

# CHILD PROTECTION SYSTEMS IN EMERGENCIES

A DISCUSSION PAPER



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Cover photo: Eunice, six, in a children's activity area in Nakuru, Kenya for people forced to leave their homes by 2008 post-election violence.  
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# I INTRODUCTION

Commissioned by the Child Protection Working Group, this discussion paper reviews humanitarian agencies' experience and thinking around building and supporting child protection systems in emergencies. This paper is also intended to identify opportunities, challenges and areas for further learning on building or strengthening child protection systems in crisis.

## THE EMERGENCE OF CHILD PROTECTION SYSTEMS AS A KEY CONCEPT IN THE HUMANITARIAN SECTOR

The effort to build or strengthen child protection systems can perhaps be most easily explained in contrast to an 'issue-based' approach. Until recently, many development and humanitarian agencies have organised their child protection work by identifying and responding to priority threats facing boys and girls, such as the recruitment and use of children by armed actors, or sexual violence against children. Agencies have often targeted responses at a particular vulnerable group, such as 'ex-child-soldiers', street children or separated children. However, there is increasing interest in reframing child protection work by looking more broadly at the deficits in the protection available to all children and addressing the structural or root causes of those gaps in both prevention and response – in other words, building and strengthening child protection systems.

As discussions around child protection systems are at an early stage, interagency agreement on key concepts and terminology has yet to be established. While the move towards a 'systems' approach has gained more momentum in development contexts (where the attainment of long-term sustainable solutions is explicitly or implicitly an overarching goal for all sectors), thinking and guidance on how emergency responses should seek to build, strengthen or transition into child protection systems is only now beginning to be developed. Innovative field experience does exist and promising practices are beginning to emerge, but agencies have yet to systematically collect, review and analyse these experiences. This paper is a first step in developing much-needed guidance in this emerging area within the field of child protection in emergencies (CPIE) response.

In the longer term, it is clear that the growing commitment to building or strengthening child protection systems in emergencies is likely to have significant implications for how agencies operate in a number of areas. These include how they carry out needs assessments; how they plan and implement humanitarian interventions; the type, volume and duration of funding required; the role of advocacy in humanitarian situations; the orientation and training of staff; approaches to post-emergency work; and the direction of research in the sector, including evaluations and multi-context studies.<sup>1</sup>

<sup>1</sup> For an interesting parallel development in the field of mental health, see the *IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings*, 2007.

## WHY ARE CHILD PROTECTION SYSTEMS NEEDED?

The shift towards a focus on systems by agencies working on child protection in emergencies has been driven by several factors. These include:

- Dissatisfaction with the impact of fragmented approaches – particularly expressed by larger child protection agencies such as UNHCR, UNICEF and Save the Children, which address a range of interconnected issues in their work<sup>2</sup> and operate in both emergency and development settings.
- Concerns about undermining existing traditional or state and community protection mechanisms.
- A growing understanding of children’s experiences – which often indicate a range of interconnected protection failures.

The call for a focus on child protection systems was reiterated in the UN Secretary-General’s Study on Violence Against Children (2006). It concluded that a holistic, systemic approach, which emphasised prevention, was necessary to eliminate violence against children. A further formative experience for some practitioners was the Asian tsunami of December 2004, where the value of a robust and resourced national child protection system was demonstrated in the differential effectiveness of responses in the affected countries.

The discussion on child protection system-building has developed to a certain extent through a differentiation between this new approach and others used currently or previously by agencies. In addition to ensuring that protection violations and risks that children are exposed to during

times of crisis can be responded to quickly and professionally, it is generally expected that a ‘systems’ approach to child protection will achieve the following:

- **Work for the protection of all children** to address underlying vulnerabilities, rather than targeting individual groups or categories of vulnerable children with disparate initiatives. Children are recognised as people and not just categories.
- **Address the full range of child protection issues** in each context, rather than focusing on one or two ‘fundable’ concerns.
- **Make existing child protection structures and interventions more efficient** by improving coordination, maximising scarce resources, and eliminating duplication. Since a system is better placed to continually identify and address gaps in child protection in an ongoing way, linking children with a range of services and actors, it frequently maximises benefit from finite resources.
- **Unite the child protection efforts of all actors at the various levels**, emphasising their complementarity, under a common goal and to common standards.
- **Place a strong emphasis on prevention** in compliance with the ‘best interests’ principle and thereby also achieve greater long-term cost-effectiveness.<sup>3</sup>
- **Include measures to respond to and ameliorate** the effects on children of protection violations.
- **Convert fragmented programme and policy efforts in child protection into investment in a sustainable benefit** that can continue to provide predictable prevention and response services in child protection.

<sup>2</sup> As early as 2005, UNHCR mentioned the issue of child protection systems in its contribution to the Secretary-General’s report on Assistance to Unaccompanied Refugee Minors; and Save the Children UK established the building or strengthening of national child protection systems as its overarching goal for all child protection programme and advocacy work.

<sup>3</sup> The UN Study on Violence Against Children asserted that prevention is more cost-effective than response.

- **Address the structural and organisational means to achieve children’s rights to protection** – for example, by strengthening financing and budgetary processes, coordination between government departments and others, professional case management systems, and the accountability mechanisms to ensure that established standards and procedures are respected.<sup>4</sup>

Although these expectations indicate an intended improvement on pre-existing practice, some people question how much of a radical change a focus on child protection systems is likely to represent for humanitarian agencies. On the one hand, it is consistent with child rights programming (CRP)

and human rights based programming approaches currently used by a number of agencies, as well as with UNICEF’s Protective Environment approach.<sup>5</sup> On the other hand, a focus on systems places greater emphasis on issues relating to mechanisms for delivery (ie, *how* a protective environment is developed and coordinated, or how children’s rights are realised), such as financing and budgetary processes, coordination between actors and the interplay between child protection and other systems (eg, education and health). A focus on systems also implies going beyond a response to the immediate presenting issues and encourages a longer-term view than many emergency response actors normally take. It is a core component of child protection and early recovery.

<sup>4</sup> In some situations, humanitarian agencies have been criticised for failing to operate under national laws on child protection (often owing to the extreme weakness of such laws and their lack of child-rights focus) and totally replacing the existing child protection systems. International agencies need to be accountable to either a national regulatory framework or to a clear set of international standards, which has yet to be developed.

<sup>5</sup> Like these approaches, a focus on child protection systems begins from a comprehensive understanding of the problem, recognises the interconnectedness of protection failures, tackles both immediate protection threats as well as the need to build sustainable long-term solutions, stresses the need for meaningful accountability, emphasises children’s own involvement as well as the need to build wider ownership of responses to protection threats, and emphasises the need for particular attention to groups who are marginalised and discriminated against.



# 2 WHAT IS A CHILD PROTECTION SYSTEM?

The child protection sector as a whole has yet to agree on a consensus definition or description of a child protection system, and most agencies do not have documented positions on child protection systems. Some have commented that a fundamental starting point is to define more generally what is meant by the word ‘system’.<sup>6</sup> The process of developing a definition for a child protection system is under way in many agencies, although current versions are likely to be revised in the near future as thinking evolves.<sup>7</sup>

## DEFINING CHARACTERISTICS OF A CHILD PROTECTION SYSTEM

A review of agencies’ documentation reveals the following areas of apparent consensus on defining characteristics of child protection systems:

- They consist not simply of a list of components (the suggested components of a child protection system are discussed below and many of them are ongoing processes) – what is important is **the dynamic interplay between the components**.

- They focus on prevention of and response to **violence, abuse, exploitation and neglect**.<sup>8</sup> While emphasising the interconnectedness of child protection and other sectors, a systems approach presupposes that **child protection is a distinct sector of work**, the entirety of which would not be covered by other sectors in the absence of a child protection system. For example, measures to prevent family separation; family tracing and reunification; monitoring of care arrangements for children; and provision of guidance, advice and support on childcare to parents and carers.
- They are based on a **child rights** framework, and, where applicable, are inclusive of rights to protection enshrined in international humanitarian law. Among other things, this means that they must be designed and implemented to: serve the best interests of children; enable the meaningful participation of children; and be accessible to, relevant to, and actively inclusive of all children in the territory covered, regardless of nationality, gender, race, age or stage of development.

