



# WE NEED TO DO BETTER

POLICY BRIEF FOR ENHANCING  
LAWS AND REGULATIONS TO  
PROTECT CHILDREN IN DISASTERS

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**We Need To Do Better:** Policy Brief for  
Enhancing Laws and Regulations to Protect  
Children in Disasters

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# Terminology

**Access to education** are actions that enhance children’s ability to attain education, such as the (re)construction or renovation of education facilities or of water and sanitation facilities; the distribution of education supplies or of meals and food in education facilities; education-related cash programming; the provision of psychosocial support; the provision of safe transportation services from, to or around education facilities; and the tracing of education-related documents.<sup>1</sup>

**Best Interests of the Child** is a foundational principle to the United Nations Convention on the Rights of the Child. It means that in all actions concerning children, the best interests of the child shall be a primary consideration. This principle should guide the design, monitoring and adjustment of all humanitarian programmes and interventions.<sup>2</sup>

**Child** is a human being below the age of 18 years.<sup>3</sup>

**Child marriage** is any formal or informal union where one or both parties are under 18 years.<sup>4</sup> It is a human rights violation.

**Child protection** is the prevention of and response to abuse, neglect, exploitation and violence against children.<sup>5</sup>

**Child trafficking** is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.<sup>6</sup>

**Climate change** means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.<sup>7</sup>

**Disaster** refers to a serious disruption of the functioning of a community that exceeds its capacity to cope using its own resources. There are many potential causes of such disruption, including natural and technological hazards, industrial accidents, mass movements of populations and infectious and contagious diseases, as well as various factors that influence the exposure and vulnerability of communities.<sup>8</sup>

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1 IFRC. (2019). *Strategic Framework on Education*.

2 Alliance for Child Protection in Humanitarian Action. (2019). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpa.org/en/cpms>

3 IFRC. (2013). *Child Protection Policy*.

4 OHCHR. (2019). *Child, Early and Forced Marriage, Including in Humanitarian Settings*. <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>

5 Alliance for Child Protection in Humanitarian Action. (2012). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpa.org/en/cpms>

6 OHCHR. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*.

7 UN. (1992). *United Nations Framework Convention on Climate Change*. [https://unfccc.int/files/essential\\_background/background\\_publications\\_htmlpdf/application/pdf/conveng.pdf](https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf)

8 IFRC. (2019). *Disaster Risk Management Policy: From Prevention to Response and Recovery*.

**Disaster management** refers to the organization, planning and application of measures preparing for, responding to and recovering from disasters.<sup>9</sup>

**Disaster preparedness** refers to the knowledge and capacities developed by governments, response and recovery organizations, communities, and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current disasters.<sup>10</sup>

**Disaster preparedness and response activities** is an umbrella term for any facilities, services, processes, distributions, resources, training, education or information that are conducted or provided for the purpose of preparing for and/or responding to disaster.<sup>11</sup>

**Disaster response** refers to actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.<sup>12</sup>

**Disaster risk reduction** refers to measures aimed at preventing new and reducing existing disaster risk.<sup>13</sup>

**Disaster risk management** refers to the application of policies, strategies and other measures to prevent new disaster risk, reduce existing disaster risk and manage residual risk (through disaster preparedness, response and recovery), contributing to the strengthening of resilience and reduction of disaster losses.<sup>14</sup>

**Discrimination** consists of treating differently persons whose needs or vulnerabilities are the same, based—whether or not it is said—on criteria such as gender, age, social standing, religion, ethnicity, disability, nationality, HIV/AIDS status, skin colour, sexual orientation, political affiliation.<sup>15</sup>

**Inter-country or international adoption** is where a child habitually resident in one Contracting State (“the State of origin”) has been, is being, or is to be moved to another Contracting State (“the receiving State”) either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.<sup>16</sup>

**Orphan** is a child under 18 years of age who has lost one or both parents to any cause of death.<sup>17</sup>

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9 Ibid.

10 United Nations Office for Disaster Risk Reduction. (2017). *Terminology*. <https://www.unisdr.org/we/inform/terminology>

11 Ibid.

12 Ibid.

13 IFRC. (2019). *Disaster Risk Management Policy: From Prevention to Response and Recovery*.

14 Ibid.

15 IFRC. (2010). *Thematic Issues: Non-discrimination and Respect for Diversity; Concept Paper*.

16 HCCH. (1993). *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>.

17 UNICEF. (2019). *Orphans*. <https://www.unicef.org/media/orphans>

**Persons with disabilities** are those who have physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.<sup>18</sup>

**Separated children** are children separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.<sup>19</sup>

**Sexual and gender-based violence** is an umbrella term for any harmful act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to people on the basis of their gender. Sexual and gender-based violence is usually a result of gender inequality and abuse of power. It includes but is not limited to sexual violence, domestic violence, trafficking, forced or early marriage, forced prostitution, and sexual exploitation and abuse.<sup>20</sup>

**Unaccompanied children** are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.<sup>21</sup>



18 United Nations. (2006). Convention on the Rights of Persons with Disabilities. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

19 ICRC. (2004). Inter-agency Guiding Principles on Unaccompanied and Separated Children. <https://www.icrc.org/en/publication/1101-inter-agency-guiding-principles-unaccompanied-and-separated-children>

20 IFRC and ICRC. (2015). Background Report: Sexual and Gender-based Violence: Joint Action on Prevention & Response.

21 ICRC. (2004). *Inter-agency Guiding Principles on Unaccompanied and Separated Children*. <https://www.icrc.org/en/publication/1101-inter-agency-guiding-principles-unaccompanied-and-separated-children>

# Foreword

While much progress has been made to improve the protection, participation and survival of children around the world, despite all the advances, violence, abuse and exploitation in disasters remain a stubborn and profoundly harmful reality for children.

This is all the more concerning when we recognize that children make up nearly half of the people affected by disasters. In 2018 alone, nearly 50 million children needed protection in disaster settings.

As our planet heats up, disasters, including floods, fires, droughts, food insecurity, population movements and public health crises, increase in scope, intensify and become more frequent. The need to protect children has become all the more pressing. However, globally our investments in child protection are inadequate. We are failing to put in place the necessary systems. Countries do not have child protection mechanisms built into their disaster laws and systems. *We need to do better* to get child protection in disasters right. We need a *transformative* approach.

