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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid

Summary

The Special Rapporteur on the sale of children, child prostitution and child pornography submits the present report to the Human Rights Council at its nineteenth session, pursuant to Council resolutions 7/13 and 16/12.

This report describes the activities carried out by the Special Rapporteur since her last report in March 2011 and provides a thematic study on the protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1	3
II. Activities	2–5	3
A. Country visits.....	2–3	3
B. Other activities.....	4–5	3
III. Protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters	6–88	4
A. Background and objectives of the report	6–14	4
B. Children’s vulnerability in natural disasters	15–31	5
C. Humanitarian assistance and management of children’s vulnerability	32–88	8
IV. Conclusions and recommendations	89–144	17
A. Conclusions	89–90	17
B. Recommendations, roles and responsibilities	91–144	18

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolutions 7/13 and 16/12. It describes the activities carried out by the Special Rapporteur since her last report in March 2011 and provides a thematic study on the protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters.

II. Activities

A. Country visits

2. Since her previous reports to the Human Rights Council (A/HR/16/56 and A/HRC/16/57) in March 2011, the Special Rapporteur undertook visits to Mauritius, from 1 to 11 May 2011, and France, from 21 November to 2 December 2011. The reports on both visits are presented as addenda (A/HRC/19/63/Add.1 and 2) to this report, respectively.

3. Since her previous report to the Council, the Special Rapporteur received positive replies from India and Guatemala to her requests to conduct official visits. She has also been invited to visit Honduras. The Special Rapporteur is yet to receive replies to her requests for invitations from Cambodia, Canada, Gambia, Nepal, Nicaragua, Nigeria, Viet Nam and Venezuela (Bolivarian Republic of).

B. Other activities

1. Conferences, seminars and engagement with civil society

4. In January 2011, the Special Rapporteur participated in a consultation on national action plans on the right to water and sanitation, organized by the Special Rapporteur on the right to safe drinking water and sanitation. In March 2011, she participated in an event about "Children on the move in street situations," organized in parallel to the sixteenth session of the Council. In March 2011, she also attended a regional workshop held in Brussels on the follow-up to the universal periodic review outcomes and the recommendations of other human rights mechanisms. In May 2011, she participated in a symposium entitled "Migration and youth: Harnessing opportunities for development," organized in New York by the Global Migration Group. In June 2011, she participated in a consultation on the draft guiding principles on extreme poverty and human rights, organized by the Independent Expert on the question of human rights and extreme poverty, and attended an expert seminar on "Discrimination on the basis of work and descent," hosted by the Independent Expert on minority issues. In July 2011, she moderated a segment of the expert meeting on "The legal framework required to prohibit, prevent and respond to all forms of violence against children," co-organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Representative of the Secretary-General on violence against children, the Inter-Parliamentary Union and the International NGO Advisory Council for follow-up to the Secretary-General's Study on violence against children. In September 2011, the Special Rapporteur participated in an expert seminar on the training of security officers on child rights, organized in Dakar by UNICEF, Save the Children and the International Bureau for Children Rights. She also participated in an event organized in Geneva by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) in the framework of the "Stop Child Trafficking" campaign. In October 2011, she delivered a keynote speech at the high-level segment of the Council of Europe Parliamentary Assembly in the framework of the

debate on child pornography. In November 2011, she participated in an expert meeting on street children organized in Geneva by OHCHR. The Special Rapporteur participated in a seminar organized in Paris by Collectif contre la Traite on the impact of migration policies in combatting trafficking. She also delivered a speech during the General Assembly of ECPAT in Paris. The Special Rapporteur participated in the seminar organized in Monaco by the Council of Europe, entitled “Building a child-friendly Europe.”

2. Coordination Committee of Special Procedures

5. In July 2011, during the annual meeting on special procedures mandate holders in Geneva, the Special Rapporteur was appointed a member of the Coordination Committee of Special Procedures for one year, as ex-officio Chair of the Coordination Committee.

III. Protection of children from sale and sexual exploitation following humanitarian crisis due to natural disasters

A. Background and objectives of the report

1. Background

6. The Special Rapporteur sent questionnaires to all United Nations Member States, United Nations agencies, international organizations and civil society organizations to solicit their views on the issue of protection of children from sale and exploitation following humanitarian crises due to natural disasters.

7. Twenty-three States responded to the questionnaire.¹

8. Plan International, Save the Children, Terre des Hommes and UNICEF also provided valuable contributions.

9. The Special Rapporteur would like to thank all those who responded to the questionnaire. Only a selection of the wealth of information received could be outlined in this report; responses received after the established deadline could not be included.

10. The Special Rapporteur also met with representatives of UNICEF, coordinator of the Child Protection Working Group, as well as of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and Save the Children.

11. This report was prepared on the basis of responses received to the questionnaire, meetings held with the above-mentioned stakeholders and information collected through various studies.

2. Objectives

12. By providing a detailed outline for the creation and strengthening of comprehensive child protection systems in relation to natural disasters, the report aims to provide a guiding tool that will better assist all concerned stakeholders to effectively evaluate and address the varying levels of risk and vulnerability faced by children in natural disasters.

¹ These are Argentina, Azerbaijan, Colombia, Cuba, Cyprus, Denmark, El Salvador, Georgia, Greece, Jordan, Kyrgyzstan, Mexico, Moldova, Myanmar, Peru, Portugal, Slovenia, Spain, Syrian Arab Republic, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia and Togo.

13. The present report explores the impact of humanitarian crises – particularly natural disasters – on the vulnerability of children to sale and other forms of exploitation. The report provides an overview of challenges, good practices and lessons learned in relation to the protection of children in natural disasters.

14. The report also indicates the obligations and responsibilities of States and all other concerned stakeholders. It contains recommendations to develop, strengthen and implement coordinated efforts to effectively protect children, including through prevention, disaster risk reduction, preparation, response and rebuilding.

B. Children’s vulnerability in natural disasters

1. Natural disasters and climate-related catastrophes

15. Natural disasters refer to events or forces of nature which have a catastrophic effect on human populations and habitats, including geographical, infrastructural and material damage, physical and psycho-social trauma, displacement, insecurity and death. Natural disasters typically include earthquakes, volcanic eruptions, tsunamis, hurricanes, floods and tornadoes. However, health pandemics, such as Severe Acute Respiratory Syndrome (SARS) and influenza virus strains, may also be considered natural disasters.

16. Climate-related catastrophes are caused by extreme weather events² that may trigger or exacerbate natural disasters, such as tropical storms and windstorms. These events may include extreme temperature highs – such as heat waves – and lack of precipitation that can lead to drought, wild fires and famine, or extremely high levels of precipitation that can cause flooding, landslides and mudslides. Climate change may also create or exacerbate conditions in which health pandemics are more rapidly transmitted.³

17. Every year, an estimated 231 million people worldwide are affected by natural disasters and climate-related catastrophes; the majority being children.⁴ According to UNICEF’s 2011 Humanitarian Action report, “climate-related hazards are increasing, accounting for 70 per cent of all disasters today compared to 50 per cent two decades ago, and such climate-related crises are projected to affect hundreds of millions every year as early as 2015.”⁵

18. Natural disasters rarely occur in isolation, therefore affected populations may have to deal with the consequences of simultaneous or repeated emergencies, including physical damage, political crises, disease epidemics, weakened landscapes and territories, and emerging or enduring conflicts. The countries are often faced with an exponential increase in risk resulting from pre-existing positions of vulnerability.

