**Submission to OHCHR report on**

**Protecting the Rights of the Child in Humanitarian Situations**

**Plan International Inc.**

Plan International, Inc. is an independent non-governmental organisation with no religious, political, or governmental affiliations and isin Special Consultative Status with ECOSOC. Founded in 1937, Plan International is one of the oldest and largest child rights organisations in the world. We strive to advance children’s rights and equality for girls in both development and humanitarian contexts. Working with children and young people in more than 70 countries around the world, we tackle the root causes of inequality faced by children, especially girls.

Plan International welcomes the forthcoming report of the Office of the High Commissioner for Human Rights on Protecting the Rights of the Child in Humanitarian Situations, and hope that the below information will be useful. Given space limitation, the submission only focuses on a select number of issues that we would like the report to address 1) Protecting the rights of adolescent girls in humanitarian situations; 2) Civil Registration and Vital Statistics in humanitarian situations; 3) the right of the child to participate and to be heard in humanitarian situations. You can find a list of useful resources in the annex (p.6).

**Overarching recommendations**:

* All humanitarian actors should systematically use and promote international humanitarian standards[[1]](#footnote-1), as well as a human-rights based approach in all humanitarian operations.
* All humanitarian actors must ensure that the specific rights and needs of children, especially girls and young women affected by humanitarian crises are prioritised in every phase of humanitarian response and recovery. Targeted humanitarian action tailored to address the disparate needs of girls and young women must be informed by gender- and age-sensitive needs assessments, to ensure that all girls can live safely and with dignity.
* All humanitarian actors must ensure that funding for education in emergencies and gender-responsive child protection in emergencies is prioritised alongside food, water, shelter and health, as essential to long term sustainable development and sustainable peace, and in recognition of the rights of the child.
* UN agencies and bodies, particularly UN human rights bodies, including OHCHR, the Human Rights Council, CRC and CEDAW, should improve their recognition and elaboration of the rights of children, and especially girls, and the responsibilities of States to uphold them, in relation to humanitarian contexts, DRR and climate change.
1. **Protecting the rights of adolescent girls in humanitarian situations**
	1. **The issue**

The ways in which children experience and are impacted by crises are shaped by their age and gender, as well as other potential intersectional vulnerabilities, including (dis)ability, socioeconomic status, racial or ethnic background, religion and national origin. Pre-crisis gender norms, entrenched gender-related stereotypes, and gendered power dynamics are often reflected and amplified in humanitarian contexts, resulting in distinctive perils for girls. In contexts where multiple and intersecting forms of discrimination including linked to gender and age mean that girls already hold little to no political, social or economic power, humanitarian situations not only exacerbate girls’ vulnerability to violations of their rights but also strain and even break down familial and societal structures that previously would have protected girls.

Adolescent girls, in particular, by virtue of their age and gender, are exposed to specific human rights violations. In humanitarian contexts, adolescent girls face increased threats to their bodily autonomy, safety, and well-being. Responses aimed at children and adult women frequently fail to protect the rights of adolescent girls and to take into account their specific needs. In order to adequately address specific vulnerabilities faced by girls, eliminate violations and ensure the realisation of their rights, interventions must therefore be age- and gender-sensitive.

One of the most salient aspects of adolescent girls’ experiences in humanitarian contexts is their protection needs and how these impact their enjoyment of basic human rights, as well as their access to essential humanitarian assistance. As the risk of violence, particularly sexualviolence rises, adolescent girls face extreme mobility constraints that pose significant obstacles to their access to essential services, including healthcare. This happens at a time when adolescent girls may need sexual and reproductive healthcare the most, as they begin menstruating, as sexual violence and early pregnancy rates spike, and as exposure to sexually transmitted diseases and HIV/AIDS increases.[[2]](#footnote-2) The right to education of adolescent girls may also be infringed as they are kept out of school due to insecurity, instead performing forced unpaid domestic labour and care work. They may also be married early as parents judge that such a marriage will serve to best protect their daughter and her honour.[[3]](#footnote-3) As economies plummet and food insecurity rises, adolescent girls are at extreme risk of exploitation and abuse, and survival sexis a common negative coping mechanism.[[4]](#footnote-4)

