



# CHILD PROTECTION

**POSITION PAPER**

SOLIDARITES INTERNATIONAL - DECEMBER 2014

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ADOPTED BY THE BOARD OF SOLIDARITES INTERNATIONAL ON 05.10.2013

## ACRONYMS

CCC	Core Commitments for Children
HRBA	Human Right Based Approach
IASC	Inter-Agency Standing Committee
MDG	Millennium Development Goals
OCHA	Office for the Coordination of Humanitarian Affairs
UNCRC	United Nations Convention on the Rights of the Child
SI	Solidarites International

# **INTRODUCTION**

## **PURPOSE OF THE POSITION PAPER**



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**T**oday, children in every country, culture and society face different forms of abuse, neglect, exploitation and violence. These abuses take place at home, in school, at work, in the community, in armed conflict and natural disasters. The violence children face takes many forms, such as sexual exploitation and abuse, trafficking, physical and humiliating punishment, harmful traditional practices (including early marriage and female genital mutilation/cutting) and recruitment into armed forces and groups. Girls face additional risks, particularly sexual violence and exploitation. Growing up with violence seriously affects a child's development, dignity, and integrity.

Natural disasters are a major cause of disease and death for children, not only directly – as a result of physical injury – but also because of their longer-term impacts. Diarrheal diseases, as a result of contamination of water supplies, breakdown of sanitation facilities and the need to find food, often take a larger toll of life than the original disaster. Children are especially vulnerable to natural disasters, such as the 2004 tsunami or the Haiti earthquake in 2010; they can impact their access to a safe shelter, to adequate food, water, and sanitation, to education, their health, etc.

Despite the fact that international law guarantees children rights, children continue to face de jure (in law) and de facto (in practice) inequalities in almost all societies. Moreover, violence toward children is often kept silent and their specific needs and rights are not always well known and considered by the humanitarian stakeholders.

This position paper sets out SOLIDARITÉS INTERNATIONAL objectives and priorities towards children protection and acknowledges its importance in the humanitarian framework of analysis and its relevance to SOLIDARITÉS INTERNATIONAL global approach and strategy. This document sets out commitments taken by SI to ensure children protection and welfare in its programs on the field.

This document is not a child protection guideline; it does not provide operational information on how to integrate child protection and welfare into SI programming. This is to be defined in SI policy and guidance notes.

SOLIDARITÉS INTERNATIONAL is a need-based organisation and not a right-based organisation specialised in human rights advocacy and protection, it is therefore primarily guided by the humanitarian principles and the needs of affected populations. Considering this lens, the present child protection position paper has been designed taking into account the larger framework of protection.

This policy applies to all staff engaged with SI, including national and international team members, volunteers, Headquarters staff, consultants, students, local partnership organizations, board members, and any other person who represents or is invited by SI.

- Today, over **1 billion children are deprived of one or more** services essential to survival and development and one infant under 5 died every 4 seconds.
- Just over **one billion** children live in **conflict** affected area.
- Another **1 million children became orphans** due to armed conflict and 4 million children were injured.
- **20 million children are living with the effects of displacement.**
- More than **one million** children have been **orphaned or separated from their families** by an emergency. Moreover, over the next decade **175 million children are likely to be affected every year by natural disasters.**

Source: Children in conflict, ECHO, 2013 & Save the Children, 2014

# **SOLIDARITÉS INTERNATIONAL MANDATE AND VALUES**



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**S**OLIDARITÉS INTERNATIONAL was established as an NGO in 1980. In 2014, SOLIDARITÉS INTERNATIONAL is carrying out around 100 humanitarian aid projects in 21 countries worldwide.

SOLIDARITES INTERNATIONAL'S aim is to provide humanitarian aid and to act through actions of solidarity, to population threatened by war or by political, ethnic, economic or any other kind of oppression [Article 1 of SOLIDARITES INTERNATIONAL'S Charter] 1.

SOLIDARITES INTERNATIONAL overall objective can be summarized as follows: **"To respond to the essential needs of populations facing an acute crisis – whether of human or natural origin – and to build and reinforce their capacity to sustainably recover from such shocks, in particular in the fields of Water, Sanitation, Hygiene, Food Security and Livelihood."**

SOLIDARITES INTERNATIONAL intervenes with complete respect of the cultural identity and dignity of each individual [Article 5 of the Charter].

Moreover, SOLIDARITES INTERNATIONAL activities are in line with the scope of the humanitarian framework as defined in International Humanitarian Law and in the European Consensus on Humanitarian Aid.