19. Extreme global weather conditions have a disproportionately negative impact on the world’s poorest and most vulnerable people. It is known that the most vulnerable

² Institute for European Environment Policy, “Climate change and natural disasters: Scientific evidence of a possible relation between natural disasters and climate change,” Brief No. 02a/2006, European Parliament, January 2006.

³ World Health Organization, “Climate change and health,” Fact sheet No. 266, January 2010, available at <http://www.who.int/mediacentre/factsheets/fs266/en/>.

⁴ Save the Children, *Child Protection in Emergencies: Priorities, Principles and Practices*, 2007, available at <http://www.unhcr.org/refworld/docid/47fb94fe2.html>.

⁵ UNICEF, *2011 Humanitarian Action for Children: Building resilience*, March 2011, available at http://www.unicef.org/HAC2011_EN_PDA_web.pdf.

populations face different levels of risk and have different capacities to recover.⁶ A huge proportion of those at risk are children, many of whom are living in low-income countries. Save the Children estimates that over the next ten years, up to 175 million children are likely to be affected by natural disasters each year.⁷ Multiple interacting political and socio-economic factors increase children's vulnerability to sale and exploitation, and humanitarian crises, such as natural disasters, further increase this vulnerability.

20. Conventional responses to natural disasters are dominated by humanitarian assistance and emergency management activities that meet the immediate physical survival needs of children, such as provision of clean water, food, shelter, clothing and primary health care. While these actions are essential for minimizing loss of life and suffering, particularly in the first 48 hours after a disaster, humanitarian assistance does not necessarily constitute or integrate child protection.⁸ Humanitarian assistance providers in a natural disaster often lack the knowledge or resources to ensure the short- and long-term protection needs of children, such as protection from harm, abuse and all forms of exploitation, ensuring children have safe places to rest, play, receive education, and are able to participate in decisions related to their daily and future lives.⁹

21. Programmatic approaches differ between countries so that organizations and field practitioners are left to improvise responses. Programmes, policies and guidelines for child protection are complex and despite explicit references to child protection in the Convention on the Rights of the Child, their implementation has been the slowest in humanitarian crises. The vast majority of child protection¹⁰ responses remain reactive, disorganized and severely underfunded.¹¹ Consequently, there is a critical need for specific management of children's vulnerability.

22. One of the fundamental stumbling blocks to ensuring child protection is the serious shortage of funding for child protection emergency response work. Child protection services are "consistently underfunded" and levels of funding are "significantly lower than for other humanitarian sectors."¹² United Nations humanitarian agencies and NGOs are therefore severely limited in their capacity to provide vital child protection responses.¹³

23. Nonetheless, the issue of child protection in natural disasters provides a unique opportunity to draw attention to the multitude of gaps that exist in programmatic funding,

⁶ OCHA, *Tool Kit: Gender Equality*, August 2005, available at

http://ochanet.unocha.org/p/Documents/OCHA_Gender_Equality_Toolkit.pdf.

⁷ Save the Children, "Child protection in emergencies," Fact Sheet, November 2010, available at <http://resourcecentre.savethechildren.se/content/library/documents/fact-sheet-child-protection-emergencies>.

⁸ *Identifying Gaps - Child Protection in Emergencies: A discussion paper for the Inter-Agency Planning Consultation on Child Protection in Emergencies*, Geneva, 13-14 December 2006, p. 15.

Save the Children defines child protection as "measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children." In 2008, a workshop of child protection practitioners agreed on the importance of developing a joint working definition of child protection in emergencies. See *Strengthening Child Protection Within the Cluster Approach: Lessons learnt, best practices from the field and the way forward*, Workshop report, Geneva, 16-18 January 2008, p. 4.

⁹ Plan International, *After the cameras have gone: Children in disasters*, 2nd ed., London, 2005, p. i, available at <http://www.plan.org.au/mediacentre/publications/research/afterthecameras>.

¹⁰ *Identifying Gaps* (see footnote 8), p. 17.

¹¹ The following section provides further information on this issue.

¹² CPWG, *Too Little, Too Late: Child protection funding in emergencies*, 2010, p. 17. Report and summary briefing available at <http://onerresponse.info/GlobalClusters/Protection/CP>. The report defines underfunding as "the difference between the amount of funds requested through project proposals and the amount of funds received."

¹³ *Ibid.*, p. 9.

planning, responses and coordination and to put forward recommendations for all relevant stakeholders to address and redress these gaps on an urgent and continuing basis.

2. Children's vulnerability to natural disasters

24. Children are particularly vulnerable to natural disasters due to their physical and psycho-social characteristics. Their vulnerability is heightened when children are separated from their families, unaccompanied, orphaned, displaced or "disappeared" and do not receive appropriate care, protection, support and rehabilitation

25. During the preparation of this report, it became evident that while children are recognized as being among the most vulnerable to the immediate and long-term effects of a natural disaster,¹⁴ it is currently impossible to accurately determine the full extent of their vulnerability. This is primarily due to a stark absence of empirical evidence on the actual impact of natural disasters on children and raw figures detailing the number of children who are killed, traumatized, unaccompanied, separated from their families, orphaned, displaced or disappeared. Only a handful of States have methodically gathered quantitative data on the number of children who have been unaccompanied, separated, orphaned, displaced or disappeared due to a natural disaster, and only seven of those States submitted data in response to the questionnaire.

26. While some basic statistics are available on the number of people who are refugees or internally displaced, the majority of these can be attributed to armed conflicts.¹⁵ The number of children who are internally displaced due to natural disasters is unknown.

3. Children's vulnerability to sale, trafficking and all forms of exploitation in a natural disaster

27. Children's vulnerability to sale and other forms of exploitation is increased in a natural disaster. Some people exploit the chaotic environment that follows a natural disaster to engage in criminal activities, such as selling children for the purposes of illegal adoption, forced labour or sexual exploitation. The situation enables them to circumvent national and international standards and remove children from their communities or the national territory. Furthermore, 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

28. Natural disasters destroy or disrupt the normal conditions of life and the care of children and can, in turn, disrupt, deny and delay the realization of their rights. In such situations, children are more likely to be unidentified, hastily fostered, adopted or placed in long-term care institutions, without the possibility of tracing their families, reunification or safe return. Their vulnerability increases their risk to sale, sexual and other forms of exploitation as they may be inappropriately and/or illegally removed from their communities – sometimes by well-meaning individuals who wish to ensure their safety, or by those seeking to profit from the chaos.¹⁶

29. The consequences of a natural disaster can destabilize the cultural and legal norms in place to protect children. As a result, children in a natural disaster face increased risk of all

¹⁴ International Federation of Red Cross and Red Crescent Societies (IFRC), *World Disasters Report 2009: Focus on early warning, early action*, Geneva, 2009.