<sup>6</sup> The approach adopted in, for example, Fred Wulczyn et al. (2010) *Adapting a Systems Approach to Child Protection: Key concepts and considerations*, Chapin Hall.

<sup>7</sup> UNICEF’s latest child protection strategy describes child protection systems as “a set of laws, policies, regulations and services, capacities, monitoring and oversight needed across all social sectors – especially social welfare, education, health, security, and justice – to prevent and respond to protection-related risks”. Save the Children has described child protection systems as “comprehensive approaches to the protection of children from abuse, neglect, exploitation and violence and to the fulfilment of children’s rights to protection” (Bill Bell, 2008 ‘A rough guide to child protection systems’). A common understanding and definition between child protection actors should be a goal, to help agencies to work together with governments to build child protection systems in emergencies.

<sup>8</sup> The definition of child protection and the parameters of this work are currently under discussion among humanitarian agencies involved in child protection in emergencies. This apparent focus of child protection systems broadly reflects agencies’ documented efforts to define their sector, and the views of those who have contributed to this paper.

- They are **national in scope**<sup>9</sup> and for this reason they necessitate government responsibility and ownership; their development is a process to which humanitarian agencies, as external and temporary actors, can only contribute.<sup>10</sup> While bearing this scope in mind, it is important to emphasise that child protection systems are built up of essential elements, processes and activities at the levels of, and between the levels of, the individual child, the family, the community, and interim levels (ie, municipal, district, provincial); as well as the linkages between formal and informal structures. In particular, children, young people, and civil society are extremely important actors in both the assessment, functioning and ongoing monitoring of child protection systems.
- They are **needed and relevant in emergency and crisis situations**. While some see an inevitable conflict between the humanitarian imperative and a systems approach, others see their complementarity and inter-connectedness. The range of situations in which child protection needs may be heightened, and capacity may be weakened, includes situations of natural disasters, extreme poverty, conflict and complex emergencies – each of which presents distinct challenges. In these situations, the priorities that a child protection system needs to address are likely to be different from those in a more developmental setting. Priorities may also need to change as the nature of threats to children's protection changes (eg, with resources redirected to more urgent tasks such as family

tracing or the prevention of recruitment into armed groups). Furthermore, such situations may offer new opportunities for building or strengthening systems that not only build the capacity to cope with future shocks but also provide greater protection for larger numbers of children.

- Their structure and composition **respond to their context** and will depend upon many situation-specific factors and priority child protection concerns.

## PURPOSES OF A CHILD PROTECTION SYSTEM

Arguably, agreement on the *purposes* or *functions* of the system (what the system is expected to achieve) is a prerequisite to consensus on content and structure. Currently, the functions of a child protection system are conceptualised in different ways,<sup>11</sup> but the following appear to be emerging themes:

- **To prevent and respond to abuse, exploitation, neglect and violence, and to mitigate their effects.**<sup>12</sup> The system does this in a range of ways, including by setting legal, practice and other standards; collecting data; providing social services, including family tracing, reunification, case management, psychosocial and reintegration services; mobilising families and communities; raising public awareness; initiating legal action; etc.

<sup>9</sup> There may be a distinction to make between the use of the word 'system' to indicate something national in scope, from the use of the term to describe a set of interventions carried out by agencies responding to and preventing child protection issues at the individual and/or community level. While individual case management systems are sometimes referred to as child protection systems, and may be de facto the extent of the system in some contexts, these do not meet all the criteria suggested in this paper to be considered complete child protection systems on their own.

<sup>10</sup> One consideration here is the applicable legal framework, including the standards to which the state and other actors can be held to account, and the means for doing so. The applicable legal framework may include national and regional law, as well as human rights law, refugee law and international humanitarian law.

<sup>11</sup> Participants at UNICEF's recent global workshop on child protection systems developed a relatively detailed (but not definitive) list of 17 child protection functions, interventions or services, using as a starting point five broad categories: prevention; family support and early intervention; detection and reporting; justice and gate-keeping; and response and reintegration.

<sup>12</sup> There are various views on how the terms 'prevention' and 'response' should be defined. Some argue that both exist on the same continuum of activity. Others break 'prevention' down into three types of activity: primary, secondary and tertiary prevention, the last of which is similar to others' conceptions of response.

- **To develop and maintain links with other systems or act in concert with them** in order to meet all child protection needs. This includes engaging with justice systems, national security systems, health and education systems, and economic and social welfare systems. The quality of joint work between the child protection system and these other systems is central to the effectiveness of the child protection system, since these other systems also provide services to children that directly influence their protection. A central mechanism for joint work is effective referral and follow-up of individual cases between systems (see box below for further discussion of where child protection systems begin and end).
- **To prepare for and respond to shocks** where children's protection needs are likely to escalate, such as natural disasters or sudden population displacements. This includes emergency preparedness work to mitigate the negative effects of potential emergencies on children, meeting child protection needs in an emergency and during its aftermath, as well as engaging in an optimal way with other governmental and non-governmental actors who offer supplementary capacity in emergencies.<sup>13</sup>

## WHERE DOES THE CHILD PROTECTION SYSTEM BEGIN AND END?

Debate is ongoing on the question of the 'borders' of the child protection system vis-a-vis other systems; and the limits of responsibility of each system. For example, some regard juvenile justice issues as falling within the parameters of the child protection system, whereas others regard such issues as falling within the justice system. The latter is seen as a separate system, which should operate in harmony with the child protection system through, for example, adherence to common child protection standards and establishment of well-coordinated referral and monitoring systems.

Many aspects of child protection work (eg, identifying individual cases, messaging, and providing general and targeted responses) may be carried out by those working in other systems (for example, health workers, police, teachers, etc), so coordination and referral become central to the effectiveness of the child protection system. Indeed, multiple, distinct systems relevant to children in emergencies do not

simply interface but overlap. Some functions may involve practitioners from two or more systems and require them to act in an integrated way. Investigating and responding to child protection violations, for example, can involve social work, justice, and health personnel acting as a team.

In Thailand, UNICEF found that putting clear conceptual parameters around the child protection system (defined broadly as the 'child and family welfare system') was a key first step in analysing the system; it enabled them to pinpoint accountability for child protection, identify areas for improvement, and keep both a clear focus and achievable goals for the child protection sector. UNICEF's June 2008 global workshop on child protection systems addressed the same issue. Using a table with column headings such as 'protection sector', 'education sector', 'health sector', etc, it charted where responsibility lay for different activities, such as 'alternative care' or 'background checks for those working with children'.

<sup>13</sup> Here, 'optimal' is intended to indicate both effective use of resources for optimal impact, and safe ways of working where children are protected from exploitation and abuse by those responding to the emergency.

## COMPONENTS OF A CHILD PROTECTION SYSTEM

Following agreement about the purposes of a child protection system, the question of what components comprise an 'ideal' child protection system can be identified. Although there is no final consensus on these components, the following – which are a mix of institutions, frameworks, processes and behaviours/attitudes – are commonly mentioned:<sup>14</sup>

1. **Legal and policy framework**, including regulations and standards compliant with the United Nations Convention on the Rights of the Child 1989 (UNCRC), other international standards and good practice.
2. **Effective regulation and oversight** to ensure that standards are upheld at all levels. Some argue that this component necessitates the existence of a specific agency or ombudsperson dedicated to child protection and/or child welfare, with the mandate, means, authority and responsibility to ensure that the system works effectively.
3. **Preventive and responsive services**, including both the institutions and structures (formal and informal, government and non-governmental) that deliver the services, and the processes through which services are delivered. These include case management systems, other information systems, and appropriate budgeting and management. In a formalised system, this will have as a core element, a social work system providing a response to specific child protection issues and cases.
4. **Effective coordination** – particularly on case management – between relevant government and non-governmental actors and between sectors at different levels.
5. **Knowledge and data** on child protection issues and good practices to inform evidence-based policy development and advocacy.
6. **A skilled child protection workforce** that can respond and expand to meet the specific protection issues arising in emergencies. Practitioners with minimum skills in social or community work who can be trained quickly and have a core understanding of child protection issues. A workforce should also include those with data management skills and policy-makers able to develop appropriate policy and legislative measures which rapidly respond to the immediate risks that children face.
7. **Children's voices and participation.**
8. **An aware and supportive public.**
9. **Adequate funding** for all of the elements listed above, and appropriate budgeting processes that cover both long- and short-term needs for child protection systems.