**Above all, the humanitarian principles of humanity, independence, impartiality, and neutrality are inherent in all actions.**

SOLIDARITES INTERNATIONAL vocation is to :

I - **[DRINK]** Prevent and respond to water borne diseases & provide water of a good quality and in sufficient quantity to the most vulnerable populations,

II - **[EAT]** Increase food security and secure livelihoods of vulnerable populations,

III - **[SHELTER]** Support reconstruction in post-crisis environments.

In all cases, SOLIDARITES INTERNATIONAL programs aim to allow the beneficiaries to meet their basic needs and to develop and sustain their livelihoods as early as possible.

Generally speaking, the following are the criteria which initiate a SOLIDARITES INTERNATIONAL' response:

→ The lives and/or health of the population are threatened

→ The local authorities cannot meet the vital needs of the population and aid is insufficient

→ The crisis or succession of crisis negatively affects the coping strategies put in place of the communities to the point that the sustainability of their livelihoods is threatened.

SOLIDARITES INTERNATIONAL' intervention intends to go beyond the traditional emergency/relief approach in addressing the roots of vulnerability. In order to broaden its operational strategy and have a more comprehensive approach SOLIDARITES INTERNATIONAL uses the livelihood framework.



1 - See Charter of SOLIDARITES INTERNATIONAL on [www.solidarites.org/ourvocation/charter.shtml](http://www.solidarites.org/ourvocation/charter.shtml)

# **DEFINING** **CHILD PROTECTION**



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## 3.1 DEFINITION AND CORE CONCEPTS

- **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”*.

- **What is child protection?**

Child protection goes beyond insuring the physical safety of children. Child protection includes measures that promote children’s physical and emotional well-being, provide them equal access to

basic services, and safeguard their legal and human rights. The best protection measure is to prevent violence and abuse from happening in the first place. Child protection also aims at strengthening the ability of individuals and communities to protect themselves and their children from future threats, laying the groundwork for lasting security and stability.

## 3.2 LEGAL AND POLICY FRAMEWORK

The main international legal protection for children is the United Nations Convention on the rights of the child (1989). The Convention recognizes children’s right to be free from abuse and neglect, sexual exploitation, trafficking, abduction, torture, deprivation of liberty, and other forms of maltreatment at all times and provides for special protections during times of conflict <sup>2</sup>. This, together with the Optional Protocols <sup>3</sup>, identifies the rights, including of protection, which should be afforded universally to all children and young people under the age of 18.

The Rome Statute of the International Criminal Court specifically mentions about crimes committed against children and about taking into consideration the special needs and vulnerability of children during any prosecution. In addition, the International Labour Organization has specific Convention on the worst form of child labour <sup>4</sup>. These instruments, together with the relevant provisions of the Geneva Conventions, the Genocide Convention, the 1997 Mine Ban Treaty, the 1951 Re-

fugee Convention and its 1967 Protocol and several Security Council Resolutions on children and armed conflict <sup>5</sup>, form a strong and comprehensive body of legal instruments which provide standards on the protection of children affected by armed conflict and emergencies. The recently adopted UN Guidelines for the Alternative Care of Children (UN 2009) <sup>6</sup> further extrapolate on rights relating to children’s care, highlighting the need to keep families together and avoid harmful residential care.

2. IASC Gender handbook, 2006

3. Optional Protocols on the sale of children, child prostitution and child pornography and Optional Protocol on the Involvement of Children in Armed Conflict

4. ILO, Convention 182

5. e.g. UN resolutions: 1261, 1314, 1379, 1460, 1539

6. UN Guidelines for the Alternative Care of Children, 2009



### 3.3 CHILD PROTECTION IN HUMANITARIAN AND DEVELOPMENT AGENDAS

Building on the international law on children rights the humanitarian agenda has endorsed children protection as a core objective. Three main elements can be highlighted in the current humanitarian agenda: the development of a human right based approach, the UNICEF Core Commitments for Children in Humanitarian Action and the creation of the education cluster. Since the ratification of the UNCRC in 1989, human rights and humanitarian action are more and more considered as twin approaches towards the same objectives, each with the common goal of protecting and promoting children's rights in emergencies.