¹⁵ UNHCR estimated that there were close to 10 million refugees living worldwide in 2010; see UNHCR, Statistical Online Population Database.

¹⁶ See Committee on the Rights of the Child, Day of general discussion on the right of the child to education in emergency situations, 19 September 2008, para. 2.

forms of exploitation, including by those who are known to them, such as persons from their community or family members. Rape, sexual abuse, trafficking and separation from family are common phenomena in crisis situations, and violence often takes place in a culture of acceptance and impunity.¹⁷

30. Again, the full extent of this issue remains largely unknown. While numerous country-level task forces on monitoring and reporting are in place to report on grave violations against children in armed conflicts, no similar mechanism exists in relation to violations against children in natural disasters.

31. The illegal and highly clandestine nature of the sale and exploitation of children further impedes detection and analysis. Children and their families are often reluctant to report cases of violence, exploitation and abuse.¹⁸ The absence of quantitative, qualitative and empirical data severely limits the capacity to fully assess and address the extent of children's vulnerability to sale, trafficking and all forms of exploitation.

C. Humanitarian assistance and management of children's vulnerability

32. The responses to the questionnaire indicate that numerous stakeholders, at all levels, have participated in initiatives to directly or indirectly prevent and combat the sale and exploitation of children during and after a natural disaster.

1. Primary intervening entities

33. Implementation of child protection can be promoted through various ways. The primary responsibility for disaster preparedness, response, recovery and reconstruction lies with States. However, the capacity of a State may be compromised by the consequences of a disaster or due to limited financial, human and technical resources and capacities or sometimes due to an absence of political will.

34. Consequently, international organizations and aid agencies often take up the slack and provide varied types and levels of child protection during and after a natural disaster. Several organizations and aid agencies are at the helm of emergency response efforts. These entities provide child protection services in accordance with sometimes distinctly diverse mandates and operational approaches. These services include the provision of rapid-response facilities to relieve the suffering of children and their caregivers; development-driven immediate and long-term relief and preparedness tools – such as family tracing kits – or services to prevent separation; humanitarian assistance, including restoring family links, reuniting families and searching for missing persons; protection and care for specific groups of children, such as refugees and those who are internally displaced; and emergency water and sanitation, shelter, health services, education, psycho-social care and protection for vulnerable children and youth.

35. Private sector actors participate in a wide range of activities during and after a natural disaster, however, the majority of these actions are reactive, ad hoc and unilateral, and limited to relief activities. They may also express reluctance to engage in collaborative project implementation, largely based on a desire to work independently, but thereby inhibiting effective coordination and operation.¹⁹

¹⁷ Save the Children, "Child Protection Fact Sheet" (see footnote 7), pp. 2 and 5.

¹⁸ Ibid., p. 3; see also Report of the independent expert for the United Nations study on violence against children (A/61/299), 29 August 2006.

¹⁹ See, for example, Intermediate Technology Development Group (ITDG), *Corporate Social Responsibility and Natural Disaster Reduction in Sri Lanka*, Colombo, May 2002.

(a) Coordination mechanisms

36. International organizations and aid agencies are also working to develop and implement cohesive inter-agency child protection responses at the field and global levels, both in policy and operational terms. The Child Protection Working Group (CPWG)²⁰ brings together and coordinates the work of the organizations and aid agencies in the child protection cluster to ensure a more predictable, accountable and effective child protection response in complex emergencies, disasters and other such situations. The working group seeks to support cohesive, inter-agency child protection responses at the field-level through global-level advocacy,²¹ standard and policy setting, capacity building and tool-development initiatives, and considers itself primarily accountable to the beneficiaries.²² It is unique among the cluster approach because of its diverse membership and mission to promote a comprehensive and specialized protection response. UNICEF is the focal point agency for child protection. While maintaining strong field action in the areas of health and child protection, it has also developed Core commitments for children in humanitarian actions (May 2010)²³, providing a global framework for action by UNICEF and its partners.

37. The Global Protection Cluster Task Force on Protection in Natural Disaster Situations, led by the International Development Law Organization (IDLO), aims to ensure that procedures are in place for an effective, predictable and accountable protection capacity in situations of natural disaster. Among its activities, the task force may include the identification of specific protection challenges in disaster response for certain groups, such as children.

38. Although three global coordination mechanisms are currently in operation to combat trafficking,²⁴ no such mechanism exists in relation to the sale of children.

(b) Guidelines

39. CPWG provides practical guidance through its handbooks and toolkits on child protection in emergency situations. A CPWG task force is currently developing a set of minimum standards for child protection in emergencies on issues such as family tracing and reunification, child-friendly spaces and the reintegration of children.²⁵

40. Premised on the understanding that separation is preventable, the Inter-agency guiding principles on unaccompanied and separated children²⁶ outline specific actions to be taken at the policy and field levels, and address prevention, family tracing and

²⁰ CPWG was first formed as a sub-working group of the inter-agency Global Protection Cluster Working Group. It is comprised of CCF, Columbia University's Child Protection Learning Network, International Rescue Committee, Save the Children Alliance, Terre des Hommes, Women's Commission, World Vision, OCHA, UNHCR and UNICEF.

²¹ Advocacy efforts seek to encourage increased awareness and funding commitments.

²² Its primary objective is to "promote, protect and fulfil children's rights to protection from abuse, exploitation and violence in emergencies as expressed in the Convention on the Rights of the Child, other human rights and humanitarian treaties and conventions, as well as national laws." See Child Protection Working Group, Terms of reference, 2010.

²³ Available at http://www.unicef.org/publications/files/CCC_042010.pdf.

²⁴ The Inter-Agency Coordination Group against Trafficking in Persons; the United Nations Global Initiative to Fight Trafficking and the United Nations Global Plan of Action to Combat Trafficking in Persons.

²⁵ See <http://resourcecentre.savethechildren.se/cpi/march-newsletter/minimum-standards-cpic/child-protection-working-group-aims-set-minimum-standard>.

²⁶ Published by the International Committee of the Red Cross, the document advocates that all actions and decisions taken in relation to separated children must be founded on a protection framework that respects both the principles of family unity and the best interests of the child.

reunification, interim care and long-term solutions. The document also outlines three complementary types of action that are needed to help unaccompanied and separated children, namely, responsive action to prevent, stop and/or alleviate the immediate effects of a specific pattern of abuse; remedial action to restore dignified living conditions through rehabilitation, restitution and reparation; and environment building to create and/or consolidate an environment (political, institutional, legal, social, cultural and economic) that enables full respect for the rights of the child.