In both emergency and non-emergency situations in developing countries, such elements of a national child protection system may be supported, supplemented, substituted or gap-filled by external structures and agency efforts. For example, in situations of conflict, the activities of the UN Security Council and its Working Group on Children and Armed Conflict (and in particular the country-level Monitoring and Reporting Mechanism task forces on grave violations of children's rights established under Security Council Resolution 1612), as well as the International Criminal Court and peacekeeping forces, may provide oversight and hold duty bearers to account. Similarly, international humanitarian agencies may provide a range of child protection services to a displaced or disaster-affected population that their own government is unable to deliver at that point.

<sup>14</sup> Sourced and adapted from Bill Bell, 'A rough guide to child protection systems'; and UNICEF, Global Child Protection Systems Mapping Workshop.

## INDICATORS OF A FUNCTIONING CHILD PROTECTION SYSTEM

It is widely acknowledged that more effort needs to be made to assess existing child protection systems, and to measure progress in building or strengthening such systems. So far, there have been only limited and disparate attempts to establish indicators for a functional child protection system. Some efforts focus on the components of a system, developing more detailed indicators for

each one and then assessing the context on this basis. Other efforts focus more on outcomes for children, inferring the reach and quality of the system (or deficits and failures) from this. Save the Children, UNICEF and UNHCR have attempted to 'map' child protection systems in a range of contexts; and UNICEF and Save the Children are currently collaborating on the development of indicators to facilitate the assessment of child protection systems in emergencies.

# 3 AGENCIES' EXPERIENCES IN STRENGTHENING OR BUILDING CHILD PROTECTION SYSTEMS IN EMERGENCY SITUATIONS

## THE POTENTIAL FOR INCREASED IMPACT THROUGH SYSTEM-BUILDING

As noted above, one of the main advantages of building and strengthening child protection systems in emergency situations appears to be the potential for achieving greater impact for children. This could occur in the following ways:

First, this approach aims to deliver benefits for all children who are in need of support, and not just specific groups identified as, or assumed to be, vulnerable. Where the scale of response is sufficient to reach all children in need of support, or a good proportion of them, this may significantly increase impact. There is also less risk of children not wishing to identify themselves as vulnerable by having to fit external (and perhaps rigid) notions and prioritisation of 'vulnerability'. Most importantly, a systems approach allows those responding to an emergency to identify and support children and families that would otherwise not access services and support because they do not fall into one of

the priority risk groups. As practitioners in conflict-affected western Uganda came to realise: "The strategic shift by the sub-cluster to building child protection systems resulted in a more holistic and efficient response. The current child protection committees and referral mechanism are designed to support all vulnerable children, whether they are formerly abducted children, survivors of sexual abuse, or orphaned as a result of AIDS."<sup>15</sup>

Secondly, a systems approach, if applied proactively and universally as a part of preparedness, can prevent protection problems from occurring, thus reducing overall caseloads and their complexity and severity.

Finally, by supporting existing child protection processes and structures through their emergency response (ie, to extend or strengthen existing elements of the child protection system), agencies can maximise the efficient use of their resources. They can also avoid creating parallel or duplicate systems (see box overleaf on systems building work at the community level during the conflict in Côte d'Ivoire).

<sup>15</sup> B De Lay and C Knudsen, 'Inter-Agency Review and Documentation: Uganda child protection sub-cluster', 2008. However, it should be noted that unhelpful categorisation (and different treatment) of children can still occur. Save the Children's analysis of the child protection response to the tsunami observed that a kind of 'tsunami exceptionalism' had resulted in a series of separate policies, laws and services for tsunami-affected children that were not extended to children whose parents had died at other times or of other causes. This resulted in a fragmented system rather than an enduring and all-encompassing one.

## CHILD PROTECTION IN UGANDA: WORKING WITH REFUGEES

UNHCR's analysis of child protection efforts in Uganda involved comparison of areas where agencies had worked using a 'systems' approach with areas where refugee populations were living and no such approach was in place.<sup>16</sup> In the latter case, there were no community-based or other informal child protection structures; UNHCR and its partners were heavily reliant on individual

case management, which tended to be reactive, inefficient, and poorly organised, with some cases slipping through the net. Thus, in a context where refugees have access to national systems and services, UNHCR identified a valuable opportunity to work to improve refugees' access to national child protection resources, instead of establishing a parallel system.

## OPPORTUNITIES AND CHALLENGES IN WORKING WITH A SYSTEMS APPROACH IN EMERGENCIES

Emergencies present a range of opportunities that can facilitate efforts to build child protection systems.

- An improvement in the provision of basic services can enable key actors – such as parents and community members – to give more priority to child protection and to build their longer-term capacity in child protection.
- At the height of an emergency, there is likely to be considerable national and international media attention. This can spotlight neglected protection concerns and place pressure on the government to fulfil children's rights and to resolve protection issues, such as an overuse of institutional care or ensuring that all children have access to services. There have also been successful examples of emergency policy development taken in the initial stages of an emergency to protect children. One such example was the creation and development of policy and guidelines by the Indonesian government that prevented the movement of children outside of Indonesia following the 2004 Asian tsunami.
- With a clear model and understanding of the core functions of a child protection system, the relief phase has the potential to play a key role in laying some of the foundations of the system. These are likely to range from preventative services – such as family support to avoid secondary separation – to case management for separated, unaccompanied or abused children; and from alternative and interim care service provision to reintegration support to families. However, as the case study from Sierra Leone (opposite) shows, there may be difficulties in sustaining levels of support through to the post-emergency phase.
- The early recovery and post-emergency phases can be excellent times to reform social and financial components of the system; at the same time, practitioners and legal experts may have an opportunity to overhaul relevant legislation and radically improve society's perception of children. In addition, it provides opportunities to expand the qualified workforce of appropriate government / social worker staff and NGO child protection staff.
- Finally, the post-emergency phase, when the agendas of emergency response and development practitioners converge, provides an opportunity for the development of more effective transition strategies, where system-building can be a uniting goal for all efforts.

<sup>16</sup> B De Lay and C Knudsen, 'Inter-Agency Review and Documentation: Uganda child protection sub-cluster', 2008. It should be noted that these areas were different to the conflict-affected areas in western Uganda mentioned above in discussions of the sub-cluster's work.

## CHILD PROTECTION IN SIERRA LEONE IN THE TRANSITION TO THE POST-CONFLICT PHASE

Prior to the 1991 civil war, the Ministry of Social Welfare focused its work for children almost exclusively on juvenile justice. During the war, a Child Welfare Secretariat (CWS) was established. Its primary focus was on separated children, but it was also tasked with ensuring a good information system, and quality control for the many national and international NGOs that were providing services. In addition, a tripartite committee (made up of the Ministry, UNICEF and Save the Children) was established to coordinate the family tracing and reunification (FTR) process, while a Child Protection Committee forum was established to coordinate all agencies and organisations working on CPIE.

As the Ministry of Social Welfare was unable to monitor reintegrated children, it was felt that a community-based group – such as a Child Welfare Committee (CWC) – would be most appropriate to serve as a monitoring body to prevent further abuse of children. CWCs were given a statutory mandate for care and protection of vulnerable children at the community level.