This policy brief, “We Need To Do Better”, seeks to improve knowledge of and evidence for strengthening child protection elements within laws and regulations related to disaster risk management. Specifically, this study calls on governments and disaster agencies to counter the lack of attention, systems and inadequate investment in child protection and to recognize the consequences of disasters—including those increasingly influenced by climate change—on girls and boys around the world.

Moving forward, it is essential to have domestic laws and regulations that enable children to live in safety. This approach moves us from a focus on response to a much-needed emphasis on prevention. It underlines the responsibility of governments to ensure systems are in place and adequate funds are available. It also provides clarity as part of disaster preparedness on what is needed, who is responsible, and what measurements need to be applied to protection of children.

The IFRC and its National Societies, through our local volunteers around the world, stand ready to support governments to continue striving to meet the best interests of each child affected by a disaster; to better protect children; and to defend against the consequences of climate change. Now is our time to act. Let us do so together.

**Jagan Chapagain**  
**IFRC Secretary-General**

## Executive Summary

- 1 Children are at higher risk than other age groups of encountering violence, abuse, neglect and exploitation in disaster settings, including those disasters driven by climate change. Disasters often hamper children's access to education, health care, birth registration and other critical governmental services. All of these risks could be reduced through specific preparedness activities prior to a disaster.
- 2 While international law does not explicitly refer to child protection in disasters, the United Nations Convention on the Rights of the Child and other human rights instruments have set out rights that are applicable to all situations of crisis and that are relevant to the most important protection gaps that children face in disasters. This is true of the requirement that all actions concerning children must be taken according to the principle of the "best interest of the child." The Convention on the Rights of the Child also enshrines each child's right to express his or her views and requires that these views be given due weight in accordance with the age and maturity of the child.
- 3 Different national contexts and legal traditions will determine whether legislative, policy or planning tools (or a combination of all three) are best suited to ensure that child protection goals are achieved. Because disaster management professionals often come to their work without clear guidance on children's rights and special needs in disasters, these issues can easily be overlooked. Law and policymakers are strongly encouraged to ensure that measures and responsibilities for child protection are adequately formalized and disseminated to ensure the right action at the right time.
- 4 Moreover, law and policymakers are encouraged to consider gender-responsive, rather than gender-blind approaches, as better adapted to diverse needs related to gender. In order to meet children's best interests, law and policy relating to children also needs to reflect the varied needs of children of different ages and different abilities.
- 5 Responding to requests from the state parties to the Geneva Conventions in resolutions of the International Conference of the Red Cross and Red Crescent, National Red Cross and Red Crescent Societies have a growing capacity to support governments to gather feedback from communities, communicate disaster preparedness messages and implement child protection activities, as well as to support interested law and policymakers in the design of laws, policies and plans that promote child protection in disaster settings.



# Introduction



**1** Data for this study was collected through several means, starting with an IFRC multi-country synthesis study on Law and Disaster Preparedness and Response. This involved desktop reviews of a sample of 20 countries from around the world.<sup>22</sup> Further evidence was identified through a literature review; in-depth case studies in Brazil, Philippines and Uganda; and interviews with technical experts from academic, government, United Nations, and non-governmental organizations. A total of 727 people participated in this study. Of these, 438 were females, and 289 were males. Children accounted for 260 of the total participants. The results indicate that most countries reviewed have general legal and institutional frameworks that address child protection risks during peacetime. However, only two of the reviewed countries—Brazil and the Philippines—have laws or policies that specifically address the heightened risks to children during disasters.<sup>23</sup>



**50 million children**  
needed protection

**2** The majority of people affected by many disasters are children.<sup>24</sup> In fact, the United Nations has declared children to be the group most affected by disasters each year.<sup>25</sup> In 2018, almost 50 million children needed protection in humanitarian settings.<sup>26</sup> Yet children are often excluded from disaster risk reduction activities.<sup>27</sup>



**3** Top risks for girls and boys in disasters include: physical, sexual and psychological violence; neglect; injuries; harmful practices including child, early and forced marriage; psychosocial distress and mental disorders; children becoming associated with armed conflicts and armed groups; child labour; malnutrition; trafficking; losing out on education; and becoming unaccompanied and separated.<sup>28</sup> In addition, research shows that the voices of children are often not heard and do not influence humanitarian decision-making.<sup>29</sup>

22 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-country Synthesis Report*, <https://media.ifrc.org/ifrc/document/law-disaster-preparedness-response-multi-country-synthesis-report/>.

23 Ibid. Additionally, it is worth noting that Colombian legislation establishes that children have a right to be protected from the risks and consequences produced by disasters and other emergencies and empowers disaster management agencies to take appropriate measures to protect children's rights.

24 UNHCR. (2014). *Global Trends Report 2013*.

25 Pfefferbaum, B., Pfefferbaum, R.L., and Van Horn, R.L. (2018). Involving children in disaster risk reduction: The importance of participation. *European Journal of Psychotraumatology*, 2018, 9(sup2). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5804784/>

26 Alliance for Child Protection in Humanitarian Action. (2019). *Unprotected: Crisis in Humanitarian Funding for Child Protection*. <https://alliancecpa.org/en/child-protection-online-library/unprotected-crisis-humanitarian-funding-child-protection>

27 Muzenda-Mudayanhu, C. (2016). A review of children's participation in disaster risk reduction. *Jamba: Journal of Disaster Risk Studies*, 8(1). <https://jamba.org.za/index.php/jamba/article/view/218>

28 Child Protection Working Group. (2012). *Minimum Standards for Child Protection in Humanitarian Action*.

29 Jabry, A. (Ed). (2005). *After the Cameras Have Gone – Children in Disasters* (second edition). London: Plan International.