41. The Guidelines for the alternative care of children²⁷ assert that in emergency situations, such as natural disasters, governments and aid providers should ensure that staff dealing with unaccompanied or separated children are sufficiently experienced to deal with children appropriately. They recommend that temporary and long-term family-based care be developed. An inter-agency toolkit on alternative care in emergencies has been developed to complement the Guidelines; it comprises guidelines and tools relating to interim care for children in emergencies, based on best practice.²⁸

(c) *Remaining challenges*

42. Despite the participation of multiple organizations, aid agencies, private actors and States, children continue to face heightened risks to sale and exploitation in situations of natural disaster. While the international community has taken many important steps to provide comprehensive protection to children, protection gaps persist. In fact, there are exploitation risks within the protection perimeter, as is evident below.

43. Implementing a framework to coordinate and allocate the roles, responsibilities and resources of all actors on the ground is difficult in a natural disaster situation. Vast differences in organization mandates, resources and capacities tend to complicate a chaotic situation, which is further exacerbated by the absence of an effectively functioning legal and institutional framework of the State. An absence of information on the existence and location of children further compounds this problem, while gathered information is often incomplete.

44. The focus must be shifted from crisis response to preparation and planning, coupled with mandated accountability, monitoring and follow-up.

2. Acute stage (first 48 hours after a disaster)

(a) *Identification and registration*

45. Many first responders have limited or no training in the procedural measures to follow when dealing with children in the acute stage of a natural disaster, such as reporting when and to where a child has been transferred or evacuated and any relevant details regarding the identity of the child.

46. To partially remedy this situation, UNICEF and its partners undertake primary responsibility for the identification and registration²⁹ of children. Following the typhoon emergencies in the Philippines in 2009, UNICEF partnered with the governmental Council

²⁷ General Assembly resolution 64/142, annex; UNICEF's response to the questionnaire.

²⁸ UNICEF's response to the questionnaire.

²⁹ Identification relates primarily to the process of establishing where a child has been separated from their family or other care-givers and their intended destination and the location, description and any contact details of their caregiver(s). Registration refers to the compilation of key personal data about the child to establish the identity of the child, both for their protection and to facilitate family tracing and reunification. See also A/HRC/15/56.

for the Welfare of Children and established rapid registration activities to facilitate family tracing for missing, separated and unaccompanied children. In Haiti, UNICEF and its partners registered more than 5,000 children who were separated or unaccompanied following the earthquake in 2010. UNICEF worked with the Child Protection Brigade of the Haitian Police to verify the documents of 11,774 children at border crossings and the international airport; more than 2,500 irregular voyages were recorded, nearly 460 of which proved to be cases of trafficking, while close to 50 were found to be instances of forced labour.³⁰ Also in Haiti, Save the Children supported the Government in the registration of separated and unaccompanied children, and those who were born after the earthquake.³¹

(b) *Safe and temporary evacuation*

47. Few first-response entities have the knowledge or capacity to follow protocols that can reduce the risks faced by children in the process of evacuation.³² Children may be moved out of immediate danger, but left in the care of individuals or institutions without any record of their evacuation, identity or location.

(c) *Spaces for children*

48. Following a natural disaster, surviving children are at greater risk for exploitation due to poor camp design and security. Emergency camps and temporary shelters are often established without attention to a design that would provide safe and secure rest, play and wash areas for children – particularly those who are separated or unaccompanied–, and minimize the chance of accidental separation of children from their families.

49. Children may have to go outside the camp or shelter to collect water, firewood or other sources of fuel. The combination of lack of supervision and the ever-increasing distance a child must travel from their shelter to find fuel or water places them at greater risk of abduction.

50. After the flooding in Pakistan in 2010, UNICEF provided stationary and mobile child-friendly spaces in affected areas of Sindh. It supported weekly community sensitization and the mobilization of “flotilla vans” that provided information to the children of a community before the arrival of the mobile child-friendly spaces.³³ In 2006, Save the Children established child-friendly spaces in Lebanon where children could safely play and learn. Staff also introduced information on landmine awareness into the curricula.³⁴

(d) *Prevention of separation*

51. It is easy for children, particularly young and disabled children, to become separated from their families in a natural disaster when all attention is focused on dealing with the immediate impact. Children may also become unaccompanied if their families lack the capacity or assistance to care for them.

³⁰ UNICEF’s response to the questionnaire.

³¹ Save the Children Child Protection Initiative, “Child Protection: Taking action against all forms of abuse, neglect, violence and exploitation,” Save the Children, London, 2010, p. 8.

³² For instance, the Guidelines for the Alternative Care of Children also indicate that cross-border displacement of children should be prohibited except when it is deemed necessary for health, medical or safety reasons.

³³ UNICEF’s response to the questionnaire.

³⁴ Save the Children Child Protection Initiative, “Child Protection: Taking action against all forms of abuse, neglect, violence and exploitation,” (footnote 39).

52. Children separated from their families often live for months or years in camps and other care arrangements such as institutions, or are made available for international adoption.³⁵ This dramatically increases the child's vulnerability to exploitation and abuse, abduction and trafficking. It is not uncommon for separated or unaccompanied children to barter with their bodies to obtain food or other forms of assistance from adults with power and access to resources, including peacekeeping and humanitarian personnel.³⁶ Separated children also have fewer resources to help them rebuild their lives after a disaster.

53. UNICEF works to promote the establishment of specific protocols to prevent separation during medical evacuation or admittance. Similarly, Save the Children establishes systems in the immediate aftermath of a disaster and informs people of how to avoid separation.³⁷

3. Immediate post-emergency stage

(a) *Support and care for children and families*

54. In addition to having their basic physical needs met, children in emergencies also require protection from physical harm, exploitation and gender-based violence, psycho-social distress, family separation, abuses related to forced displacement. They also need access to quality education.³⁸

55. To coordinate care and support for children and their families, the International Rescue Committee, Save the Children and UNICEF have developed and promoted the use of a standard inter-agency child protection information management system (CPIMS). Although originally designed to facilitate family tracing and reunification, the system was re-designed in 2009 to support all thematic areas of child protection. To date, it has been used in 17 countries.³⁹

56. Following the passage of Cyclone Nargis in Myanmar in 2008, the United Nations initiated a Protection of Women and Children Cluster that was jointly chaired by UNICEF and Save the Children. The cluster served as a forum for coordination and planning between the United Nations and NGOs to respond to the needs of child survivors who had lost families and other basic necessities. The response from all agencies was informed and coordinated, resulting in more efficient and effective programmes.⁴⁰

(b) *Short-term placement of children*

57. Under circumstances of separation, there is heightened risk that children may be hastily fostered, adopted or placed in institutional care without adequate attempts to register them, undertake family tracing or reunification, or determine their best interests.

58. Interim care includes foster care (traditional, informal, spontaneous or arranged), guardianship or community-based care. While family-based care should be prioritized, interim care may be the only available possibility. However, many institutions are unregulated and unsafe, leaving children vulnerable to neglect and abuse.⁴¹ As a preventive

³⁵ According to the Inter-Agency Network for Education in Emergencies (INEE), the average displaced child spends eight years in displacement.

