors and all others who come into contact with children through ECPAT.

Bearing in mind that:

- ECPAT International is a children's rights organisation committed to combating the commercial sexual exploitation of children;
- ECPAT International provides resources and support to groups working directly with young people, many of whom are from vulnerable or marginalized groups, live or have lived in difficult circumstances, and/or at risk, and
- Every member of the Board and employee of the Secretariat, consultant or visitor is in a position of responsibility, trust, confidence and authority;

I, the undersigned, hereby agree:

- To abstain from all forms of illegal conduct, regardless of the jurisdiction of the offence;
- To abstain from purchasing any sexual services, regardless of the age of the secondary individual, and regardless of the legality of the exchange;

- To abstain from any form of activity of a sexual nature with any person below the age of 18 years;
- To abstain from any personal involvement in, inter alia, the viewing, possessing, producing or distributing of child pornography; child sex tourism; trafficking of children; and any other form of sexual exploitation; and
- To perform and behave in a professional, courteous and respectful manner vis-à-vis children, colleagues, other work associates, and the general public at all times.

Non-compliance with the above shall be taken seriously. This will involve a thorough investigation and referral of cases to the police and/or social services if child rights laws have been violated.

Name:

Position:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## REPORTING FORM FOR SEXUAL OFFENCES AGAINST CHILDREN

<p>What were the circumstances? (i.e. place time etc)</p>	<p>Who else was there?</p>
<p>Who else knows about the incidence? (Full details, including names and other agencies involved)</p>	
<p>What would the child like to happen next?</p>	
<p>What services does the child need? (such as medical &amp; support) who should provide these?</p>	<p>Who will follow up the case, and what is the timescale?</p>
<p>What action needs to be taken? (specify by who &amp; when)</p>	



**ECPAT International is a network of organisations in over 75 countries working towards eradicating all forms of sexual exploitation of children**

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