Failures to address age- and gender-related needs in refugee and internal displacement camps often mean that girls do not have separate bathroom facilities, and sleeping structures may be unsecured and even lack walls or a door. Unaccompanied and separated adolescents may be housed together, leaving adolescent girls vulnerable as they sleep. Of even greater concern is the fact that the majority of refugees and internally displaced persons (IDPs) do not live in camps at all but in either makeshift shelters, or with extended families and friends.[[5]](#footnote-5) As large numbers of people fill small houses and shelters for longer and longer periods, tensions inevitably rise, leaving adolescent girls in particular at risk of evidenced increases in domestic violence and abuse.[[6]](#footnote-6)

Girls, both adolescents and younger girls, who have been forcibly displaced are also exceedingly vulnerable to suffering the worst forms of child labour, including forced prostitution, sexual slavery, and human trafficking.[[7]](#footnote-7) As girls flee violence or rights abuses, they risk being abducted by armed groups, where they may be subject to conflict-related sexual violence and mutilation[[8]](#footnote-8), or trafficked across borders, sometimes with the complicity of persons they had trusted.

* 1. **Recommendations**
* Humanitarian response interventions must promote and protect the human rights of adolescent girls and be specifically tailored to address their age- and gender-related needs, including in the context of education, health, particularly sexual and reproductive health, and menstrual hygiene management.
* Prevention and protection needs, particularly those that stem from underlying gender norms like sexual and gender-based violence, should be prioritised in the first wave of response.
* Humanitarian efforts must respond to the needs of adolescent girls holistically with comprehensive, cross-sectoral programming that addresses both life-saving immediate needs and promotes long-term resilience.
* Needs assessments and humanitarian response plans must include gender- and age-related analyses, and girls, especially adolescent girls, should be consulted and included in all relevant processes that affect them throughout every stage of the response and recovery.
	1. **Examples of good practice**

Comprehensive humanitarian response for the needs of adolescent girls in northern Nigeria:

To address the needs of adolescent girls and young women survivors of or at risk of sexual and gender-based violence (SGBV) in Northern Nigeria, Plan International is implementing two cross-sectoral mobile SGBV units to provide protection services for affected girls and young women in hard to reach communities. The mobile teams are comprised of social workers, nurses, nutrition officers, and community engagement officers, and supported by volunteers in the selected communities. The teams facilitate case identification and referrals for vital services, including the provision of medical assistance, hygiene kits, and school materials. The project also provides one to one psychosocial support services and case managers to link the girls to education and livelihood teams, which may include life skills, vocational skills and trade skills training. Additionally, the project favours community engagement, by linking vulnerable adolescent girls and young women to other women in the community, who provide peer support groups, mentorship programmes, and safe spaces.

Nepal:

After reports coming into Protection Clusters following the earthquake in Nepal regarding observed increases in the prevalence of child marriage and teen pregnancy, Plan International supported female-friendly spaces (FFS) focused on adolescent girls. Through these spaces young women had access to information (where and how to access humanitarian services; information on reproductive health, legal rights, childcare, and prevention and response to GBV), education and skills-building opportunities, and recreational activities. The FFS also promoted young women’s empowerment and protection, with the goal of mitigating GBV.

In addition to the FFS, Plan International supported Mobile Teams to reach the most marginalised young populations, focusing particularly on adolescent girls. Many adolescent girls had dropped out of school and were married early as a survival strategy. The young married girls were not able to leave their homes due to household responsibilities and other restrictions, thus the Mobile Teams conducted home visits and worked with small groups of three to four girls. Special efforts were also made to reach young women with disabilities, married adolescent girls and young mothers, and those identified as most vulnerable to trafficking. The Mobile Teams provided life-saving information related to safety and humanitarian services; psychological first aid and facilitation of linking families to available services such as water, sanitation, health, shelter, food, livelihoods and formal education; and community awareness-raising in order to enable prevention and response to key protection issues. The Mobile Teams also provided recreational, psychosocial, and life skills sessions for adolescent girls and boys, including older adolescents.

1. **Civil Registration and Vital Statistics in humanitarian situations**
	1. **The issue**

Articles 7 and 8 of the UN Convention on the Rights of the Child acknowledge the importance of the right to an identity, including name and nationality. However, globally, around 290 million children do not have a birth certificate.[[9]](#footnote-9) Registering a birth is the first legal acknowledgement of a child’s existence; without proof of identity a child is invisible to the authorities. In many countries, registration enables children to exercise their fundamental human rights and to gain access to basic services. It helps build a protective environment against abuse, exploitation and violence, especially during and after disasters or conflicts.