Despite limitations on budget allocation the government has now made a significant step in mandating the role of CWCs through the Child Rights Act, from community level right through to the national level. Particularly important is that the government has set up a systemic approach through CWC that will look at all child protection issues. The Ministry is now working with NGOs and UNICEF to support the significant efforts needed to roll out CWCs to fulfil their legislative role.

Some of the key challenges in child protection work in this post-conflict phase have been identified as:

- A lack of political will and ownership, as the child protection system is perceived as having been imposed by outside organisations during the emergency phase.
- Support to the relevant ministry was reduced, and resources as well as staff overtime payments were stopped, which resulted in staff feeling unsupported and demotivated. A gradually planned and phased withdrawal of support to the Ministry of Social Welfare and CWCs would have led to better results.
- Up until now only a database on FTR has existed, and that has now ceased to function. In the post-conflict environment the government need to set up a data management system to monitor child protection across the country.
- For the child protection system to continue to function in a post-emergency context and with less external support, the Ministry of Social Welfare needs:
  - Skills development training – in areas such as database management/analysis, strategic planning, and developing project proposals – to enable them to continue their work.
  - A greater capacity to lobby (through showing the impact of their work) for increased budgetary allocation for the child protection system.



Alongside these opportunities, emergency situations present several challenges, some of which may seriously constrain efforts to build or strengthen child protection systems. The main challenges include the following:

- While the national scope of a formal child protection system implies work with state structures, this may not be possible for a range of reasons. For example, the state may be extremely weak; its authority may not extend to certain geographical areas or populations affected by the emergency; and/or it may itself be abusive or negligent towards children. Equally, there may be parts of the affected area where the competent authority is a non-state actor. Even where states are apparently committed to realising children's rights, there may be denial of child protection issues, lack of political will on the part of the state, competition within the elements of the state for resources, and a lack of flexibility (see box opposite on the challenges in the responsiveness of the child protection system in South Africa). In such situations, NGOs, UN agencies, and other non-governmental service providers may need to assume part or all of the responsibility for service provision. While work to identify and support appropriate governmental actors and departments continues, immediate efforts to build a child protection system will need to focus on community structures and other viable levels.
- The lack of access to basic services such as food, shelter, health and education in emergency situations is likely to exacerbate levels of exploitation and abuse of children, and this may be ongoing if the response in these sectors is inadequate. Furthermore, in conflict situations, levels of violence and grave violations of children's rights increase. This means that in most emergency situations, the overall burden on the child protection system is greatly increased.
- The detection of high-risk groups of children, or patterns of grave violations, in combination with limited time, access and resources, may necessitate a narrow focus on specific categories of children or issues, at the expense of building a system for the benefit of all vulnerable children. This may be exacerbated by funding streams and priorities – for example, when particular issues or violations are priorities for donors, or achieve greater visibility.
- There is a lack of clear guidance and best-practice experience on how the early recovery and child protection sectors should collaborate – and how humanitarians in all sectors can better support more development-oriented actions in a crisis situation.
- IASC<sup>17</sup> and other guidelines may be applied in isolation from national guidelines or frameworks, offering a different standard of service delivery or protection. Here, the challenge is to develop and review national guidelines, frameworks or standards in the light of those used in the emergency phase.
- Coordination between the range of actors in child protection – from grassroots community groups to national authorities and the gamut of international agencies – may be weak, agency-centric, and ill prepared to build common strategies for an effective child protection system.
- In some cases, the emergency response already provides a higher standard of service delivery and care than is available in the national system. For example, in Burundi, Kenya and Sierra Leone, the interagency child protection database containing case information for separated and reunified children was handed over to a government department with such limited capacity that computers and expertise to use the system were in short supply.

<sup>17</sup> Inter-Agency Standing Committee of the UN.

## CHALLENGES IN THE RESPONSIVENESS OF THE CHILD PROTECTION SYSTEM IN SOUTH AFRICA

South Africa's child protection system is relatively well developed and based on a sound legal framework. Orphans and other vulnerable children are a focus for the system because of the high prevalence of HIV and AIDS in the country. The Department of Social Development (DSD), a highly decentralised body with limited capacity and resources, plays a key role at all levels: national, provincial, municipal and district.

In 2008, within the space of two weeks, there were a series of xenophobic attacks on migrants, with subsequent population displacements and the establishment of camps for those affected. The situation was perceived by the authorities as a rapid onset emergency. The extent to which the child protection system engaged with the emergency response varied from one province to another. Effective collaboration was constrained by the following challenges:

**No emergency contingency plan:** The crisis was not anticipated, and the government had a clear policy against the set-up of camps in response to emergencies. As a result, the division of responsibilities between government departments, and between state actors and international agencies, was confused. Two weeks into the emergency, government representatives stopped attending child protection coordination meetings facilitated by UNICEF. Although a national disaster management body was responsible for the first-phase response, in the province of Gauteng (Johannesburg and Pretoria) the municipalities took initial

responsibility for the management of emergency shelters. Planned handovers to the province and to the DSD never happened, resulting in a management vacuum for the camps. Conversely, in the Western Cape, the DSD was very involved in the daily running of the shelters but stood down from any role in reintegrating children who were leaving the camps.

**Questions about the applicability of the national child protection system in the emergency:** Despite the supposedly universal applicability of the legal framework, in practice, undocumented migrant children are generally excluded from service provision. There was no indication that this would change in the emergency. Humanitarian agencies were unable to clarify key protocols, such as for foster care, local adoption and other care provision, or family tracing processes.

Furthermore, normal child protection procedures were, in some cases, inadequate for the emergency situation. For example, family separations in the emergency were mainly short term and resulted from parents leaving children for a couple of days with extended family members, or parents being detained. Standard responses would have impeded family tracing efforts in these cases, since they were not easily accessible for parents with alien or 'illegal' status. Before the emergency, processes for cross-border tracing were lengthy and often ineffective. As a result, humanitarian agencies decided to largely bypass standard services for separated children.

- Every country context has a unique child protection system or set of potential components at different stages of development. This means child protection actors would have to identify and assess guidelines, procedures, and mechanisms in all contexts; and it limits the extent to which generic guidance for building child protection systems can be developed.
- There is a paucity of both immediate and sustained funding for child protection in emergencies (for example, a survey of donors carried out by the Canadian International Development Agency (CIDA) indicated that child protection is an area of work that is badly funded and neither understood nor prioritised within emergency responses;<sup>18</sup> in addition, the problem of sequencing in funding, where post-conflict or recovery work suffers, is well documented).

## DEVELOPING STRATEGIES FOR DIFFERENT SITUATIONS

Emergencies tend to fall into one of two categories: sudden or rapid onset emergencies, and those that may develop more gradually but may continue for many years as chronic emergencies. No two emergency situations are the same, and different types of emergencies present different challenges and opportunities for building child protection systems. When considering the appropriate response within a system perspective, the nature of the pre-existing or current child protection system is often a key factor:

1. Situations where a child protection system is largely non-existent or a system exists, but is not implemented. (Examples include fragile

states such as the Democratic Republic of Congo (DRC), Chad and Somalia; and refugee/IDP settings outside the reach of the national child protection system. Among displaced populations, communities may be very fragmented, eliminating any remnants of a system even at this level.) These can be termed **'initiate'** situations.<sup>19</sup>

2. Situations where elements of a system exist, and can provide a platform for further enhancement or development. These can be termed **'build back better'** situations. There are at least two sub-categories within this group:
  - Situations where some components of a child protection system exist but the system is not national in scope – for example, when some structures and good practice at the community level exist, but government and/or civil society capacity is extremely weak. In this type of situation, the post-emergency phase may offer the opportunity to begin to develop a more comprehensive child protection system, such as in Sierra Leone. Linkage between efforts at the community and national levels, as well as **sustained funding and political commitment**, may be the most important pre-requisites for successful systems-building efforts.<sup>20</sup>
  - Situations where a system can be said to be national in scope, but may be largely nominal and/or may have serious weaknesses (examples include Uganda, Thailand, Kenya and Indonesia). In these situations, the emergency can reveal flaws in the system, but at the same time, the emergency response can provide opportunities for improvement if programming is sustained beyond the early recovery phase.