**4** Climate change is leading to more frequent weather-related disasters.<sup>30</sup> This has direct impacts for children. Currently, more than half a billion children live in extremely high flood occurrence zones and nearly 160 million live in high or extremely high drought severity zones. Poor and disadvantaged children were disproportionately affected by humanitarian disasters last year—including particularly damaging climate change-related disasters in Africa, Asia and the Pacific.<sup>31</sup> It is estimated that an additional 175 million children will be impacted by climate-related disasters every year.<sup>32</sup> Climate change-related disasters can also disrupt child protection systems and exacerbate pre-existing tensions and conflicts, leaving children susceptible to violence, abuse, child labour, trafficking and other forms of exploitation.<sup>33</sup>



**5** There is increasing evidence that, compared to men and boys, women and girls are at higher risk of experiencing many secondary or indirect impacts that arise from disasters,<sup>34</sup> including violence, the pressure to marry as children or being forced into marriage, and a loss or reduction in education opportunities. This is due to an intersectionality of power dynamics. As a result, they may suffer a “double disaster”. These secondary impacts may be the real “disaster” for women and girls. The risks are due to social norms that lead to girls having less access to, or control over, assets including the resources necessary to cope with disasters. Such assets include information, education, health and wealth. It is the inequities in the everyday, and not just in times of disaster, that increase risk and reduce life chances for women and girls. Thus, action across the gender–disaster–development nexus is key to creating lasting change and resilience.<sup>35</sup>



**6** While the risks for children are high and can impact their healthy development both in the present and over years or decades, funding to protect children from violence, abuse and exploitation in disasters remains minimal, with an average share of only 0.5 per cent of total humanitarian funding.<sup>36</sup> For example, in 2018, on average only US\$3 were spent per child in need of protection for the whole year.<sup>37</sup>

30 IMF. (2017). *World Economic Outlook, October 2017, Seeking Sustainable Growth: Short-term Recovery, Long-term Challenges*. [https://www.imf.org/en/Publications/WEO/Issues/2017/09/19/world-economic-outlook-october-2017#Chapter 3](https://www.imf.org/en/Publications/WEO/Issues/2017/09/19/world-economic-outlook-october-2017#Chapter%203)

31 UNICEF. (2017). *Annual Report 2016*. [https://www.unicef.org/publications/files/UNICEF\\_Annual\\_Report\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_Annual_Report_2016.pdf)

32 Save the Children. (2007). *Legacy of Disasters: The Impact of Climate Change on Children*. <https://resourcecentre.savethechildren.net/node/3986/pdf/3986.pdf>

33 Bartlett, S. (2008, October). Climate change and urban children: impacts and implications for adaptation in low- and middle-income countries. *Environment and Urbanization*, 20(2), 509–510; Global Protection Cluster. (n.d.). *Strengthening Protection in Natural Disaster Response: Children*. [www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/protection-in-natural-disasters-essential-guidance-and-tools.html](http://www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/protection-in-natural-disasters-essential-guidance-and-tools.html)

34 GFDRR. (2018). *Gender Equality and Women's Empowerment in Disaster Recovery*. [https://reliefweb.int/sites/reliefweb.int/files/resources/DRGS\\_gender\\_equality\\_WEB.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/DRGS_gender_equality_WEB.pdf)

35 DFID. (2013). *Women, Girls and Disasters*. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236656/women-girls-disasters.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236656/women-girls-disasters.pdf)

36 Alliance for Child Protection in Humanitarian Action. (2019). *Unprotected: Crisis in Humanitarian Funding for Child Protection*. <https://alliancecpa.org/en/child-protection-online-library/unprotected-crisis-humanitarian-funding-child-protection>

37 Ibid.

# International Law and Norms Relevant to Child Protection In Disasters

## A. United Nations Convention on the Rights of The Child

The United Nations Convention on the Rights of the Child is among the most widely ratified treaties in history, now covering almost every country in the world. It is considered the flagship instrument outlining the specific rights of children, though other human rights treaties also offer children important protections. While the Convention on the Rights of the Child does specifically note its application in refugee and conflict settings, it does not specifically mention disasters more broadly<sup>38</sup>. However, the Convention on the Rights of the Child does set out obligations and rights that apply at all times—including in the context of disasters.

Probably the most important of these is the requirement in Article 3 that, “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” This means that disaster management authorities, as well as civil society organizations, are expected to place this standard at the centre of anything they do related to children.

Other key rights in the Convention that may be particularly relevant in disasters include those related to:

- safety and security – including protection from violence, sexual exploitation and abuse, trafficking, and neglect
- health and education – including access to both preventative health care and treatment and to primary, secondary and higher education
- participation – including freedom of expression and association
- birth registration
- family connections – including living with their families, reunification with families when they are separated and appropriate safeguards in adoption proceedings, and
- environments that are child friendly.<sup>39</sup>

This Convention sets out both “civil and political rights” (such as those related to non-discrimination, prohibition of exploitation and abuse, and participation) and “economic, social and cultural rights” (such as those related to the provision of

38 NGO Coalition on the Rights of the Child. (2014). *Disasters and Emergencies and its Impacts on Children*. [https://tbinternet.ohchr.org/Treaties/CRC-OP-SC/Shared%20Documents/KHM/INT\\_CRC-OP-SC\\_NGO\\_KHM\\_18015\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC-OP-SC/Shared%20Documents/KHM/INT_CRC-OP-SC_NGO_KHM_18015_E.pdf).

39 Centre for Criminal Justice & Human Rights, School of Law, University College Cork & the Irish Red Cross Society. (2018). *Children's Rights in Disasters: Information Sheet*. <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2018/03/IDL-Information-Sheet-No.6-Children-in-Disasters-March-2018.pdf>

health and education services). Whereas resource gaps are no excuse for failing to fully implement civil and political rights, Article 4 of the Convention provides some leeway in this respect on economic, social and cultural rights. States are expected to implement measures to achieve this latter type of rights “to the maximum extent of their available resources, and, where needed, within the framework of international co-operation.” In disaster settings (which frequently squeeze state resources), this means that states are expected to seek outside assistance if they are unable to afford to guarantee children’s social, economic and cultural rights.<sup>40</sup>

Article 4 of also requires parties to take all “all appropriate legislative, administrative, and other measures for the implementation” of the rights the Convention sets out.<sup>41</sup> While the most appropriate legislative measures to achieve children’s rights will vary between states, experience has shown that, in many jurisdictions, it makes practical sense to include them within disaster-specific laws and policies (rather than only relying on constitutional provisions) to ensure that they receive the attention they require in disaster contexts.

Despite its near-universal ratification, the Convention on the Rights of the Child is not necessarily being applied by governments in disaster settings at the same level and quality as non-disaster settings. Government ministries and agencies often leave aspects of children’s protection to non-governmental children’s agencies and organizations.<sup>42</sup> While civil society (such as National Red Cross and Red Cross Societies) can and should contribute to child protection, the ultimate “duty bearer” under the Convention is the state.