In humanitarian situations, a child’s vulnerability to abuse is very high; boys and girls routinely become separated from their families or care givers and are vulnerable to physical abuse, neglect, sexual and economic exploitation, discrimination, gender-based violence and recruitment into armed groups. Birth registration as part of a functional civil registration and vital statistics (CRVS) system can help build a protective environment for children.[[10]](#footnote-10) Where children are registered and the records are well kept, children can more easily access aid, and family tracing for separated children becomes easier as there is documentation of their parents and their origin. In cases of child marriage or the worst forms of child labor, proof of age can help children prosecute perpetrators. Birth registration also offers a degree of legal protection, and can help children claim their inheritance rights.[[11]](#footnote-11)

While CRVS is crucial for upholding human rights and for supporting national development, over 100 developing countries still do not have well-functioning CRVS systems in place to register key life events.[[12]](#footnote-12) Although girls and boys are registered almost equally, women, including young women, and child mothers, often face obstacles in registering their children. Poor and uneducated women and girls in particular are significantly less likely to register their children.[[13]](#footnote-13) Emergency situations frequently disrupt national CRVS systems, as well as magnify preexisting weaknesses and present new challenges: people, particularly women and girls who have less access to legal documentation, resources and information prior to a crisis, are less likely to have the supporting documentation required to register vital events; existing authorising agents are usually government officials at the local and district level who are overwhelmed responding to the emergency; registration systems experience significant delays disenabling individuals to register within the legal timeframe required; government and humanitarian actors can’t access population data, essential for planning and delivering assistance and monitoring the quality and impact of the humanitarian response. Women and girls may also be prevented from accessing the government officials to whom they must talk in order to register events, due to mobility concerns, pre-existing gender norms that prevent involvement in public and legal affairs, and even the lack of legal standing in their country prior to the crisis. For example, domestic laws may require a woman to be married, be represented by a male guardian, or have signed approval of a husband or father prior to registering a marriage or birth. CRVS systems are particularly crucial for women and children on the move, yet nationality laws restricting how nationality may pass from mother to child, and husband to wife, put women and girls, and their children, at severe disadvantage when fleeing across borders, leading to increased risks of exploitation and abuse, and even statelessness. The extent of damage in a humanitarian context, and its impact on women and children, depends on the strength of the system to cope with the shock of the humanitarian situation, including for example, the type of system (paper-based, online, offline) and the elements required for legitimisation of vital event registration processes.

Despite the fact that civil registration is integral to a country's recovery and van help children affected by the emergency to exercise their basic rights and access essential services, protection and response mechanisms, civil registration services rarely feature in humanitarian responses. Rebuilding CRVS systems must therefore be prioritised in all humanitarian situations to ensure no child is left behind.

* 1. **Recommendations**
* CRVS line ministries should work closely with disaster risk management line ministries and humanitarian actors to ensure CRVS systems are strengthened to withstand shock from a humanitarian situation. This should include the inclusion of CRVS in humanitarian assessments.
* CRVS systems should be available and accessible at the community level to women and girls, men and boys, and free of charge with no fines for late registration, in all humanitarian situations. Proactive efforts must be made to ensure that women, children, and other priority vulnerable groups are identified and provided gender and age sensitive information regarding CRVS systems, their rights, and how to register life events.
* Existing CRVS systems must be rights-based and remove all discriminatory requirements to ensure equal access for all affected populations including those vulnerable to exclusion, for example women and girls, child brides and child mothers, unaccompanied and separated children, and children with disabilities.
* Girls and boys unable to provide documentation proving legal identity and/or nationality should be able to access essential services in humanitarian situations, and be afforded the same protection and rights as all children within that State or Territory.
* States should take appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to emergency or armed conflict situations.
* States should recognise and use data available from humanitarian sources for civil registration purposes. For example, refugee and asylum seeker children are often registered in UNHCR’s ProGres system, but not within the formal civil registration process of the country, leaving them without the legal recognition of the State.
	1. **Examples of good practice**

As part of its work on CRVS and, in response to the ongoing global humanitarian crisis and resultant mass movement and migration, Plan International has developed a Birth Registration in Emergencies (BRiE) Toolkit.[[14]](#footnote-14) BRiE encompasses interventions that promote and improve girls and boys access to continuous, permanent, and non-discriminatory birth registration services in humanitarian situations. The BRiE Toolkit is a step-by-step guide developed to support the analysis, design, and testing of birth registration interventions before, during and after an emergency in a low-cost manner.