<sup>18</sup> Montgomery et al, 2006.

<sup>19</sup> Some of the challenges presented in these situations may be similar to those in low-income countries such as Niger.

<sup>20</sup> It has also been noted that caution should be exercised in 'build back better' models so that we do not change or disrupt natural community mechanisms to protect children, risking turning normal community structures that are pre-existing and sustainable into 'agents of the system'. For instance, very active child protection committees have been seen to turn into CBOs to seek funding to become NGOs, then leaving a significant gap in the community when they do so. A balance needs to be sought between feeding into the system and undermining pre-existing but less formal systems.

## LESSONS LEARNED ON BUILDING OR STRENGTHENING SYSTEMS IN EMERGENCIES

A review of documented experiences of humanitarian agencies' emergency response work reveals some key lessons about supporting child protection systems. Some of this learning is incidental or inferred – in other words the intention may not explicitly have been to use a 'systems approach' but simply to innovate in order to achieve more lasting improvements in child protection. In other cases, attempts to build and strengthen child protection systems have been more deliberate. These are the key lessons learned to date:

- **Effective system-building work must be a shared priority between development and emergency response actors** (including the donor community). Building or strengthening a child protection system, or its component parts, requires extensive preparatory and follow-up work,<sup>21</sup> and does not appear achievable in a short (one year or less) response.

Much of the useful learning on how emergency response can build and strengthen child protection systems comes from countries affected by the 2004 tsunami, and West African countries affected by conflict. In both cases, there was longer-term engagement by humanitarian agencies during and following the emergency than would normally be the case, including the transition to a national development track. By contrast, in the recent, less sustained emergency response to post-election violence in Kenya in late 2007, humanitarian agencies struggled to achieve tangible improvements in those parts of the child protection system responding to separated children, despite working closely with existing social service structures and the Department of Social Welfare from the outset.

- **The extent and quality of coordination among those working on child protection is a critical factor in building or strengthening systems.** For example, the child protection sub-cluster in Uganda (see box overleaf) appears to have had some success enhancing the child protection system. Members of the sub-cluster found that the common understanding of, and commitment to, a systems approach greatly facilitated their work to develop and uphold common standards in programming, and that their collective efforts were no longer fragmented, but presented a concerted effort to strengthen community-based protection work. An essential feature of this effort was the collaboration that NGOs and UN agencies fostered with the government to build and strengthen the system. One such example is the development of minimum standards for community-based child protection groups that are under consideration for government endorsement for non-conflict affected areas.
- **Fostering ownership of emergency interventions at the community level,** which can then be formally linked to a national child protection system, appears to be a successful strategy. In both the Ugandan example and in Sierra Leone, community engagement in children's reintegration was essential; the community was the locus of many resources for children's protection and reintegration, through which it was possible to identify replicable and applicable strategies (such as traditional cleansing and healing in Sierra Leone). UNICEF's experience in Thailand also underlines the importance of engaging the families and communities of children affected by an emergency, leading to the conclusion that in order to strengthen child protection systems, the focus of emergency response has to be wider than just the children affected during the crisis.<sup>22</sup> In each of these cases, child protection work by community members was recognised

<sup>21</sup> Essential preparatory work relates to assessment or mapping of the existing child protection system, and is discussed further on. Follow-up work is also discussed below, most often relating to formalising community-based work and linking it to national structures.

<sup>22</sup> A Krueger 'Model of a Comprehensive Child Protection System for Thailand', UNICEF, 2008.

and eventually formalised as part of the system following the emergency. In fragile states, this learning may be particularly important, since it

may not be possible to work at levels other than the community.

## STRATEGIES FOR SYSTEM-BUILDING DEVELOPED BY THE CHILD PROTECTION SUB-CLUSTER IN UGANDA

Prior to the adoption of the cluster approach in Uganda, child protection agencies demonstrated a tradition of good collaboration. Under the leadership of various NGOs and UNICEF, the government established a Psychosocial Core Team to better coordinate interventions in Uganda, including efforts in the north. Psychosocial work reached beyond children and targeted the community as a whole. The national core group remained very active until 2006, when leadership faltered and the structure essentially collapsed.

The disbandment of the team coincided with the establishment of the child protection sub-cluster as the main child protection coordination forum. The new coordination structure expanded the core group's narrow psychosocial focus to incorporate a broader child protection mandate. The sub-cluster created a new vision, which was supported by a new injection of resources and interest.

Members of the sub-cluster maintain that the coordination mechanism itself was a key facilitator in the development and implementation of some key strategies for system-building in the child protection response. These included the following:

- Interagency agreement on, and adoption of, a common approach to child protection programming at the community level, including the development of minimum standards and core competencies for child protection committees.<sup>23</sup>
- Government buy-in to agreed approaches: these standards and guidelines are now endorsed by the government, which is also considering how to apply them in areas of the country that are not affected by the emergency. This essentially recognises and legitimises the work of child protection committees at the community level.
- Establishment of an effective network and two-way communication system between field-based and national coordination structures, which helped to foster ownership by building on existing government policy and structures at local and national levels.
- Establishment of lead agencies along with referral systems across all affected areas: in each district, an international or national NGO managed local child protection cases and issues and used a standardised referral mechanism as needed between agencies and provinces. Lead agencies trained members of child protection committees and provided technical support to the government focal points in each district.
- The allocation by UNICEF of a dedicated coordinator for the sub-cluster's work. This capacity was essential in channelling multi-agency efforts into a systems approach, such as negotiating standards and building the commitment of government.

<sup>23</sup> J Lenz 'Inter-Agency Guidelines on the guiding principles and minimum standards for supporting and establishing community-based child protection structures', 2007.

## SYSTEM-BUILDING WORK AT THE COMMUNITY LEVEL DURING THE CONFLICT IN CÔTE D'IVOIRE

Upon independence from France, Côte d'Ivoire had a clear civil structure, including functional police and justice systems, as well as healthcare, schooling, postal services and, importantly, civil registry (for birth, death and marriage documentation). The country ratified the UNCRC though a thorough legislative review and concrete implementation were elusive; thus, there were few national policies based on the fulfilment of children's rights.

Children's issues came under the remit of the Ministry of Solidarity, Social Security and the Disabled. Prior to the conflict, professionally-trained social workers were assigned to government-run social centres. The exception to this structure was in the Liberian refugee camps located on the country's western border, which were under UNHCR management with support from a number of national and international agencies working in child protection. Here, situation-specific child protection systems were created. Although the quantity and quality of social services varied throughout the country, Côte d'Ivoire had an appreciable starting point for building effective child protection systems, including elements of infrastructure, human resources, and a promising legal framework.

In 2002, the country was divided by the rebellion of a group from the less-developed north, known as the Forces Nouvelles (FN). Some civil servants were targeted and killed by the FN and their followers; most fled back to government-held territory. Activities carried out through the social centres ground to a halt. However, some civil servants – including some social workers – continued their work in FN areas. While the FN established its own administration, appointing judges, senior civil administrators, etc, it did not re-activate or create a social services structure.

Save the Children worked with social workers on both sides of the conflict. The agency provided training, site visits, and transport allowances. A key duty of social workers in FN areas was to identify social services and other forms of assistance to children who remained in their communities. Using this information, they built up a referral network for individual cases. In addition, they raised awareness of children's concerns with the authorities, as well as the general public, and established a tracing and reunification system with the Red Cross and UNHCR. This was particularly successful in one town, where the former Director of Children's Services managed to persuade her old colleagues and new volunteers to mobilise to protect children. The rebel forces also identified one person as a child protection focal point for each town that they controlled; these 'focal points' received training on children's rights and issues affecting children in areas of armed conflict from UNICEF and Save the Children.