The need for strengthened application of the Convention on the Rights of the Child in disasters is intensified by a backdrop where climate change will increasingly expose children to disaster risks and place additional obstacles for governments to meet their commitments to children.<sup>43</sup> Although all child rights may be affected in some way by climate change, among the rights most likely to be affected include those relating to protection from violence, abuse and exploitation.<sup>44</sup>

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

#### Article 4 of the Convention on the Rights of the Child

40 The Committee on Economic Social and Cultural Rights made this point in connection to similar language in the International Covenant on Economic, Social and Cultural Rights in General Comment 12: The Right to Adequate Food (Art. 11) (1999).

41 UN Committee on the Rights of the Child. (2003). *General Comment Number 5. General Measures of Implementation of the Convention on the Rights of the Child* (articles 4, 42 and 44, paragraph 6). [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en)

42 Todres, J. (2011). *Mainstreaming Children’s Rights in Post-disaster Settings*. <http://law.emory.edu/eilr/content/volume-25/issue-3/symposium/childrens-rights-post-disaster-settings.html>

43 UNICEF. (2011). *Child Rights at Risk: The Case for Joint Action on Climate Change*. <https://www.unicef-irc.org/article/928-child-rights-at-risk-the-case-for-joint-action-with-climate-change.html>.

44 Ibid.

## B. Child Protection And International “Soft Law” on Disasters

In the past decade, there has been a positive trend towards child protection being included as a consideration within non-binding but state-endorsed global instruments that apply in disasters and disaster preparedness. Each of these complements and reinforces the Convention on the Rights of the Child, as well as considering specific aspects of child protection in disasters—although none are comprehensive on their own. However, together they can help provide a foundation to strengthen child protection regulations and policies in disaster risk management.

Most recently, at the 33<sup>rd</sup> International Conference of the Red Cross and Red Crescent in 2019, the state parties to the Geneva Convention joined the components of the Red Cross and Red Crescent Movement in in unanimously adopted a resolution on “disaster laws and policies that leave no one behind,” which encouraged states to consider whether their disaster and climate laws, policies and plans adequately “ensure contingency planning for sexual and gender-based violence, protection from sexual exploitation and abuse, child protection and the care of unaccompanied and separated children.”<sup>45</sup>

Likewise, while migration is not itself a crisis – many vulnerable migrants encounter humanitarian needs on the same level as persons affected by a disaster along their migratory journeys. In this respect, it is important to recall that the Global Compact on Safe, Orderly and Regular Migration (2018) has a child-sensitive approach, where the best interest of the child is one of the guiding principles. Specifically, it underlines that all decisions affecting children need to be based on the child’s best interest. In addition, the articles of the Compact set out a range of protections for unaccompanied and separated children, including:<sup>46</sup>

*Protect unaccompanied and separated children at all stages of migration through the establishment of specialized procedures for their identification, referral, care and family reunification, and provide access to their rights to health, education, legal assistance and to be heard in administrative and judicial proceedings, including by appointing a guardian, as essential means to address their particular vulnerabilities and discrimination, protect them from all forms of violence, and provide access to sustainable solutions that are in their best interests.*

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45 33<sup>rd</sup> International Conference of the Red Cross and Red Crescent, Resolution 7, *Disaster laws and policies that leave no one behind* (2019).

46 UN. (2018). *Global Compact for Safe, Orderly and Regular Migration*. [https://refugeesmigrants.un.org/sites/default/files/180711\\_final\\_draft\\_0.pdf](https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf)

In terms of education, in 2010, the UN General Assembly passed a resolution recognizing the right to education in emergencies.<sup>47</sup> In addition, building on the Education For All movement, the Millennium Development Goals specific to education, and the Global Education First initiative, the Education 2030 Incheon Declaration and Framework for Action<sup>48</sup> were adopted at the 2015 World Education Forum. The Declaration and Framework for Action highlight the importance for the global education agenda to work within the overall international development framework, with strong links to humanitarian response.

For disaster risk reduction, the 2005 Hyogo Framework for Action and the consequent Sendai Framework for Disaster Risk Reduction (2015–2030) recognized that legislation is a key tool for establishing disaster risk reduction as a national and local priority, and called for the adoption or modification of laws on risk reduction activities.<sup>49</sup> At the same time, both the Hyogo Framework for Action and the Sendai Framework recognize the importance of child protection in disaster risk reduction and call for governments both to engage with children and to ensure children are given the space and modalities to contribute to disaster risk reduction, in accordance with legislation, national practice and educational curricula.<sup>50</sup>

In addition to these inter-governmental instruments, there are several key normative guidance documents specific to this issue that have been adopted within the humanitarian sector.

## CHILDREN'S CHARTER FOR DISASTER RISK REDUCTION

In 2011, the Children's Charter for Disaster Risk Reduction<sup>51</sup> was launched by an inter-agency group of humanitarian organizations. It lays out an action plan for disaster risk reduction for children as set by children through consultations with 600 girls and boys in 21 countries.

The charter's five priorities are: 1) schools must be safe and education must not be interrupted, 2) child protection must be a priority before, during and after a disaster, 3) children have the right to participate and to access information that they need, 4) community infrastructure must be safe, and relief and reconstruction must help reduce future risk, and 5) Disaster Risk Reduction must reach the most vulnerable.

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47 UN. (2010, July 10). *General Assembly Adopts Landmark Resolution Calling on States to Ensure Right to Education for Affected Populations in All Phases of Emergency Situations*. <https://www.un.org/press/en/2010/ga10964.doc.htm>

48 Their co-conveners are UNESCO, UNDP, UNFPA, UNHCR, UNICEF, UN Women, the World Bank Group and the International Labour Organization.

49 UNISDR. (2015). *Sendai Framework for Disaster Risk Reduction 2015–2030*, page 10(7), page 23(36 (ii)). [https://www.preventionweb.net/files/43291\\_sendaiframeworkfordrren.pdf](https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf)

50 Ibid.

51 <https://www.preventionweb.net/files/globalplatform/childrencharter.pdf>.

When the landslides happened and killed people, it was scary. I tried to talk to people to leave the slopes, but no one would listen to me. I was told that I was just a child and should let the big people do the decision making.