The toolkit was developed based on Plan International’s experience working in Northern Uganda, where almost 1 million South Sudanese refugees are currently being hosted in settlements and host communities. A rapid assessment was conducted in Adjumani to understand the current situation with regards to birth registration. This assessment identified an urgent need to support the Government to provide both mass and continuous birth registration services. A mass birth registration drive activity was then conducted in 3 settlements, in partnership with the National Identification and Registration Authority (NIRA), and birth certificates were issued to all eligible children. Plan International is now working with government and humanitarian partners to test continuous birth registration processes for both settlements and host communities, ensuring that every child born in Uganda is registered immediately after birth and provided with a birth certificate.

1. **The right of the child to participate and to be heard in humanitarian situations**
	1. **The issue**

The rights of the child to participate and be heard is a basic human right and an underlying principle of the UN Convention on the Rights of the Child (UNCRC), and significantly contributes to and underpins the realisation of other rights. It is central to a rights-based approach and places children at the centre, as active subjects of their own rights and agents of their own lives, rather than as passive recipients of care and protection. While the principle of child participation has become increasingly accepted by the international community since the adoption of the UNCRC, and other contributing international legal and policy frameworks, opportunities for children’s meaningful participation are still limited globally. This is particularly the case in emergencies, when practical (e.g. limited resources and time), organisational (e.g. no dedicated staff and lack of priority), cultural and ethical issues (e.g. fear, do no harm concerns, limited accountability) can create additional obstacles. The participation of girls, which is already problematic due to gender norms and restrictions is exacerbated in humanitarian contexts where insecurity concerns are even greater. It is important to note here that if participation is not embedded and promoted in stable times, it is unlikely that it will be done properly amidst the difficult circumstances of an emergency.

Yet evidence shows that consulting and involving children increases “the effectiveness and efficiency of humanitarian programming, the capacity to reduce vulnerability and manage risk, and the ability to innovate.”[[15]](#footnote-15) Children, who are empowered to participate in the humanitarian response, help build safer communities where vulnerability and risk are reduced. This is particularly true for girls whose rights and specific needs are often overlooked or forgotten. Ensuring that all children, especially girls, can and do participate in decision-making at all stages of a humanitarian response and recovery will contribute to ensuring their long-term development outcomes, achievement of their guaranteed human rights, and promote sustainable peace. In addition, it will ensure that response and recovery interventions are more efficient, and tailored to meet the specific age and gender related needs of girls and boys.

Participation is clearly identified as a key principle in several humanitarian documents and standards, such as the 2014 Core Humanitarian Standardand the IASC Commitments on Accountability to Affected Populations, which provide humanitarian actors with clear and universal benchmarks in this regard. The Minimum Standards for Child Protection in Humanitarian Action, adopted in 2012, also highlight how participation is relevant to humanitarian action.[[16]](#footnote-16)

* 1. **Recommendations**
* **Strengthening participation in development contexts**: It is critical to ensure continuity of children’s participation in both development and humanitarian situations, along with the continuum of care. If participation hasn’t been properly established and promoted in times of relative stability and prosperity, it is highly unlikely that it will happen in humanitarian contexts.
* **Participation in children’s own protection and resilience-building**: Children’s involvement in their own protection in times of crises is one of the forms of participation that needs to be promoted and supported. Children must be supported in developing self-protective skills, e.g. the ability to recognise the early signs of emerging violence, to raise and report concerns and to know where to access emergency services in case of immediate need. The development of these skills should be age- and gender-sensitive.
* **Participation in decision-making, implementation and monitoring**: Girls and boys should be meaningfully involved in decision-making processes as well as in the design, implementation and monitoring of emergency response programming. Providing feedback on the quality and appropriateness of care and services would help to reduce harm and prevent multiple negative effects that can be caused by delivering assistance which does not meet children’s needs.
* **Participation in evaluation and learning**: In the aftermath of an emergency, girls and boys should be actively involved in drawing lessons learned and providing their own perspectives on how the continuity of their development could be better secured at different levels. These perspectives should inform disaster preparedness plans and increase their child-centeredness and effectiveness in the long run.
* Governments, donors and other actors should strengthen gender sensitive policies and practice which support systematic engagement with and accountability to children and young people during emergency preparedness, response and recovery.
	1. **Examples of good practice**

Children’s participation in disaster risk reduction

Children around the world are demanding greater participation in disaster risk reduction (DRR)[[17]](#footnote-17) and Plan International has demonstrated that children’s participation can effectively contribute to community resilience, and can be channeled towards policy and practice change to reduce disaster risk.[[18]](#footnote-18) Plan International conducts and promotes child-led, participatory risk assessments and vulnerability analyses, ensuring the vulnerabilities, rights violations, capacities and needs of all members of the community are identified and addressed. Plan International developed a Child-Centred DRR Toolkit[[19]](#footnote-19) that can support governments in conducting their own risk assessments. The toolkit educates children on disaster risk reduction through hazard, vulnerability and capacity assessments and enables them to prepare action plans based on their assessments.