This cross-line experience provided a number of lessons.

- A key factor enabling the system to work effectively was that the local population identified a focal person for children's issues.
- It was important for the work to take place simultaneously on both sides of the conflict, in order to facilitate the flow of information, and to promote a consistent approach.
- Because Save the Children had been operational prior to the conflict, the response was based on a good understanding of social arrangements, administrative structures, historical issues (such as contentious issues around birth registration and citizenship), and of the conflict itself; and this greatly increased the extent to which existing elements of the system could be used and supported.

- **One strategy for system-building is to develop aspects of a child protection system that can be formalised and applied nationally** following the emergency. For example, a UNICEF evaluation found that a community-based social welfare strategy that had originated in the tsunami response was subsequently adopted by the Indonesian Parliament. This means that the government committed to budget for, implement, and scale up this strategy to all sub-districts in Aceh over the years to come.
- **Some emergency interventions have proven to be ‘good entry points’ for building or strengthening child protection systems.** One example is family tracing and reunification programmes,<sup>24</sup> as these tend to have a lot of support from governments, community members and donors, and require information management and referral systems to be successful. Another example may be child-friendly spaces, particularly if these are the locus for other interventions addressing a range of child protection needs (such as psychosocial support for all children, advice for parents and carers affected by the emergency, and identification and referral of children with specific care or protection needs). A third example is prevention work, which normally entails investment by agencies at the family and community levels to build up capacity for child protection in response to a range of current and potential threats.
- **Humanitarian agencies appear to have identified some practical steps that can facilitate the strengthening of child protection systems in different contexts.** These include the following:
  - supporting or creating a focal point within relevant government structures<sup>25</sup>
  - seconding a child protection expert to the relevant government structure in order to build capacity and influence decisions on a daily basis<sup>26</sup>
  - building on an existing community structure in responding to an institutional and legal framework; for example, in Ethiopia, where youth offenders, after being put on trial on a ‘child-friendly bench’, are taken into a community-based system where elders guide the youngsters’ future learning and development, building on a traditional and previously almost forgotten practice
  - making provision for the eventual linkage of community-based protection structures set up during an emergency response to an institutional and legal framework at local or national level<sup>27</sup>
  - undertaking a comprehensive, national assessment of all institutions involved in child protection work in the post-emergency phase, along with a policy and budget analysis
  - building incrementally on existing governmental budget categories, as they are easier to influence than a major new initiative.<sup>28</sup>

<sup>24</sup> UNICEF, Summary of Highlights: Global Child Protection Systems Mapping Workshop.

<sup>25</sup> For example, UNICEF created women and children’s desks at the local level in Indonesia, and supported a Child Protection Secretariat, together with Save the Children, in Aceh, with a link to another secondment designed to build capacity at Jakarta level; Save the Children supported a database manager within Sierra Leone’s Ministry of Social Welfare.

<sup>26</sup> As UNICEF did in Aceh, Indonesia. It is important that the host department is prepared for the secondment and open to new approaches.

<sup>27</sup> This relates to experiences of UNICEF in Uganda and Indonesia, as well as Save the Children in Southern Sudan.

<sup>28</sup> See note 22.

## POSSIBLE RISKS OF FOCUSING ON BUILDING SYSTEMS IN EMERGENCIES

The following is a list of potential areas of risk for actors working to build or strengthen child protection systems in emergencies, drawn from documented agency experiences. Many risks, including some of those listed below, are not unique to a 'systems' approach, and may also arise in 'issue-based' CPIE work. Indeed, the many risks and uncertainties involved in identifying and responding to child protection concerns in an emergency are extensively documented. Key considerations in the case of each identified risk should be the extent of the risk in the given context, its potential impact in relation to the best interests of children, and ways in which the risk can be mitigated.

- If efforts to build a child protection system are unduly prioritised before other pressing child protection needs are addressed, there is a **risk of diminished response for the children who are most vulnerable**. Where CPIE efforts are under-funded or other resources (such as human resources or the capacity of responding agencies) are limited, there is a risk that an inclusive approach to vulnerability, as opposed to a focus on one or two narrowly defined high-risk groups (such as separated children, or displaced children), may lead to identification of a larger caseload of 'vulnerable children', for whom there is then no adequate response, and/or, a focus on structural, generalised concerns at the expense of focus and progress within a defined area of work.
- **Developing aspects of the system at different 'speeds' may place children at risk.** One example of this is where agencies have adopted child rights training or awareness-raising with the community on child protection legislation during emergencies, leading people at the community level to view legislation as a solution in itself. Agencies need to be realistic about the strength of a system, and how the system will equate to more immediate protection of children during crisis. Training people on how to respond, mapping referral pathways, and ensuring access to legal, health, welfare, and justice systems if they exist, before raising awareness on parts of the system that only exist in theory may produce more tangible benefits for children (see box overleaf on risks to children during system-building efforts in Afghanistan).
- The appropriate level of investment in government capacity can easily be misjudged. Even in contexts where the government is willing and able to work with agencies during the emergency to strengthen the child protection system, time and effort invested working with government structures may not yield the anticipated benefits for children if capacity, time or other constraints prevail. For example, in Kenya, while the investment by some child protection agencies in building government capacity to manage information on separated children may have longer-term benefits, it was seen to be at the cost of immediate service delivery for those children – large numbers of whom were registered but not followed up (see box on page 21 for more detail).



## ONE STEP FORWARD, TWO STEPS BACK – SYSTEM-BUILDING EFFORTS IN AFGHANISTAN

In 2003, following the fall of the Taliban, Save the Children instigated the development of regional child protection action networks (CPANs). CPANs developed action plans involving international and national NGOs, governments and other stakeholders to help address identified protection issues. After the first year, during which CPANs were active in six regions, a national CPAN was established, drawing on the regional CPANs for its agenda.

This work led to several impressive achievements, including the following:

- A national child protection police department was established in Kabul.
- Female police officers were trained nationally to work with women and children at a regional level.
- A national plan of action to protect vulnerable children was developed and signed by the government.
- President Karzai met with child representatives from 16 regions of Afghanistan and made commitments to improve conditions for girls and boys.
- Traffic police were trained to be more child friendly.
- Children were given free access to transportation for school.

The Afghan government and child protection police department were eager to establish a child helpline that children could call and the police could immediately respond to for protection cases. Within a month, the

government had committed resources for changes to the phone system, creating a free non-traceable four-digit phone number for public reporting of protection cases. Helpline staff were to be trained at regional and national levels, and the government media department committed the resources to publicise the service to children.

The commitment of government resources and mobilisation of political will around this project were unprecedented. However, the lack of response and case management facilities for children who might use the helpline were serious potential risks. For example:

- If a child needed to be removed from their family, there were no alternative care options.
- No social workers were made available to work with children and families to resolve issues or to support a child staying within the family after a violation had been reported.
- Police officers were not trained to listen to children – and this was especially a concern for girls.
- It was a normal (and legally sanctioned) practice to place children reporting violations in prison, for their own protection.
- Child-friendly court systems were not in place.
- Prosecution was very limited and collecting forensic evidence was very difficult.

Given these risks, humanitarian agencies were forced to recommend that the project be postponed indefinitely.

## LIMITATIONS IN STRENGTHENING GOVERNMENT CAPACITY FOR FAMILY TRACING IN KENYA

In December 2007, post-election violence in Kenya displaced an estimated 350,000 people across the country. Houses and businesses were attacked and destroyed. As a result, families fled to other parts of the country, seeking shelter and safety. As they fled, children became separated from their families, while in other instances, children were left orphaned or cared for by other family members. As the months passed and people returned to their homes, an increasing number of children were left in urban centres because their parents still feared further violence. Many were left in charitable children's institutions,<sup>29</sup> and others were left in child-headed households in urban centres around the conflict-affected areas.