³⁶ Save the Children, *Protecting Children in Emergencies: Escalating threats to children must be addressed*, Policy brief, vol.1, No. 1, Spring 2005, p. 9.

³⁷ Save the children, "Child Protection Fact Sheet" (see footnote 7), p. 3.

³⁸ Save the Children, *Protecting Children in Emergencies* (see footnote 37), p. 1.

³⁹ UNICEF's response to the questionnaire.

⁴⁰ Save the Children, "Child Protection Fact Sheet" (see footnote 7), p. 4.

⁴¹ *Ibid.*, p. 5.

measure, UNICEF is currently working with the Government of Haiti to register all children in residential care centres in the country.⁴²

(c) *Family tracing and reunification*

59. Family tracing⁴³ and reunification is one of the principal strategies emphasized by international organizations and aid agencies to ensure that child protection is incorporated into emergency response programmes. One such tool is the Inter-agency family tracing and reunification (FTR) programme which seeks to facilitate family tracing and reunification in an emergency and strengthen the capacity of governments to register children.⁴⁴ The Working Group on Rapid Registration and Interim Care for Unaccompanied Children,⁴⁵ in consultation with the Haitian Government's social welfare department, developed standard operating procedures for family tracing and reunification following the 2010 earthquake. As a result of their efforts, 1,303 children were reunited with their families or caregivers in Haiti. In Eritrea, UNICEF supported 5,407 orphans and vulnerable children through family reunification, foster care group homes and domestic adoption.

60. Among the tools available for tracing activities is the ICRC's website entitled FamilyLinks,⁴⁶ which seeks to help people to reconnect with relatives separated as a result of natural disaster or conflict. Several other technologies have been developed by corporations to help locate missing and separated persons, including Person Finder (Google),⁴⁷ Ushahidi and CrisisCommons.

61. In Cyprus, the Social Welfare Services and the International Social Services cooperate at the national level to locate the families of children in their country of origin. If the family is found, a social report is prepared on the capacity of the family to accept the child, with an assessment of the possibility of a safe return. In Myanmar, the National Committee for Natural Disaster Management also works to reunite missing and separated children with their parents, while providing necessary assistance to ensure the children have access to education.

(d) *National and international adoption*

62. In every humanitarian crisis, States, international aid agencies and civil society organizations seek to protect children by "rescuing" them from affected areas. Child survivors are frequently mistakenly labeled as orphans and removed from their families and communities to be transferred to orphanages or adopted into new families. This "misguided kindness" may significantly increase the short- and long-term harm caused to children and families who are suffering from the impact of a natural disaster. Experience has shown that girls and boys are usually safer, better cared for and tend to recover more quickly in a family environment within their own communities.⁴⁸

⁴² UNICEF's response to the questionnaire.

⁴³ Tracing refers to the process of searching for family members or primary legal or customary caregivers or for children by their parents or caregivers, with the objective of reunification.

⁴⁴ Save the Children, "Child Protection Fact Sheet" (see footnote 7), p. 5.

⁴⁵ The working group is comprised of Save the Children, Heartland Alliance, UNICEF, World Vision, Terre des Hommes, International Rescue Committee and ICRC.

⁴⁶ See <http://www.icrc.org/FAMILYLINKS>.

⁴⁷ This crisis response tool is an open database application which enables individuals to post requests for information online or to provide information on the location of someone; it has been used in Chile, Haiti, Japan, New Zealand and Turkey.

⁴⁸ Save the Children, *Misguided Kindness: Making the rights decisions for children in emergencies*, London, 2010; Save the Children, *Protecting Children Policy brief* (see footnote 37), p. 2.

63. The number of children who are orphaned in a natural disaster is usually overestimated, and the ability of the community to care for its children is often underestimated.⁴⁹

64. In their responses to the questionnaire, several responding States indicated that legislation was in place with regard to the issue of national and international adoption. In Portugal, any entity examining and evaluating a child's social and legal situation or responsible for implementing a child's adoption project is prohibited from acting as an intermediary in the adoption so that there is no direct contact with the biological family. The final decision on an adoption is made by judicial order.

65. In the aftermath of the earthquake in Haiti, many receiving countries bowed to internal pressure and "expedited" the displacement of children (between the ages of 3 months and 18 years) for adoption in their own countries, based on ad hoc criteria. It has also been noted that the rapid removal of Haitian children without a court order was unwarranted; some of the children were in the process of being adopted before the earthquake hit.

(e) *Access to child protection systems and justice*

66. An essential component of the victim identification process indicated above is ensuring the establishment and availability of appropriate procedures, including child-focused or child-friendly, independent, timely and effective reporting and complaints mechanisms.⁵⁰ However, lack of availability, knowledge about, or access to justice mechanisms means that they are frequently inaccessible to child victims. In many instances, resolution of cases is promoted through community dispute resolution processes that may not always ensure that child victims have effective access to justice.

67. In 2010, UNICEF supported nearly 131 countries in strengthening their social welfare and justice systems. Fifteen other countries, including natural disaster-prone countries (such as Guatemala, Mozambique, Pakistan and Bangladesh) initiated a comprehensive mapping and assessment of child protection systems. UNICEF and its partners identified a collective starting point for understanding child protection systems as a common frame of reference.⁵¹

68. Little is known about the availability or accessibility of child-sensitive complaints, reporting and counselling mechanisms. While a significant level of abuse and exploitation of children is occurring in emergency situations, it is chronically underreported.⁵²

4. Long-term recovery/rebuilding

69. In the natural desire to re-establish a sense of normalcy, there may be a rush to undertake poorly planned activities that may perpetuate or exacerbate the conditions of vulnerability of the human population and physical infrastructure, both of which increase the risks faced by children.⁵³

70. After a disaster, extensive time is required to conduct impact studies, design programmes and projects, negotiate and secure reconstruction financing and initiate

⁴⁹ Save the Children, *Misguided Kindness* (see footnote 49), p. 1.

⁵⁰ For more details on the establishment and operation of reporting and complaints mechanisms, see A/HRC/15/56.

⁵¹ UNICEF's response to the questionnaire.

⁵² Save the Children, *No One to Turn To: The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers*, London, 2008, pp. 1, 3 and 12.

⁵³ *Ibid.*, p. 3.

reconstruction activities. This consequently leaves the most vulnerable people, especially children and their families, without adequate support.

71. Longer-term recovery may also be delayed or prevented as a result of limited capacities, political obstacles and an absence of commitments for financial support from the international community. Recovery efforts are also frequently inhibited by uncoordinated and ad hoc interventions undertaken by governmental and non-governmental organizations, international agencies and other stakeholders which may result in the duplication of efforts or failure to address issues that require attention.⁵⁴

72. The rebuilding phase, however, also presents an opportunity to establish comprehensive child protection systems and strategies that are comprised of a set of social norms, laws, policies and services to guarantee the protection of child victims and children at risk of sale and all forms of exploitation.⁵⁵

73. United Nations Development Programme (UNDP) has outlined a series of guidelines on post-disaster recovery that similarly seek to identify and build on opportunities to initiate a sound and sustainable recovery process that can transform while it repairs.⁵⁶

(a) *Ongoing monitoring, assessment and follow-up*

74. The establishment and effective implementation of monitoring and accountability systems is integral to the promotion of child protection in emergency response activities. Although a number of States provide a means for monitoring the placement of children in alternative care arrangements through various Government ministries, very few States have developed a comprehensive system to review the progress and challenges faced by a community – and children in particular – after a natural disaster.