#### Child from disaster law and child protection study in Uganda

In terms of guidance on concrete action in disaster preparedness and response, in 2019 a revised edition of the inter-agency Minimum Standards for Child Protection in Humanitarian Settings (Minimum Standards<sup>52</sup>) were released. The Minimum Standards recognize that in disasters, the people, processes, laws, institutions, capacities and behaviours that normally protect children—the child protection systems—may have become weak or ineffective. As such, the Minimum Standards cover a range of areas including mental health and psychosocial support, SGBV prevention and response, working with unaccompanied and separated children, and access to education, as well as cross-cutting issues such as child participation, and gender- and age-responsive approaches.

The Minimum Standards aim to establish common principles between those working in child protection in disasters; strengthen coordination between humanitarian actors; improving the quality of child protection programming and its impact on children; enhance accountability of child protection programming; define the professional expectations of child protection in humanitarian action; provide a synthesis of good practice and learning to date; and make stronger advocacy and communication on child protection risks, needs and responses.<sup>53</sup>

### Domestic Law and Child Protection In Disasters

Several states have included specific provisions on child protection in regard to disasters in their laws. In a few cases, such as in the Philippines<sup>54</sup> and Brazil,<sup>55</sup> governments have developed stand-alone laws or regulations focused exclusively on child protection in disasters. In other cases, such as in Vietnam, Bhutan and as planned in Uganda<sup>56</sup>, lawmakers have integrated attention to child protection into more general disaster laws. Both approaches have good potential for ensuring that child protection will receive priority attention in disaster risk management.

52 Alliance for Child Protection in Humanitarian Action. (2019). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpa.org/en>

53 Ibid.

54 IFRC. (2020). Case Study: *Addressing Child Protection in Disaster Law in the Philippines*.

55 IFRC. (2020). Case Study: *Addressing Child Protection in Disaster Law in Brazil*.

56 IFRC. (2019). Case Study: *Addressing Child Protection in Disaster Law in Uganda*.

**PHILIPPINES: REPUBLIC ACT 10821 OR THE CHILDREN RELIEF PROTECTION ACT, SECTION 2<sup>57</sup>**

It is hereby declared the policy of the State to protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development. Guided by the principles on survival and development, on child participation, and consistent with the United Nations Convention on the Rights of the Child, as well as the Children’s Charter for Disaster Risk and Reduction, and the minimum standards for children in humanitarian action, the State shall establish and implement a comprehensive and strategic program of action to provide the children and pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.

However, these states remain in the minority. Most countries currently seem to rely on constitutional provisions and other sectoral laws. In some instances, these sectoral laws make reference to disasters. For example, in Egypt, the Child Law of 2008 notes in general terms, “the State shall, in cases of emergency, disasters, wars, and armed conflicts, ensure the respect of all of his rights...”<sup>58</sup> However, it is often the case that the particularities of child protection in disaster settings are not explicitly addressed in any law.

To ensure adequate child protection in the absence of specific legal provisions related to disasters, states will need dedicated policy and/or guidelines, plans and training that ensure that roles and responsibilities, as well as the measures that are particularly needed in light of children’s special vulnerabilities, are well understood.<sup>59</sup> As exemplified in Brazil, having an omnibus document to detail the relevant laws can be useful to guide action, clarify legal requirements and direct responders on where to access further information.

Regardless of the approach, it is critical that children’s rights to protection are fully guaranteed by law, well explained and disseminated to those who must respect them, and adequately integrated in disaster risk management systems.<sup>60</sup>

57 IFRC. (2020). Case Study: Addressing Child Protection in Disaster Law in the Philippines.

58 The National Council for Childhood and Motherhood. (2008). Law No. 12 of 1996 Promulgating the Child Law Amended by Law No. 126 of 2008. <https://www.refworld.org/docid/5a4cb6064.html>.

59 IFRC. (2020). Case Study: Addressing Child Protection in Disaster Law in the Philippines.

60 Adapted from Todres, J. (2011). Mainstreaming Children’s Rights in Post-disaster Settings.





### **BRAZIL: CHILD PROTECTION DISASTER LAW**

Brazil's Joint National Protocol for the Comprehensive Protection of Children and Adolescents, Elderly Persons and Persons with Disabilities during Disasters (the Joint Protocol on Protection) contains several measures that may protect children, including unaccompanied and separated children, from risks during disasters.<sup>61</sup> As an example, the Joint Protocol on Protection requires authorities to maintain a list of children and adolescents at each emergency shelter or camp, and to provide them with identification bracelets naming the adult responsible for them. The Joint Protocol on Protection also prohibits unaccompanied children from being moved unless they require medical treatment.<sup>62</sup>

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61 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-country Synthesis Report*.

62 Ibid.

# Considerations for Law and Policymakers Related to Child Protection Needs in Disasters

While “soft” tools such as plans, guidelines and training can go a long way, it is recommended that governments consider codifying key aspects of child protection into domestic law and policy in order to foster effective action, particularly in the preparatory stage, before problems arise. The following issues deserve particular consideration in this respect:

## Protection Issues for Unaccompanied and Separated Children

Due to disasters and other causes, the number of children on the move, including unaccompanied and separated children, has grown substantially in the past decade.<sup>63</sup> In fact, there are an estimated minimum 300,000 unaccompanied children and separated children worldwide.<sup>64</sup> These children are at elevated risk of death,<sup>65</sup> SGBV,<sup>66, 67</sup> being put in state custody or detention solely based on their migration status,<sup>68</sup> lacking access to basic health care,<sup>69</sup> experiencing severe psychosocial distress,<sup>70</sup> missing out on school,<sup>71</sup> and lacking a role and voice in decisions that affect them.<sup>72</sup>

Among other actions that need to be prioritized for unaccompanied and separated children in domestic laws, policies and regulations, are providing a child-friendly, safe environment; restoring and maintaining their family links; having competent and trained guardians; providing support to access essential basic services including

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63 UNICEF. (2017). A Child is a Child: Protecting Children on the Move from Violence, Abuse and Exploitation. [https://www.unicef.org/publications/index\\_95956.html](https://www.unicef.org/publications/index_95956.html)

64 Ibid.

65 IOM. (2017, September 11). Missing Migrants Project. <https://missingmigrants.iom.int/>

66 Bhabha, J., Bohne, C., Digidiki, V., Donger, E., Frounfelker, R., Glenn, J., & Seervai, S. (2016). Children on the Move: An Urgent Human Rights and Child Protection Priority. Harvard FXB Center for Health and Human Rights.

