

Informal summary

Protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters: for further action

Side event, 8 March 2012
19th session of the Human Rights Council

In the framework of the 19th session of the Human Rights Council, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid, presented a thematic study on the protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters. On 8 March the Special Rapporteur convened and moderated a side event to deepen discussion on this issue, in view to: (i) share best practices as well as recent developments in this area; (ii) discuss and determine the way forward for further coordinated actions; (iii) and formulate concrete proposals for overcoming the current limitations of all prevention and protection actions undertaken.

The panel counted on the presentations of:

- H.E. Laura Dupuy, President of the Human Rights Council, Ambassador, Permanent Representative of Uruguay to the United Nations
- Ms. Susan Bissell, Chief, Child Protection, Programme Division (UNICEF),
- Ms. Misty Buswell, Senior Advocacy Adviser, Deputy Head of Office, Child Protection Initiative, Save the Children

The Special Rapporteur introduced the panel and recalled that despite the numerous actors providing emergency responses, children continue to be at the mercy of those seeking profit from the chaos and are put at risk of sale and sexual exploitation. She explained that this was mainly due to : (i) the absence of a comprehensive framework for the coordination and allocation of roles and responsibilities of multiple international and local responders ; (ii) the lack of capacity/ experience, of the first and second stage responders to give effect to child protection guidelines and standards; (ii) the absence of quantitative and qualitative data that would clarify the extent of risks faced by children in natural disasters: and (iv) the serious shortage of sufficient and sustainable financial support.

H.E. Ms. Laura Dupuy, provided some opening remarks recalling the links between climate change, environment and human rights while insisting on the importance of ensuring full protection to children who are the most vulnerable in situations of natural disasters. She insisted that human rights are an integral part of humanitarian assistance and informed that humanitarian assistance could be the focus of the next HRC Panel on Human Rights Mainstreaming.

Ms. Susan Bissell recalled the role of UNICEF as lead and coordinating agency for child protection within the humanitarian cluster system. She pointed out that UNICEF activities did not only include the delivery of services during emergencies, but also advocacy and technical assistance before, during and after an emergency in order to develop strong policies and legislation to protect children. She highlighted that UNICEF and other agencies within the Child Protection Working Group (CPWG) were deploying considerable efforts to professionalize the child protection response in emergencies (CPiE) sector. They have been working on a set of interagency minimum standards for child protection in emergencies responses which should provide guidance, accountability and will serve as concrete

benchmarks. Susan Bissell also noted the lack of training for CPiE professionals while high quality child protection responses rely on excellent personnel who bring developed technical skills to complex and challenging situations. The CPWG has been working on developing an advanced university certificate on CPiE in several countries. It has also been working on improving performance through, for instance, the use of innovations based on information technology to reunify families and address one of the identified gaps in the Special Rapporteur's report: the lack of data on separated children. The current practices to document separated children being inefficient, UNICEF has developed the Rapid Family Tracing and Reunification (FTR) tool to improve the efficiency of the reunification process. While the focus of this tool is on documenting children who are separated from their families and caregivers in an emergency, the technology has the potential to be applied more broadly to document vulnerable children in a variety of contexts and for a variety of purposes. For instance, an adaptation of the Rapid FTR could be used to support electronic registration of children at birth, document children in residential care facilities, on the streets and those who are released or escape from armed groups. Susan Bissell noted however that all these efforts to improve the child protection sector are moving slowly due to the significant lack of funding. She insisted on the need for massive investment and increased support from the broader humanitarian and donor community. She also pointed out the necessity to prioritise child protection within the humanitarian response, improve intercluster coordination and reinforce the humanitarian leadership.