Prior to the emergency, Kenya had a Department of Children's Services, with children's officers located at provincial and district levels. In most conflict-affected areas, each district children's officer was assisted by two volunteer officers. While many of the children's officers had a relevant academic background, the volunteers did not have any relevant formal training. In addition, their attendance was often erratic, given the unpaid nature of their posts. As a result, the response at the district and provincial levels was spread between a handful of professionals who were not only responding to the needs of displaced and conflict-affected children but also to pre-existing caseloads of vulnerable children, such as street children, and children at risk of exploitation and abuse.

From the outset, UNICEF and key child protection agencies engaged directly with

the Department of Children's Services and conducted initial, rapid assessments. In the following period, as increasing numbers of separated children were identified, humanitarian agencies trained children's officers and volunteer children's officers to register separated children and conduct family tracing activities. However, limited staffing hindered coordination efforts, while a lack of technical expertise and resources (such as vehicles) also limited the scope for tracing work.

At the onset of the programme, an interagency database was established and housed within the headquarters of the Department of Children's Services. Although staff had been trained to use the information management system. As of September 2008 only limited entries had been made into the database, due to human resources and capacity constraints.

Child protection agencies had engaged with the existing child protection system in this part of the response, and the Department felt a sense of ownership over the process. However, the Department's limited human resources and technical capacity seriously affected the success of this work. Humanitarian agencies offered support at different levels, but the demands were overwhelming, as many national NGOs also required capacity-building support. International actors had limited resources to adequately coach national child protection partners and to meet the many and sustained technical assistance needs generated by the emergency response.

<sup>29</sup> These were often private or religious-based residential care facilities. Increasing numbers of these facilities began to open after the election violence, and were often unregulated.

- **Capacity and commitment at the community level, an important building block for a system in emergencies, can be uneven.** Building or strengthening child protection systems in emergencies emphasises local ownership and contextualisation at an early stage, alongside service delivery for individual children (as opposed to a fully resourced, imported, and temporary service delivery model) As such, it is heavily dependent on community-based protection mechanisms. Community committees have played critically important roles in some emergency situations, such as the reintegration of separated children during and after the conflict in Sierra Leone, as well as the reunification and reintegration of former child soldiers in northern Uganda. However, there are still many questions pending about community-based systems, as research in Kenya, Uganda and Sierra Leone has shown. These include questions

about sustainability, the level of responsibility given to volunteers, and the use of stipends. Research into the work of the child protection sub-cluster in Uganda concluded that community volunteers with minimal training should not fulfil specialist roles for which they were not qualified (eg, case management).<sup>30</sup> This study found considerable variation in the quality of community-based child protection groups and committees. Related to this, particularly in conflict and post-conflict settings, community-based groups may be perceived as, or may actually be, political groups with agendas that may conflict with their child protection mandate. Furthermore, emergencies highlight the risk of putting too much responsibility onto communities and the need to ensure that states assume their core – non-delegable – rights as duty-bearers.

<sup>30</sup> B Delay and C Knudsen, 'Inter-Agency Review and Documentation: Uganda's child protection sub-cluster, 2008; J Alexander, Community-Based Reintegration: Programme evaluation, UNICEF, 2006.

# 4 CONCLUSIONS

## IMPLICATIONS FOR EMERGENCY PREPAREDNESS

Emergency preparedness has different connotations for different actors. Through the lens of building a child protection system, preparedness refers to actions that can be taken in-country (by a state, its citizens and its partners) to build or strengthen the system in preparation for an emergency and to pre-position resources, which can mitigate the effects of emergencies. The following appear to be key points of learning in this vein:

- Experience appears to indicate that countries with pre-existing, well-established child protection systems are better able to cope and recover from the ‘shock’ caused by disasters such as earthquakes, floods and environmental change.<sup>31</sup> Thus, ongoing development work to strengthen the child protection system, prior to a crisis but with emergency-specific provisions, is central to the success of efforts to build and strengthen systems in emergencies.<sup>32</sup> “A community with a functioning protective network around its children where violence, abuse and exploitation are not accepted is in a much stronger position to maintain its network, or rebuild it, in an emergency situation.”<sup>33</sup>
- Practitioners should put less emphasis on national emergency response mechanisms for use in exceptional circumstances, and more

emphasis on developing good, ongoing policy, capacity and practice at all levels, so that a national system is better placed to respond to shocks.

- Humanitarian agencies are being called upon to respond in an increasing array of contexts (including in more natural disasters); it is, therefore, essential that they understand what child protection systems and traditional mechanisms exist, and track their development, to ensure that their resources are used efficiently and to maximum impact in the event of an emergency.
- Training and capacity building of staff (government, UN, national and international NGOs) to give them the confidence, skills and knowledge to ensure children’s meaningful participation should be integrated into emergency preparedness efforts.
- Support for child-led disaster risk reduction (DRR) strategies, processes and tools within a systems framework can also be integrated into emergency preparedness systems.
- National preparedness planning should include dialogue with and between humanitarian agencies to agree and lay the foundations (such as memoranda of understanding (MoUs)) for their roles in child protection responses, ensuring that these roles are supportive of the national child protection system and avoid duplication.

<sup>31</sup> B Bell, ‘A rough guide to child protection systems’, unpublished.

<sup>32</sup> The convergence of development and humanitarian projects in this vein may present some interesting dilemmas. For example, UNHCR in Ecuador has had to consider investment in development work to build the national child protection system – something not squarely within the organisation’s mandate – since the government allowed refugee children access to this system.

<sup>33</sup> G Olofsson, *Child Rights-based National Child Protection Systems*, Save the Children Sweden, 2008

## IMPLICATIONS FOR EMERGENCY RESPONSES

Some of the learning described above may allow the child protection sector to identify facilitating factors for building or strengthening child protection systems in emergency responses.

These could include:

- **Excellent coordination** between child protection efforts (both emergency response and development), including agreement on the model for the system.
- **Ownership of the response by key actors at all levels**, including girls and boys, community members and government bodies. Ownership can be fostered through joint planning and delivery, through advocacy and dialogue, and/or through involving these actors in monitoring and evaluation of the emergency response.
- **Establishing locally agreed standards** (based on international standards) for child protection work and children's participation.
- **Identifying and building on or mirroring existing informal and/or formal protective structures.**
- Ensuring that community-level structures involving children and adults are developed in a way that facilitates their **eventual inclusion in or linkage with formal structures.**
- Close **collaboration from the outset between those involved in building child protection systems and other systems of response**, such as justice, health, education and livelihoods.

'Initiate' situations (where no child protection system existed previously, or a system existed but was not implemented) present particular challenges. However, by using the above principles, agencies can help to lay the foundations for an effective protection system by ensuring that ongoing service provision at the very least builds on approaches and elements already in place or under development, and does not either undermine existing informal protective structures (such as cultural or social resources for protection) or jeopardise chances of eventually building a formal child protection system.

The dual objectives of responding to immediate needs and system-building can be seen as two complementary workstreams; efforts to build and strengthen the system can be seen as an incremental process running simultaneously with service provision to meet immediate needs. A key challenge appears to be navigating the balance in investment between these two workstreams, so that attention to the immediate and pressing protection needs of very vulnerable children is not diminished.

In both emergency preparedness and response, it is important to ensure that existing standards and newly developed ones are upheld at the various levels of operation. Ideally, this would necessitate the existence of a specific agency or ombudsperson dedicated to child protection and/or child welfare, with the mandate, means, authority and responsibility to ensure that the system works effectively.

## AREAS FOR FURTHER LEARNING

Overall, documented experience in using a child protection systems approach in emergencies is limited, and much of the discussion emphasises the need for continued learning on all aspects of systems-building, including cost, impact, successful strategies and any areas where there is cause for caution or concern. The emphasis on learning is partly driven by concerns that the CPIE sector needs to have an in-depth understanding of any risks that could be associated with a shift away from issue-based programming to a focus on systems.

The need for learning is particularly articulated by those working in fragile states, where efforts are more likely to emphasise building the pre-conditions for a system and working at community level with a view to eventual formalisation or transition, rather than building a national-level system.