67 IFRC. (2018). Alone and Unsafe: Children, Migration, and Sexual and Gender-based Violence. <https://media.ifrc.org/ifrc/press-release/ifrc-world-failing-child-migrants-risk-violence-exploitation-sexual-abuse/>

68 Save the Children. (2011). Leaving Home: Voice of Children on the Move. <https://resourcecentre.savethechildren.net/library/leaving-home-voices-children-move>

69 IFRC and Terres des Hommes. (2017). Identifying Causes and Defining Strategies to Address Youth Violence and Legal Protection, with Regards to Migration in the Northern Triangle of Central America.

70 Laban, C.J., Gernaat, H.B., Komproe, I.H., Schreuders, B.A., & De Jong, J.T. (2004, December). Impact of a long asylum procedure on the prevalence of psychiatric disorders in Iraqi asylum seekers in the Netherlands. *Journal of Nervous and Mental Disease*, 192(12), 843–51. <https://www.ncbi.nlm.nih.gov/pubmed/15583506>

71 UNDP. (2009). Human Development Report: Overcoming Barriers – Human Mobility and Development. [http://hdr.undp.org/sites/default/files/reports/269/hdr\\_2009\\_en\\_complete.pdf](http://hdr.undp.org/sites/default/files/reports/269/hdr_2009_en_complete.pdf)

72 British Red Cross. (2016). No Place for Children. <https://www.redcross.org.uk/~media/BritishRedCross/Documents/What%20we%20do/Refugee%20support/No%20place%20for%20children.pdf>

health care, education and legal support; ensuring access to their identity and educational documentation; and also ensuring fair processes to determine their age, understand their perspectives and support actions to meet their best interests.<sup>73</sup>

### ASEAN DECLARATION ON THE RIGHTS OF CHILDREN IN THE CONTEXT OF MIGRATION<sup>74</sup>

In 2019 the ASEAN countries<sup>75</sup> developed a joint declaration on the rights of child migrants, including unaccompanied and separated children.

The declaration notes “with deep concern the millions of children worldwide who are displaced from their homes, including by conflict, poverty, disaster, climate change, and environmental degradation, experience exploitation, deprivation and discrimination on their journeys within and across borders.” And acknowledges “... the need to further strengthen the national systems, including but not limited to child protection, education, health, and justice, in the ASEAN region, and to enhance their accessibility for children affected by migration, including those who are unaccompanied or separated from their families, those requiring protection and assistance, those who have become victims of violence, abuse, and exploitation, including gender-based violence and human trafficking, those living with life-threatening infections and diseases, and those with disabilities, among others.

**The thing we most need is information. Information about dangers, information about available assistance, about processes and about legal issues and how to get documentation. Any 12-year-old can use a mobile phone. We need an app in all relevant languages that has this information.<sup>76</sup>**

**Gerald, an Italian Red Cross volunteer who travelled as an unaccompanied child from Cameroon to Italy**

73 See, e.g., the recommendations of the ASEAN Declaration on the Rights of Children in the Context of Migration, and the UN Global Compact for *Safe, Orderly and Regular Migration*. [https://refugeesmigrants.un.org/sites/default/files/180711\\_final\\_draft\\_0.pdf](https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf)

74 ASEAN. (2019). Declaration on the Rights of Children in the Context of Migration. <https://www.asean2019.go.th/en/news/asean-declaration-on-the-rights-of-children-in-the-context-of-migration/>.

75 ASEAN countries: Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic (Lao PDR), Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam.

76 IFRC. (2018). *Alone and Unsafe: Children, Migration and Sexual and Gender-based Violence*. <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2018/12/181126-AloneUnsafe-Report-EN-web.pdf>

## Sexual and Gender-Based Violence

SGBV is a threat in all societies. It is estimated that one in three (35 per cent) of women and girls worldwide have experienced some form of SGBV in their lifetime.<sup>77</sup> Men and boys too are affected, although this is often overlooked.<sup>78</sup>

SGBV is among the greatest protection challenges in disasters.<sup>79</sup> In addition to exacerbating pre-existing vulnerabilities and patterns of discrimination and unequal power relations between males and females, many of the factors associated with disasters—the separation of families, the collapse of social networks, the breakdown of norms and mores, the destruction of infrastructure, the relocation of individuals, and changed relationships within the family—seem to increase violence against women and children (and in some cases, against men).<sup>80</sup> SGBV not only violates and traumatizes its survivors; it also undermines the resilience of their societies, making it harder to recover and rebuild.<sup>81</sup>

The United Nations reports that, to counteract the effects of climate change on livelihoods, girls may sometimes be sold into child marriage, trafficked, or forced to work, with resulting impacts on their education, health, liberty and security.<sup>82</sup>

### CHILD MARRIAGE IN DISASTERS: A STUDY IN ASIA

One form of SGBV is child marriage. Reports and data on the prevalence of child marriage in humanitarian settings remain limited. However, the breakdown of family, social and legal networks linked to real or perceived risks of sexual violence and the consequent “damage to family honour” underpin families’ decisions to marry off girls at an early age. Fear of sexual violence against women and girls has been found to be a major concern and a reason for families to leave their homes and seek refuge elsewhere, and an incentive to marry off their daughters at a young age in the belief that marriage will protect them.<sup>83</sup>

A 2018 IFRC study on SGBV and disasters in Indonesia, Laos PDR, and the Philippines<sup>84</sup> found that in Lao PDR, 47 per cent of respondents reported that women and girls felt distressed by the rise in child marriage after the disaster. In the Philippines, the rate was 30 per cent, and in Indonesia, 18 per cent.

77 WHO. (2016). *Violence against Women: Intimate Partner and Sexual Violence against Women. Fact sheet* (Updated November 2016). <http://www.who.int/mediacentre/factsheets/fs239/en/>

78 IFRC. (2018). *Alone and Unsafe: Children, Migration and Sexual and Gender-based Violence*. <https://media.ifrc.org/ifrc/press-release/ifrc-world-failing-child-migrants-risk-violence-exploitation-sexual-abuse/>.