75. The Guidelines for the alternative care of children indicate that all alternative care placements must be regularly reviewed to determine if they continue to be necessary and appropriate.⁵⁷

76. In some States, Government ministries are responsible for ongoing monitoring of children who were placed in short- or long-term alternative care as a result of being unaccompanied or separated. In Cyprus, depending on the context, this is most frequently undertaken by social service officers, however, coordination may take place with International Social Services, the Ministry of the Interior and the Migration Office.

77. The same Government ministries are often also responsible for ensuring that children receive the care and support needed for full recovery. In Moldova, the Ministry of Labour, Social Protection and Family has partnered with an association to promote a psychological response mechanism to help improve the psychological state of children after a crisis.

78. Little information is available regarding steps that have been taken by States or local authorities to conduct searches for missing children.

⁵⁴ UNDP, “Post-Disaster Recovery Guidelines” (Version 1), New York, n.d., pp. 2-3; Save the Children, “Child Protection Fact Sheet” (see footnote 7), p. 4.

⁵⁵ For more information on the establishment of child protection systems, see A/HRC/15/56.

⁵⁶ UNDP, “Post-Disaster Guidelines” (see footnote 55).

⁵⁷ UNICEF’s response to the questionnaire.

(b) *Post-disaster analysis and information sharing among relevant actors*

79. A number of international organizations and aid agencies, primarily through CPWG, have established reporting processes for information sharing between relevant stakeholders. This information is also shared and applied in the development of future design and planning of response and recovery initiatives. Nevertheless, due in large part to resource limitations, at present, there is low capacity and intention among international organizations and aid agencies to undertake this work.

5. Prevention and mitigation stage

(a) *Birth registration and data collection*

80. Plan International estimates that each year, over 51 million children are not registered at birth.⁵⁸ A legal identity helps to provide a measure of protection for the child against illegal adoption and other violations. The lack of a legal identity can complicate reunification efforts for separated children, particularly if a child is given a new name. A large proportion of unregistered children are living in South Asia (64 per cent) and Sub-Saharan Africa (63 per cent) where natural disasters are a constant threat, leaving those children exposed to greater risk. UNICEF has worked with the Government of Bangladesh to establish an online birth registration system to improve accessibility to this process.⁵⁹

(b) *Building resilience, capacity and raising awareness*

81. UNICEF has demonstrated that resilience is also key to recovery and can be fostered at the individual, community and institutional levels before natural disasters strike to help prepare for and limit the effects of future emergencies.⁶⁰

82. Prior to and following a natural disaster, awareness-raising campaigns are critical to ensuring that communities, children and their families are aware of the dangers of a natural disaster as well as the violence, abuse and exploitation that children may experience in such a situation. They must consequently be aware of how they can prevent, report and respond to such violations, including through the protective legal framework and related child protective services.⁶¹

83. It is easy for individuals to abuse their power in relief camps and to ask for sexual favours in exchange for basic necessities. The Swedish International Development Cooperation Agency provided funding to Save the Children (Sweden) in Haiti to address issues of gender-based violence and sexual exploitation through awareness-raising, training and establishing community-based focal points. Despite these services, according to Human Rights Watch,⁶² girls and women were badly neglected in recovery efforts.

84. Following the earthquake in Chile in 2010, Save the Children partnered with the police and the Department of Social Work to protect children from sexual abuse through training and awareness-raising sessions with schools, health centres and village councils to explain sexual abuse and violence and the availability of reporting mechanisms.⁶³

⁵⁸ See also Ellen Mouravieff-Apostol, "The significance of Birth Registration in Today's World," International Federation of Social Workers, 2006.

⁵⁹ UNICEF's response to the questionnaire.

⁶⁰ *Ibid.*, p. iv.

⁶¹ Save the Children, "Child Protection Fact Sheet" (see footnote 7), p. 7.

⁶² Human Rights Watch, *Nobody Remembers Us: Failure to protect women's and girls' right to health and security in post earthquake Haiti*, New York, August 2011.

⁶³ Save the Children, "Child Protection in Emergencies Fact Sheet, (see footnote 9), p. 5.

85. Examples of international awareness-raising programmes include an educational kit developed by UNICEF and United Nations International Strategy for Disaster Reduction (UNISDR) which includes a board game entitled “Riskland”. GLOBE (Global Learning and Observation to Benefit the Environment) is another programme that launched an educational campaign in 2011 to empower more than one million school children worldwide to take action on climate-related environmental issues. As part of the Children in a Changing Climate Coalition, children in El Salvador are trying to address the specific threat of floods and landslides by planting trees; in another community, children are planting tough, deep-rooted grass to stabilize hillsides.⁶⁴

86. Many countries have also taken steps to teach children about natural hazards and disaster preparedness in school curricula. According to the 2009 World Disasters Report, approximately 40 per cent of countries that responded to the United Nations survey at the World Conference on Disaster Reduction held in Kobe, Japan, in 2005 indicated that they were providing such education.⁶⁵ In Slovenia, a new optional subject has been introduced in primary schools entitled “Protection against natural and other disasters.” In Madagascar, UNICEF has worked to develop pre-emergency cooperation agreements with participating organizations to ensure timely and rapid responses in the event of a cyclone or flooding.⁶⁶

(c) *Design and implementation of disaster prevention and disaster risk reduction plans*

87. Numerous governments have developed disaster reduction plans. In partnership with UNDP, Macedonia has developed a programme entitled “Strengthening the capacities and preparation of the local authorities in cases of natural disasters,” aimed at strengthening capacity and resilience to plan for and recover from natural disasters. Similarly, Myanmar has developed a Plan of action for child protection in emergencies to be implemented with United Nations agencies, inter-governmental organizations, NGOs and civil society. Slovenia has developed a “System of protection against natural and other disasters,” which addresses the entire disaster cycle and facilitates cooperation between all rescue and other services in accordance with uniform principles.

88. The absence of information relating to children in a natural disaster has inhibited the potential to develop appropriate prevention and response measures. UNICEF noted that “disaster risk reduction, with community resilience as an objective, is increasingly recognized as a key climate change adaptation strategy”,⁶⁷ while Save the Children advocates for child protection to be included in disaster risk reduction plans.⁶⁸

IV. Conclusions and recommendations

A. Conclusions

89. While States retain primary responsibility for the protection of children in a natural disaster, fulfilment of these obligations are frequently challenged as a result of absent or incapacitated institutional and legal structures. Despite the many actors and stakeholders providing emergency response services in natural disasters, children continue to face significant risk, both within and without the protection perimeter.