- **UNICEF Core Commitments for Children in Humanitarian Action**

UNICEF Core Commitments for Children in Humanitarian Action <sup>7</sup> form the basis of UNICEF's core policy on how to defend the rights of children affected by humanitarian crisis. They are a framework for humanitarian action, around which UNICEF seeks to engage with partners. The intent of the CCC is "to promote predictable, effective and timely collective humanitarian action", and to clearly outline the areas in which UNICEF can best contribute to results. The CCC includes sector-specific programme commitments (e.g. in nutrition; health; water, sanitation and hygiene) and commitments across the different steps of the project cycle.

- **The Education cluster and the Minimum standards for Child Protection in Humanitarian Action**

The education cluster originated from the humanitarian reform introduced in 2006. This cluster was endorsed by the IASC, with UNICEF and the Save the Children Alliance appointed as co-lead agencies. The goal of the Global Education Cluster is to « strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies including the early recovery phase, and for ensuring greater predictability and more effective inter-agency responses in education, in

the main areas of standards and policy setting, building response capacity, and operational support ». <sup>8</sup>

In 2012 the members of the global Child Protection Working Group <sup>9</sup> developed the Minimum Standards for Child Protection in Humanitarian Action <sup>10</sup>. These Minimum Standards, recognised as a Sphere companion, aim at:

- Establish common principles among those working in child protection ;
- Improve the quality of child protection programming;
- Improve accountability within child protection work ;
- Provide a synthesis of good practice and learning to date ;
- Enable better advocacy and communication on child protection risks, needs and responses.

Each standard is accompanied by key actions, measurements (including indicators and targets), and guidance notes.

- **Child protection is a cross cutting issue in the MDG**

Increased recognition of child interests and rights within SI programs also contributes to the achievement of the Millennium Development Goals either because they directly target children <sup>11</sup> or because children are especially vulnerable in the area they target: nutrition <sup>12</sup>, education <sup>13</sup>, health <sup>14</sup>, water, sanitation and hygiene <sup>15</sup>, etc.

7. The CCC have been developed in 1998 by UNICEF and updated in 2010

8. IASC guidance on responsibilities for global clusters

9. The Child Protection Working Group is the global level forum for coordination and collaboration on child protection in humanitarian settings. It is an area of responsibility under the global Protection Cluster.

10. Global Protection Cluster, Minimum Standards for Child Protection in Humanitarian Action, Septembre 2012, see: <http://cpwg.net/wp-content/uploads/2012/10/Minimum-standards-for-child-protection-in-humanitarian-action.pdf>

11. MDG 2: Achieve universal primary education, MDG4: Reduce child mortality, MDG5: Improve maternal health

12. MDG 1 Eradicate extreme poverty and hunger

13. MDG 2: Achieve universal primary education, MDG3: Promote gender equality and empower women

14. MDG5: Improve maternal health, MDG6: Combat HIV/AIDS, malaria and other diseases

15. MDG 7 Ensure environmental sustainability

**WHY**  
**IS SOLIDARITÉS**  
**INTERNATIONAL**  
**COMMITTED TO**  
**CHILD PROTECTION?**

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In most of the developing countries, children constitute at least half of the population and they are disproportionately represented amongst the poorest <sup>16</sup>. Taking children specific needs, capacities and

vulnerabilities into account in SI programs contribute to the overall improvement of their quality.

## 4.1 REACHING THE MOST AFFECTED

During the course of their childhood, children need protection to grow and become adults. Most children live in a family with at least one adult who cares for and protects them. However, poverty, conflicts, natural disasters, illness and disease of the head of household considerably weaken the ability of families to protect their children adequately. These crisis situations create new protection risks and worsen existing ones.

Moreover, being a child may increase exposure to certain risks: sexual abuse, forced recruitment, forced labour, malnutrition, diseases. Child protection sensitive programs take the specific needs of children into account and focus on children who are at risk of or are the victims of violence, abuse, exploitation, or neglect.

There is evidence that boys and girls are much more vulnerable to transitory income shocks than adults and certain health and nutritional issues are age-specific <sup>16</sup>.

## 4.2 INCREASING RELEVANCE AND EFFECTIVENESS

In emergency situations, the impact of a crisis on the populations vary according to gender and age. Children are affected disproportionately because of their age and because they are socially (decision-making processes) and economically (financial resource management) dependant on adults. They can suddenly find themselves with no resources and without protection (after the death of their parents, enrol in armed groups, etc.).

A children and gender sensitive approach enables to meet the needs and priorities of

the population in a more targeted manner, based on how underlying gender norms and inequalities contribute to the different effects of the crisis on women and men, girls and boys.