79 IASC. (2016). *Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action: Reducing Risk, Promoting Resilience and Aiding Recovery*. [https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015\\_IASC\\_Gender-based\\_Violence\\_Guidelines\\_full-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015_IASC_Gender-based_Violence_Guidelines_full-res.pdf)

80 IFRC. (2015). *Unseen, Unheard: Gender-based Violence in Disasters, Global Study*. [https://www.ifrc.org/Global/Documents/Secretariat/201511/1297700\\_GBV\\_in\\_Disasters\\_EN\\_LR2.pdf](https://www.ifrc.org/Global/Documents/Secretariat/201511/1297700_GBV_in_Disasters_EN_LR2.pdf)

Despite its prevalence, the prevention of and response to SGBV against children is rarely prioritized by disaster responders at the earliest stages of emergencies. To counter the lack of systems, domestic laws, policies or regulations should clearly outline the need for: survivor-centred response services and making them accessible; establishing safe spaces; and training responders on SGBV prevention and response. Moreover, sufficient policy, institutional and budgetary mechanisms need to be put in place to ensure that SGBV will be comprehensively addressed and prioritized.<sup>86</sup>

## EFFECTIVE LAW AND POLICY ON GENDER EQUALITY AND PROTECTION FROM SEXUAL AND GENDER-BASED VIOLENCE IN DISASTERS

The IFRC has conducted a detailed case study analyses of the national frameworks for SGBV protection in Ecuador, Nepal and Zimbabwe. The case studies reveal that in all three countries, the frameworks are somewhat fragile and under-resourced, even in non-disaster times. As a consequence, in the disaster situations considered—the 2016 earthquake in Ecuador, the 2015 earthquakes in Nepal, and the 2013–2015 drought in Zimbabwe—there were reported increases in SGBV, including against children. The SGBV protection institutions, from health and welfare services to police and courts, did not have disaster contingency plans in place and were over-stretched by the disasters, meaning that many survivors were not able to access support.

Girls might be having sex to get help in return or even protection. When there's no money or good jobs after a disaster, women and girls sometimes need to turn to transactional sex. They don't always have a choice.<sup>88</sup>

Female child participant in a Red Cross project in Haiti

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- 81 IASC. (2016). *Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action: Reducing Risk, Promoting Resilience and Aiding Recovery*. [https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015\\_IASC\\_Gender-based\\_Violence\\_Guidelines\\_full-res.pdf](https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015_IASC_Gender-based_Violence_Guidelines_full-res.pdf)
- 82 UN General Assembly, Human Rights Council. (2017). *Analytical Study on the Relationship between Climate Change and the Full and Effective Enjoyment of the Rights of the Child*. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/110/91/PDF/G1711091.pdf?OpenElement>
- 83 WHO. (2016). *Violence against Women: Intimate Partner and Sexual Violence against Women. Fact sheet* (Updated November 2016). <http://www.who.int/mediacentre/factsheets/fs239/en/>
- 84 IFRC. (2018). *The Responsibility to Prevent and Respond to Sexual and Gender-based Violence in Disasters and Crises*. <https://media.ifrc.org/ifrc/document/responsibility-prevent-respond-sexual-gender-based-violence-disasters-crises/>
- 85 Alliance for Child Protection in Humanitarian Action. (2019). *Unprotected: Crisis in Humanitarian Funding for Child Protection*. <https://alliancecpa.org/en/child-protection-online-library/unprotected-crisis-humanitarian-funding-child-protection>
- 86 Call to Action on Protection from Gender-Based Violence in Emergencies. (2019). *Mission*. <https://www.calltoactiongbv.com/who-we-are>
- 87 IFRC. (2017). *Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-based Violence in Disasters*. <https://media.ifrc.org/ifrc/document/effective-law-policy-gender-equality-protection-sexual-gender-based-violence-disasters-global-case-study/>
- 88 Canadian Red Cross and Haitian Red Cross. (2016). *Violence Prevention and Response as Part of Emergencies and Health Programming in Haiti*.

## Trafficking

Although child trafficking frequently pre-exists within a place before it is affected by a disaster, it is also very often a direct consequence of disasters, and disproportionately affects girls and women.<sup>89</sup>

The United Nations Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography has reported that disasters and climate related catastrophes are increasing the dangers of child trafficking.<sup>90</sup> Although, the scope of illegal adoption, sexual exploitation and forced labour of children during and after disasters is difficult to determine due to the absence of reliable information systems as well as to the illegal and clandestine nature of these activities.<sup>91</sup>

A study by the Special Rapporteur found that in disasters 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.<sup>92</sup>

It is important for governments to ensure assistance and protection to survivors of trafficking is available, as well as essential services such as for health care, mental health and psychosocial care, and sexual and reproductive health.

### CHILD TRAFFICKING IN CROATIA DURING MIGRATION CRISIS

During the winter of 2015-2016, Croatia was a transit country on the Balkan migration route. The Croatian Red Cross opened a transit centre that had a daily influx between 3,000 and 7,000 people staying for several hours or up to 12 days. There were many unaccompanied boys and young men who were usually travelling as part of similar age larger groups or accompanied by adults claiming to be their family members. Some women and girls were travelling alone with children or with males who were not part of their family. In response, the Croatian Red Cross developed a guidance protocol on Response to Sexual and Gender-based Violence and Human Trafficking in order to help its personnel to identify and support children being trafficked.

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89 UNICEF. (2020). *Preventing Human Trafficking in Humanitarian Emergencies*. <https://www.unicefusa.org/stories/preventing-human-trafficking-humanitarian-emergencies/35312>

90 UNDRR. *Child Traffickers Thrive on Disasters*. <https://www.unisdr.org/archive/25934>

91 Ibid.

92 UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. *25 Years of Fighting the Sale and Sexual Exploitation of Children: Addressing New Challenges*.

## Adoptions

Ensuring that the best interests of the child are maintained in adoption proceedings is always complex, but this may be particularly the case in the wake of disasters. In these settings, with relevant public offices themselves impacted, it is often extremely difficult and complicated to determine the guardianship of a child who is alone for a variety of reasons including the child not wanting to be share the information, smugglers or traffickers threatening a child, or the desire from children to avoid government processes. Premature and international adoption can result in children being separated from parents or other family members. It can also increase the risk of violence, abuse and exploitation.<sup>93</sup> While potential adoptive parents may well wish to expedite procedures in situations where children are experiencing the difficulties of a crisis situation, it is inadvisable to remove safeguards in these settings due to the elevated potential for trafficking or other abuse. Of course, this should not stand in the way of other efforts to address children's needs where they are.