⁶⁴ IFRC, *World Disasters Report 2009*, (see footnote 14).

⁶⁵ *Ibid.*

⁶⁶ UNICEF, *2011 Humanitarian Action for Children*, (see footnote 5), p. 4.

⁶⁷ *Ibid.*

⁶⁸ Save the Children, “Child Protection Fact Sheet, (see footnote 7), p. 4.

The absence of a comprehensive framework for the coordination and allocation of roles and responsibilities of multiple international and local responders frequently leads to confusion, unnecessary duplication of efforts and substantial protection gaps. This is complicated by limitations or overlaps in organizational mandates – many of which do not address the issue of child protection – and a near absence of quantitative and qualitative data that would clarify the extent of risks faced by children in natural disasters.

90. Child protection efforts, including the implementation of mandated delivery of services, inter-agency initiatives and guidelines, are inhibited by a serious shortage of financial support. Protection gaps also result when first and second stage responders lack the capacity or experience to give effect to child protection guidelines and standards.⁶⁹ The focus must be shifted from crisis response to preparation and planning, coupled with mandated accountability, monitoring and regular and sustained follow-up.

B. Recommendations, roles and responsibilities

1. States and international organizations

91. Governments have an obligation to ensure that preventive, protective and relief services are child-sensitive, available and accessible to all children in a natural disaster, or as soon as possible after the initial impact.

92. Before disaster strikes, a robust, rights-based child protection system should be established, strengthened and promoted at the community level to prevent and reduce the increased risks of violence, abuse, neglect and exploitation of children in a natural disaster.

93. Consideration should be given to the establishment of a multi-sectoral and participatory national-level coordinating agency with the capacity to identify priorities, allocate roles and responsibilities and make commitments to contribute resources.

2. The international community

94. When a State lacks the capacity or resources to fulfil its obligations, the international community, including other States, donor organizations, and United Nations agencies should ensure through technical and financial assistance that the rights of the child are protected and upheld.

95. International organizations and aid agencies should take steps towards ensuring the multi-sectoral integration of child protection as a core element of humanitarian response, data collection, capacity building, coordination and advocacy. It is critical that due diligence be exercised in the recruitment and training of relevant personnel.

96. Massive investment from the international community and increased funding are significantly needed to ensure the provision of child protection assistance before,

⁶⁹ For an analysis of professional capacity to provide child protection in emergencies, see CPWG, Addressing capacity gaps in Child Protection in Emergencies (CPIE): A scoping exercise on Child Protection in Emergencies staff capacity with career development programme options for mid-level CPIE specialists, 2010.

during and after a natural disaster, including with a view towards prevention and disaster risk reduction.⁷⁰

3. Private actors and corporate social responsibility

97. It is essential that private actors providing assistance during a natural disaster operate in full compliance with humanitarian crisis standards and guidelines. To this end, there is a need for further elaboration and clarification of the global parameters and standards of corporate social responsibility (CSR) in relation to natural disasters.⁷¹

4. Cooperation between States, international and national organizations and associations

98. Stakeholders must work together to identify and support inter-sectoral coordination of the allocation of roles and responsibilities for child protection issues from the earliest stages of the emergency.

99. Lead roles and responsibilities should be allocated among responding actors in key areas, in accordance with the mandates of organizations, their expertise and capacities to deal with particular situations and issues.

100. Steps should be taken to ensure that information exchange and coordination mechanisms are established and strengthened before emergencies occur.

101. A comprehensive overview is needed to review mandate issues as well as the effective coordination between relevant stakeholders. All organizations and sectoral services should review their delivery processes in emergency situations to ensure that their systems and practices do not, even inadvertently, heighten risks faced by children. They must also ensure that their policy and programmatic activities are in full compliance with the guidelines and standards established by international organizations and inter-agency initiatives in relation to child protection in natural disasters.⁷²

102. Protection must be deliberately integrated into the early design and implementation of assistance programmes and extensive attention paid to policy, threats, risks, community assets, practice, capacity building and effective monitoring and reporting.

103. Consideration should be given to the creation of child protection officer posts within humanitarian response teams. All deployable and in-country staff members, including United Nations resident coordinators, should receive comprehensive training on child protection in a natural disaster.

104. The adoption of pre-emergency cooperation agreements between States and participating organizations should be considered, in order to ensure a timely and rapid response in the event of a natural disaster.

105. Consideration should be given to the establishment of accountability mechanisms to ensure that national and international actors take ownership of the issue of child protection and act in compliance with existing guidelines in a natural disaster.

⁷⁰ CPWG, *Too Little, Too Late* (see footnote 12), pp. 34-35.

⁷¹ See UNICEF, United Nations Global Compact and Save the Children, "Children's Rights and Business Principles Initiative" and United Nations Global Compact, "The Ten Principles."

⁷² Including those from CPWG, UNICEF, UNDP and Save the Children,

5. Specific areas of concern

(a) *Identification and registration*

106. As part of rapid child protection needs and capacity assessments, unaccompanied and separated children should be identified, registered and documented within 72 hours of a natural disaster. This should be done in accordance with an accepted means of data collection which ensures ease of sharing and upholds the principle of confidentiality to protect the identity of the child.

107. Personal identity documentation should be provided as soon as possible; a new identity should only be established as a last resort.⁷³ Where possible, the internationally agreed full registration form (long form) should be used in the initial stage of the report.

108. Where time and/or resources are limited, the internationally agreed rapid registration form (short form) may be used to register each child.⁷⁴ The forms can be adapted to the local context once response coordination is underway.

109. Efforts should be undertaken to accurately record the basic details of a child's identity, including the name of the child and her/his parents, details of their residence and community, the date of evacuation, and to whom the child was entrusted for care.⁷⁵ Each child should receive a copy of his/her file which should stay on their person and should include travel documents. Each child should have a name tag pinned to his/her clothing which also indicates the name of the child's community of origin. When possible, a photograph of the child should be taken and included in the files. Copies of files should be given to parents, national authorities, the organization responsible for evacuation (if necessary) and a neutral monitoring agency, such as the ICRC's Central Tracing Agency.

110. Steps should be taken to avoid over-registration, while focusing on the most vulnerable children and urgent cases, such as very young children or children who are unable to identify themselves.

111. International guidelines regarding the sharing and publication of information must be respected and adequate safeguards should be integrated to protect the identity and privacy of children from possible misuse or exploitation.

112. Qualified professionals should be in place to early identify actual or potential child victims of sale, prostitution and pornography.

(b) *Safe and temporary evacuation*

113. Transport and travel of children, both in and out of country, including by State actors, should be limited to reduce the risk of a child being abducted, trafficked or untraceable. When evacuation is deemed necessary, strict procedural steps must be followed to ensure their identification, registration, location and care arrangements.

114. When possible, children should be evacuated from their place of residence with adult family members. Separation should be undertaken as a last resort, on a

⁷³ The Inter-Agency Guiding Principles on Unaccompanied and Separated Children (see footnote 26) indicates that clear information about the objectives of registration must be clearly communicated to the local population. The criteria as to which children should be documented must be made clear to all relevant actors and stakeholders.