16. A chance for every child: How a focus on children can help DFID achieve equitable progress on the Millennium Development Goals, DFID

17. S. Baird, J. Friedman & N. Schady. 2007. Aggregate income shocks and infant mortality in the developing world. World Bank Policy Research Working Paper 4346. Washington, DC, World Bank

### 4.3 MAXIMISE POSITIVE AND AVOID OR MITIGATE NEGATIVE IMPACTS

Crisis situations radically affect social, economic and cultural structures. They often provide a window of opportunity for addressing age-based discrimination and rights violations. If humanitarian interventions are not planned with a children protection focus in mind, not only do the chances of doing greater harm increase, but the opportunity to support and promote children interests and rights is lost. The “Do no harm” principle is of the utmost important. SOLIDARITES INTERNATIONAL as an organization and its staff should always make sure that the negative

impacts are avoided or mitigated. Adopting a children protection focus together with a gender approach <sup>18</sup> allows to prevent or reduce the potential negative impacts of SI programs by ensuring that programs and their consequences do no harm the different sex and age categories.

### 4.4 INCREASING THE SUSTAINABILITY OF OUR INTERVENTIONS: PROTECTING CHILDREN BY STRENGTHENING FAMILIES

The lack of child education and awareness is recognised as one of the major cause of poverty and vulnerability to food insecurity and water related diseases. The immediate and extended family is central to an effective and sustainable child protection. SI believes that the optimal support for a child comes from a protective family.

Helping the families to keep or regain their capacities to care for and protect their children is a primary focus in child protection.

18. Please refer to the SI gender position paper: Taking gender into account

# COMMITMENTS



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While SOLIDARITES INTERNATIONAL'S rationale for intervention in a given area will always be linked to its mandate and to the initial response to a shock, a child's interests and rights should be mainstreamed in all our programs.

SOLIDARITES INTERNATIONAL commits to take the interests and rights of children into consideration at all program's levels, from contingency planning prior to the onset of an emergency, to all stages of humanitarian response from the imme-

diate response to early recovery and to reconstruction and transition. As much as possible and according to the context, the Minimum Standards for Children Protection in Humanitarian Action should be applied.

**SI recognized that humanitarian assistance and protection during crisis should contribute to achieving equality and children's rights.**

**To achieve this, SI takes the following commitments:**

## **5.1 DESIGN & IMPLEMENTATION OF HUMANITARIAN ACTIONS**

→ Ensure that children's interests are systematically incorporated into SI policy development and operational guidance.

→ Ensure that SI policy and guidance regarding child protection is effectively communicated to the field level and field operations held accountable for their implementation.

→ Use participatory methods to access and incorporate sex and age perspectives in all aspects of the project cycle.

→ SI will coordinate with other organisations and professionals to ensure the interest and safety of children. When the interests, safety and wealth of children are at risk, SI will inform others organisations to make sure that those needs are addressed.

→ Promote the use of children focus analysis as a tool to better understand the complexity of humanitarian crisis and community's needs.

→ Base program design on sex-and age-disaggregated data, with an aim to design services which are safely and equitably accessible to all members of the target population.

→ Treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

→ In our public information, portray an objective image of the disaster situations where the capacities and aspirations of disaster victims, especially children, are highlighted with dignity, and not just their vulnerabilities and fears.



## 5.2 INDIVIDUAL AND COLLECTIVE CODE OF CONDUCT

- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
  - Not develop relationships with children, which could in any way be deemed exploitative or abusive.
  - Wherever possible, ensure that another adult is present when working with children.
  - Never access child pornography through any medium.
  - Never use any computers, mobile phones, or video and digital to exploit or harass children.
  - Not tolerate, or participate in physical punishment or discipline of children.
  - Not tolerate, or participate in, behaviour of children which is illegal, unsafe or abusive.
  - Not tolerate nor act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse.
  - Not hire children for domestic or other labour that is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
  - Comply with the relevant local legislation, including labour laws in relation to child labour.
  - Report concerns or allegations of child abuse to the relevant organizations.
- All SI staff is expected to adhere to the Code of Conduct of SI and the present Child Protection position paper of SI. Any employee, who enters into commercial sex transactions, engages in sexual behaviour with a child or commit any kind of abuse, regardless of local custom, will be considered as having committed a disciplinary offence. This is not an exhaustive or exclusive list. The principle is that staff should avoid actions or behaviour which may constitute poor practice or potentially abusive behaviour.



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