In particular, CPIE practitioners have identified the following learning and development needs for the sector with respect to the adoption of a system approach, some of which may be shared by child protection specialists in development settings:

1. Develop **shared definitions**. This includes shared definitions for the technical field of child protection and for child protection systems along with their purposes, functions and components. The development of this shared vocabulary should form part of a broader effort to develop shared criteria and measures of impact. In the continuing development of consensus and learning on child protection systems, there needs to be collaboration across the emergency–development continuum, where the concept of a child protection system is a shared one, and similar experiences and learning may emerge (for example, between efforts in low-income countries and fragile states).
2. Develop **shared tools and guidance** on system-building for those involved in child protection to use in emergency responses. There are many areas in which these will be needed:
  - **Assessment:** currently, agencies tend to build their emergency response around an assessment of needs, resources and capacities. However, to guide a systems-building effort, and to inform decisions on how to balance investment in the first phase of the response (eg, what priority to give to strengthening the national system and extending it to the affected area; and what priority to give to humanitarian agencies' efforts to meet immediate protection needs) an analysis of the existing child protection system (or existing components of a system) at all levels, from community to national, will be necessary. A central focus of this assessment needs to consider the extent and quality of linkage between the child protection system and other relevant systems.<sup>34</sup>
  - **Advocacy** is likely to become even more important as humanitarian agencies adopt the systems approach – pushing for broader systemic level changes and policy development in a concerted way, at the same time as changing traditional attitudes and practices where these are harmful to children. However, the combined advocacy capacity of agencies is typically weak in emergency responses.
  - **Building capacity** of the people and institutions that play key roles in the child protection system – including community workers, social workers, community-based organisations, social analysts, policy-makers and government institutions – is essential to building and strengthening child protection systems, and represents a relatively under-developed area of emergency child protection work. In emergency preparedness work, (some of which may be integrated into responses when the situation allows), capacity building may be the single most important activity in ensuring that a nationally 'owned' child protection system is envisaged and successfully developed.
  - Equally important will be **guidance on how to develop and support the key roles of children** and other members of civil society (such as youth, parents and other community members) in building, maintaining and assessing (and holding to account) child protection systems. While children's participation in programme work is relatively well developed in terms of tools and methodologies, practice lags behind. In the field of system-building, there is almost no documented guidance or practice available on this theme.

<sup>34</sup> Ideally, this should happen in emergency-prone areas as part of emergency preparedness and/or the ongoing development effort. In sudden onset emergencies and where this assessment information is not already available, it may be appropriate for parts of the assessment of the existing system to be incremental, and developed alongside the systems-building aspect of the response. However, information on key child protection structures in-country – such as government case management systems, existing social work capacity, and care practices – is crucial even in the first phase if the ambition is to strengthen or mirror existing structures.

- Within assessment methodology, the CPIE sector will need to develop more intelligent **indicators for vulnerability** than identified and isolated protection issues. For example, Save the Children’s analysis of the response for separated and orphaned children in Aceh found that this categorisation was not a helpful guide to vulnerability, and set the wrong basis for some of the investment in the national child protection system. Many separated or orphaned children were spontaneously fostered by extended family, and factors other than separation, such as income, shelter and security were also important in children’s exposure to protection risks.<sup>35</sup> However, experiences in other emergencies highlight the need to ensure that high-risk groups are identified and remain a priority for the immediate protection response.
  - Finally, as documented experience has illustrated, a child protection system is “a complex system that needs regular and continuous review, adaptation and improvement”.<sup>36</sup> In fragile states, ongoing assessment will need to identify situational changes and opportunities when investment in building or strengthening child protection systems can be extended.
3. **Generate learning on how to develop other important systems simultaneously** to the child protection system. The impact of a child protection system is limited where related systems – such as health, education, livelihoods and justice – are weak or absent. As discussed above, lack of access to these basic services itself generates exploitation and abuse of children, creating a greater workload for the child protection sector. Conversely, in some contexts, there may be lessons learned from the successful development of systems in other sectors.

Justice systems are a particular priority for the child protection sector, for several reasons. First, the justice system is a recurring gap in emergency and post-emergency work, and one where efforts risk being isolated and piecemeal, from other sectors of work. For example, there is room for far greater cohesion between response work that prioritises the delivery of services, and the range of structures and efforts that promote accountability (such as the International Criminal Court, the UN Security Council’s Monitoring and Reporting Mechanism for grave violations of children’s rights, advocacy on human rights violations, support to the national justice system, etc). Secondly, the civil element of the national justice system is central to meeting child protection needs both during and after the emergency phase – for example, on issues of guardianship, inheritance rights and rights to participation in care placement proceedings. Finally, protection of children in conflict with the law (through elements of a protection system such as welfare functions) is likely to be an urgent need both during and after the emergency phase.

In some ways, the current structure of the humanitarian system (where the protection cluster covers several areas of responsibility, including rule of law) is conducive to these sectors joining efforts in relation to building a child protection system. However, in practice, there are weaknesses in delivery within this broader protection sector. Collaboration with the early recovery cluster on key protection issues, such as building a child protection system post-emergency, is a potentially rewarding area of work yet to be explored.

4. **Build support for child protection systems** among the broader community of humanitarian and post-conflict actors by building alliances, emphasising common interests, and using evidence as a neutral criterion.

<sup>35</sup> Dunn, Andrew; Parry-Williams, John and Petty, Celia; for Save the Children, 2006; *Picking up the pieces – caring for children affected by the tsunami*.

<sup>36</sup> See note 21.

5. Develop **concrete proposals to offer host governments and donors** in areas of response. These may include a draft 'vision' of a child protection system, a measurement tool to chart progress against key goals, tools and strategies to build and strengthen the system, and suggested funding models.
6. Develop **funding models** for building child protection systems. Funding volume and sequencing for child protection in emergencies is not currently conducive to a systems-building approach, and needs to be reviewed and improved in a number of areas, including the extension of investment into the post-emergency phase. Using the aforementioned improved tools as well as a growing evidence base, CPIE actors will need to establish a dialogue with emergency and development investors. Objectives of this dialogue should include:
  - Co-planning the effort to generate an evidence base.
  - Determining where the development of child protection systems fits into priorities and planning processes, in emergency and post-emergency contexts.
  - Ascertaining how the protection of children is measured and monitored as an outcome of emergency and development investment, and how this can be improved.
  - Finding ways for response efforts during the emergency and early recovery stage to best lay the groundwork for subsequent investment in building a child protection system.

## BUILDING THE EVIDENCE BASE

An overall conclusion is that the CPIE sector now needs to generate evidence – with the wider child protection sector as well as on its own – that a systems approach to child protection can be effective in emergencies. This can be done through pilot projects involving a range of actors, as well as in contexts offering different constraints and opportunities – such as fragile states, sudden onset emergencies, and under-funded emergency responses.

These pilots will require an objective, systematic methodology for assessing outcomes and impact. They should explore different strategies at all levels, innovate, build on learning, measure and document replicable models for success. Impact should be measured over the medium and long term, to ensure that longer-term impacts (both positive and negative) are identified alongside immediate outcomes for emergency-affected populations. The sector needs to assess and document the cost of building systems, both to make credible and sufficient requests for funding its own efforts to build or strengthen systems, and to be able to advocate more broadly for investment in the child protection system in each context.



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# CHILD PROTECTION SYSTEMS IN EMERGENCIES

## A DISCUSSION PAPER

Child protection systems have emerged as a key concept in the humanitarian sector. This paper starts by looking at what a child protection system is – what its components are – and why child protection systems are needed.

Drawing on examples from Sierra Leone, South Africa and Uganda, this paper goes on to review humanitarian agencies' experiences of building and supporting child protection systems in emergencies. And it looks at opportunities and challenges in building child protection systems, illustrated by experience in Uganda, Côte d'Ivoire, Kenya and Afghanistan.