In Nepal, Plan International through the Child-Centered Climate Change Adaptation (4CA) project advocated for the participation of children in the local disaster management committees (LDMCs) which traditionally did not include children. The project encouraged all LDMCs in the project area to have child representatives and the perceptions of child participation has changed during the project. The District Development Committee now recognizes the benefits of child participation in the local committees not only by improving children’s understanding about CCA and disaster management, but also how governments are listening to children’s opinions and including their concerns in activities and budget allocation. The 4CA project has also supported in developing a child-friendly district governance plan.

**ANNEX 1: LIST OF USEFUL RESOURCES**

**Protecting the rights of adolescent girls in humanitarian situations**

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**The right of the child to participate and to be heard in humanitarian situations**

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1. These include in particular, the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action, the Minimum Standards for Child Protection in Humanitarian Action and the Minimum Initial Service Package for Reproductive Health. [↑](#footnote-ref-1)
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4. Survival sex is addressed in three reports from Special Procedures: Special Rapporteur on violence against women, its causes and consequences, A/66/215, para. 44, 2011; Special Rapporteur on the human rights of internally displaced persons, A/69/295, para. 34, 2014; Special Rapporteur on the human rights of internally displaced persons, A/HRC/23/44, para. 46, 2013*.* [↑](#footnote-ref-4)
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7. See for example, United States of American Department of State Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report*, (June, 2017) which,found that girls and young women face additional risks of abduction and being trafficked across the border into Sudan to be sold into sexual slavery or forced domestic slavery. [↑](#footnote-ref-7)
8. For example, rape, sexual slavery and genital mutilation, caused by penetration with a foreign object or brutality of sexual violence, continue to be used as weapons of war in the conflict in South Sudan. See Oxfam’s South Sudan Gender Analysis. [↑](#footnote-ref-8)
9. UNICEF statistics on birth registration, 2016 from: [http://data.unicef.org/topic/child-protection/birth-registration/#](http://data.unicef.org/topic/child-protection/birth-registration/) [↑](#footnote-ref-9)
10. The UN define civil registration as “the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements of each country” From <https://unstats.un.org/unsd/demographic/sources/civilreg/>. Vital statistics “constitute the collection of statistics on vital events in a lifetime of a person as well as relevant characteristics of the events themselves and of the person and persons concerned.” From United Nations Department of Economic and Social Affairs, *Principles and Recommendations for a Vital Statistics System*, Revision 3, 2015. [↑](#footnote-ref-10)
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14. See <https://www.brietoolkit.com/> [↑](#footnote-ref-14)
15. The World Humanitarian Summit’s Advisory Group on Children (Plan International, ChildFund Alliance, Save the Children, SOS Children’s Villages International, UNICEF, War Child Netherlands, War Child UK and World Vision International) commissioned a report to ensure that children’s perspectives were considered and their priorities and recommendations were reflected in the Summit outcomes. The report is based on a review of children’s consultations in risk prone, fragile and emergency settings over the last ten years and represents the views of more than 6,000 children. Plan International, ChildFund Alliance, Save the Children, SOS Children’s Villages International, UNICEF, War Child Netherlands, War Child UK and World Vision International, *Putting Children at the Heart of the World Humanitarian Summit*, 2015. [↑](#footnote-ref-15)
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17. Priority 3 of the *Children’s Charter: An Action Plan for Disaster Risk Reduction for Children by Children,* August 2011. [↑](#footnote-ref-17)
18. See, for example: Tom Mitchell, Thomas Tanner & Katharine Haynes, *Children as agents of change for Disaster Risk Reduction: Lessons from El Salvador and the Philippines,* Working Paper No. 1, April 2009*.* [↑](#footnote-ref-18)
19. See Plan International, *Child-Centred DRR Toolkit*, 2011. [↑](#footnote-ref-19)