Ms. Misty Buswell pointed out that over the next 10 years up to 175 million children are likely to be affected every year by natural disasters. As these disasters are occurring more frequently, increased child protection measures will be needed. She insisted that one of the most serious hindrances in ensuring child protection responses in emergencies was a lack of funding and mentioned in this regard the Save the Children report "Too little, Too late" presenting a picture of funding for child protection in emergency situations. The child protection sector is the most poorly funded one. She insisted on the necessity to encourage donors and the humanitarian community to prioritise funding for child protection interventions and mentioned in this regard the positive impact of high media coverage in high profile natural disasters. Misty Buswell also highlighted some misperceptions arising during natural disasters like, for instance the assumption that many children are orphaned while in fact their parents are still alive or that the placement of these children in institutions is the best response. In general children who remain with their families and communities during emergencies are less vulnerable. Emphasis should be put on strengthening families and preventing separation. Sometimes, the promise of an education or the provision of food can lead parents to think that their children may be better off in an institution than at home. Misty Buswell pointed out several issues relating to institutions, for instance, inadequate regulations, poor standards and insufficient emotional support. Institutions have sometimes also proved to be fronts for criminal organizations that recruit children to profit from trafficking or international adoption. She insisted that placement in institutions should be temporary and family-based care options should be preferred. Misty Buswell stressed another misperception regarding some types of natural disasters due to climatic conditions which lead to food crisis and where the focus is on nutrition and child protection is seriously underfunded. She noted that displacement can cause separation and therefore increase risks of abuse and exploitation, children taken out of schools, early marriages etc. Reducing the risks of abuse and exploitation of children in these types of natural disasters requires child protection responses which are adequately funded. Misty Buswell emphasised the need to prioritise child protection interventions in natural disasters in order to adequately prevent and respond

to abuse and exploitation of children in natural disasters. She also stressed the importance of child protection systems and the cooperation with national and local authorities. Misty Buswell pointed out that disaster risk reduction and preparedness were closely linked to comprehensive child protection systems. She finally underscored the importance of coordination among agencies and the significant added value of the cluster in this regard.

During the debate, the participants recalled the risks faced by children in situations of natural disaster : the collapse or absence of a State system during and after an emergency often results in a protection vacuum for children who may become separated from their families; children are often separated from their families, risk not being identified and being put up for adoption too quickly or placed in long-term care institutions, without the possibility of tracing their families, reunification or safe return. Certain persons use the chaos of the situation to undertake criminal activities involving children, such as selling children for the purposes of illegal adoption, forced labour or sexual exploitation.

The participants also highlighted several challenges such as: the absence of a comprehensive framework for the coordination and allocation of roles and responsibilities of multiple international and local responders frequently leading to confusion, unnecessary duplication of efforts and substantial protection gaps; the lack of capacity or sometimes experience of actors to efficiently implement child protection guidelines and standards and leading to protection gaps; the absence of information on the existence and location of children; and finally, the serious shortage of financial support severely affects child protection actions efforts, including the implementation of mandated delivery of services, inter-agency initiatives and guidelines.

In view to ensure efficient child protection, before, during and after natural disasters, the participants called for the implementation of the recommendations proposed in the report of the Special Rapporteur.

In conclusion, the Special Rapporteur highlighted and summarized the actions proposed:

1. **Human rights mainstreaming in humanitarian assistance**, considering child protection as an integral part of humanitarian assistance.
2. **Ratify and implement the Convention on the Rights of the Child, its Optional Protocol on the sale of children, child prostitution and child pornography and the Hague Convention.**
3. **Implement preventive measures:** register all children at birth and children in institution, in order to facilitate tracing, identification and family reunification; give priority to family members for adoption of children; build/strengthen child protection systems accessible to all children and guarantee their best interest; consider child protection as a core component of a plan of action of prevention/attenuation of natural risk disasters; awareness raising, information on the risks for children, families and communities.

4. **Adopt agreements to cooperate with other States and organizations** in cases of natural disaster.
5. **Implement coordination measures** (at national level and among all stakeholders) to ensure that responsibilities and resources were clearly distributed.
6. **Share information and harmonize the different information systems.**
7. **Professionalize the child protection sector: develop staff's** skills and expertise in child protection issues; humanitarian organizations and the private sector should organize trainings for their staff on the child protection issues and norms and harmonize the practices through the dissemination and training on guidelines, standards and tools.
8. **Strengthen child information and participation** through easy access for children to information, to child sensitive complaints and counseling mechanisms, child friendly spaces and consultation of children during plan elaboration;
9. **Enhance engagement of the international community and increase sustainable funding** in view to ensure protection of children during the different phases of natural disasters (emergency, immediate post emergency and rebuilding) and to ensure prevention and risk disasters.
10. **Ensure adequate follow-up and monitoring** through child protection indicators (in emergency and post emergency), follow up plan (measurement of indicators achievement) and regular reporting.