⁷⁴ CPWG Task Force, "Draft child protection minimum standards," 2011, p. 46.

⁷⁵ Ibid.

temporary basis, and only where it has been determined that protection and assistance cannot be provided in that location and when evacuation of the entire family is not possible or feasible. Evacuations should be kept to a location as close as possible to the child's home and family and undertaken with the informed and written consent of the parents and in the best interests of the child.

115. Evacuation should only be undertaken by agencies or individuals as part of a coordinated plan of action. Children should have the opportunity to express their opinion and have it taken into consideration. Contact should be maintained between the child and her/his family and steps should be taken to initiate family reunification at the earliest possible stage.

116. The rights and protection needs of refugee and other displaced children must be carefully assessed and safeguarded before they are returned.⁷⁶

(c) *Creation of safe spaces for children*

117. Separate living quarters/shelters with proper security and supervision should be established for separated or unaccompanied children. These quarters should be staffed by carefully selected and qualified 'safe adults' who are specifically trained in dealing with sexual violence, particularly during an emergency, and have investigation and support skills.

118. Planned child-friendly or safe spaces should be established in temporary shelters or camps where every child can rest and play with a sense of normalcy, and receive care and support under the supervision of trained professionals and appropriate security. Safe spaces may simultaneously serve as a communication/networking point for relevant NGOs and international agencies.

(d) *Access to child protection mechanisms and justice*

119. Children and their families must be made aware of the existence and availability of child-friendly, independent, timely and effective reporting and complaints mechanisms that should be made available without discrimination in child-friendly spaces.⁷⁷ This requires the establishment and effective functioning of a networked referral pathway.

(e) *Prevention of separation*

120. Prevention of accidental separation should be promoted by governments, donors, staff of national and international agencies, faith-based groups and communities. Families should be encouraged to develop a strategy for reunification in case of separation (such as the identification of a designated meeting point).

121. Temporary shelter arrangements and the delivery of basic services should be established with a view to avoiding accidental separation of children from their families.

⁷⁶ See Universal Declaration of Human Rights, art. 13; International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(d)(ii); International Covenant on Civil and Political Rights, art. 12; and OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), art. V.

⁷⁷ See A/HRC/15/56.

(f) Support and care of children and families

122. All children should undergo an assessment to determine their need for immediate and/or long-term medical and psycho-social care and treatment. Appropriate care should be multi-disciplinary and take into account the various types of short-, medium- and long-term care and assistance that child victims require for their full recovery and reintegration.

123. Registration and recording systems should enable the collection of information on potential or actual exploitation and perpetrators, and provide for monitoring and follow-up on individual cases.

(g) Short-term placement of children

124. Family- or community-based interim care should be prioritized. Institutional or residential care should be used only as a short-term measure where other alternatives are not available; however, it should not be excluded if it is determined to be in the best interest of the child under the circumstances.

125. In all cases, children should be informed of their options and be given the opportunity to express their opinions and have them taken into consideration.

(h) Family tracing and reunification

126. Early identification and intervention is essential to increasing the chances for reunification. Priority should be given to locating the families of unaccompanied and very young children.

127. Tracing activities should be based on a consistent, centralized approach with standardized forms and mutually compatible systems that can facilitate cooperation, information-sharing and reduce the possibility of duplication.

(i) National and international adoption

128. National or international adoption should not be permitted until a determination has been made by the State or appropriate authorities regarding the legal eligibility, psychological, medical and social suitability of the child to be adopted.

129. In adoption processes, priority should be given to relatives or to individuals within the child's community or culture. International adoption should only be undertaken as a last resort and in compliance with the 1993 Hague Convention on Inter-Country Adoption. Consideration should be given to a ban on removal of unaccompanied and separated children without explicit Government permission, except when undertaken for emergency medical treatment.

130. Steps should be taken to trace and stop the flow of financial transactions related to the sale of children, and to train border guards and national police to detect and intercept attempts to remove children from the country without proper identification and documentation.

(j) Ongoing monitoring, assessment and follow-up

131. States should develop a systematic and comprehensive monitoring and reporting mechanism to provide timely, objective, accurate and reliable information on violations against children. The operation of a child protection system in the context of a natural disaster should be monitored for at least two years following the disaster.

132. Follow-up activities should be undertaken to monitor the impact of family reunification and ensure the well-being and delivery of care to children in alternative care settings. Follow-up should be conducted by local, qualified, child-welfare systems or community structures.

133. Host States must equally ensure that care arrangements of children living within their jurisdiction are regularly monitored and that appropriate services, including reporting mechanisms, are in place, available and known.

(k) Post-disaster analysis and information sharing

134. All actors should undertake a thorough evaluative review of any actions to determine child protection gaps and recommend remedial steps that might be taken in future emergencies to minimize risks and address vulnerabilities of children.

135. The design and layout of emergency shelters and camps should be thoroughly reviewed and revised to determine and address the potential risks for the security of children. The design of interventions, including for work, food and supply distribution programmes, should be investigated to determine their intended and unintended impacts on the rights of the child, including their possible abandonment while parents seek work.

136. Stakeholders should undertake a thorough forward-looking review of their capabilities and capacities to protect children in the event of a natural disaster. This information should be clearly communicated and made widely available to actors working in the area of natural disasters.

(l) Prevention and mitigation

Registration and data collection

137. Every child must be registered at birth. States must also ensure that reliable information is collected and recorded regarding all children living in institutions

138. Prior to disasters, organizations responsible for the care and protection of children should collaboratively develop a centralized, coordinated and rational data collection system that can be used to register basic personal information for every child who needs to be evacuated in a natural disaster. All relevant stakeholders, including first responders, should receive training regarding the use of this system.

Building resilience and capacity

139. To further support the development of resilience, attention should be given to developing the capacity of children, including by building resilience and coping mechanisms, as well as skills on remaining safe during a natural disaster, mounting programmes to develop self-esteem and confidence and establishing peer support schemes.

140. It is essential to strengthen the capacity of local communities to protect children, including by making available child protection training workshops, advocating for legislative and policy changes and the identification of 'safe adults' and protection committees.

Awareness-raising

141. Awareness-raising campaigns should be created to provide children and their families with information regarding the risks related to natural disasters, and the particular risks faced by children. States must also ensure that children and their

families are aware of their unconditional entitlement to humanitarian assistance in a natural disaster.

Design and implementation of disaster prevention and disaster risk reduction plans

142. **Effective policy, programmatic and operational measures to protect children must be built into all phases of natural disaster risk prevention, preparedness, response and recovery.**

143. **Data gathered through centralized information systems should be used to develop and strengthen evidence-based information systems that are essential to disaster-risk mitigation and preparedness efforts and to improving child protection systems in natural disasters. Lessons learned should be widely disseminated.**

144. **International agencies and organizations and other humanitarian actors should ensure that child rights are given primary consideration in the design and implementation of plans of action for the delivery of services during a natural disaster.**