Every route to finding a child's family must be thoroughly exhausted before adoption can be considered.<sup>94</sup> Failing this, in general, family-based solutions are preferable to institutional approaches; permanent to temporary ones; and national to international ones.<sup>95</sup>

Neither national or international adoption should not be permitted until the appropriate authorities have determined the following regarding the child to be adopted: legal eligibility; psychological, medical and social suitability; and best interest. International adoption should only be undertaken in compliance with the 1993 Hague Convention on Inter-Country Adoption – which does not provide for any reduced or expedited procedure for disaster situations. Consideration should be given to a ban on removal of unaccompanied and separated children from a country without explicit Government permission.<sup>96</sup>

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93 UN General Assembly. (2011). *A/HRC/19/63: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid*. <https://undocs.org/A/HRC/19/63>

94 Adoptive Families Association of British Columbia. (2019). *Adopting orphans in times of disaster or war*. <https://www.bcadoption.com/resources/articles/adopting-orphans-times-disaster-or-war>

95 UNICEF. (2004). *Child Protection Handbook*.

96 UN General Assembly. (2011). *A/HRC/19/63: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Najat Maalla M'jid*. <https://undocs.org/A/HRC/19/63>

## ILLEGAL ADOPTIONS AND TRAFFICKING IN HAITI AFTER 2010 EARTHQUAKE

In Haiti, following the 2010 earthquake, more than 2,500 irregular voyages by children were recorded at border crossings, of which 460 were cases of trafficking.<sup>97</sup>

Significant concerns were also raised as hundreds of children understood to be orphans were being adopted, with government approval, into the United States. Some of these children were under illegal custody and others were not orphans.<sup>98</sup> This also raised questions about screening potential parents, the psychosocial harm to children, and the lack of systems and laws to find local alternative care solutions.

## Mental Health and Psychosocial Support

Disasters erode family and community structures and supports for children's mental health and psychosocial well-being and safety.<sup>99</sup> Separation or loss of family, violence, abuse, neglect, exploitation, displacement, and disrupted routines are some of the factors that increase risk and stress on children in disasters.

It is estimated that 5 to 43 per cent of children in disasters experience severe stress and many suffer from depression, anxiety or other mental health disturbances.<sup>100</sup> Although most will not require professional care, the need for responsive systems and effective local capacity to support children is high.<sup>101</sup> Even ten years after a disaster, the incidence of depression and post-traumatic stress disorder in a disaster-affected population can be four to five times higher than in non-affected populations.<sup>102</sup> With climate change, the mental health burden on children in disasters can be expected to rise.<sup>103</sup>

In order to improve children's mental health and well-being, children in disasters need rapid restoration, strengthening and mobilization of family and community systems.<sup>104</sup> Specific needs that should be ensured by law or policy include:

97 Ibid.

98 Thompson, G. (2010, August). After Haiti Quake, the Chaos of U.S. Adoptions. *The New York Times*. <https://www.nytimes.com/2010/08/04/world/americas/04adoption.html>

99 UNICEF. (2018). *Field Test Version of Operational Guidelines: Community-based Mental Health and Psychosocial Support in Humanitarian Settings: Three-tiered Support for Children and Families*. <https://www.unicef.org/media/52171/file/Mental%20health%20and%20psychosocial%20support%20guidelines%202019%20.pdf>

100 Kar, N. (2009, February). Psychological Impact of Disasters on Children: Review of Assessment and Interventions. *World Journal of Pediatrics*, 5(1), 5–11. Epub 2009 Jan 27.

101 Ibid.

102 Operationalising Psychosocial Support in Crisis Project. (2016). *The Comprehensive Guideline on Mental Health and Psychosocial Support (MHPSS) in Disaster Settings*. <https://www.uibk.ac.at/psychologie/fachbereiche/psychotraumatology/resources/opsic-mhpss-comprehensive-guideline-june-2016.pdf>

103 Dyregrov, A., Yule, W., & Olff, W. (2018, August). Children and Natural Disasters. *European Journal of Psychotraumatology*, 9 (Suppl 2). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6095022/>

104 UNICEF. (2018). *Field Test Version of Operational Guidelines: Community-based Mental Health and Psychosocial Support in Humanitarian Settings: Three-tiered Support for Children and Families*.



conducting assessments of mental health and psychosocial issues; training all staff and volunteers in mental health and psychosocial support; disseminating information about coping methods to the general population including children; providing psychological first aid to child survivors of extreme stressors; delivering safe spaces for children; and providing basic clinical mental healthcare for children presenting with pathological distress by: planning for an uninterrupted supply of essential psychotropics; and ensuring primary health care teams include persons trained in mental health care involving children.<sup>105</sup>

**The child friendly spaces were places where kids could feel secure and have normal childhood experiences in the midst of upheaval.<sup>106</sup>**

**Volunteer from a Canadian Red Cross safe space for children**

## Birth Registration, Identity and Other Essential Documentation

People whose births are not registered or who lack proof of identity are often effectively out of sight when it comes to receiving the assistance they need.<sup>107</sup>

This is despite the fact that registering and documenting the birth of a child without any discrimination is a right for all children according to Article 7 of the Convention on the Rights of the Child.<sup>108</sup> Without birth registration, children are denied their proof of identity, and they can struggle to access—or even be denied—basic essential services such as health care, education, and legal support, and their risk of violence, abuse and exploitation is worsened.<sup>109</sup>

As of 2013, the births of nearly 230 million children under the age of five are thought to be unrecorded— around a third of the global population for this age group. Undoubtedly, the births of certain children are less likely to be registered than others. Poorer children, for example, are less often registered, as are children from rural compared with urban areas, and children from particular ethnic and religious groups.<sup>110</sup>

Perhaps not surprisingly, there are disparities in the rates of birth registration, as well as other civil registration services, for countries that are crisis-prone compared with those that are not. Specifically, in countries classified as either environmentally vulnerable and/or politically fragile, only around 50 per cent of births are registered, compared with nearly 70 per cent for all other countries.<sup>111</sup>

105 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-country Synthesis Report*.

106 FRC. (2017). *Child Friendly Spaces in Emergencies: Case Study Report*. <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2017/05/IFRC-CFS-Case-Study-Report-2017.pdf>

107 IFRC. (2018). *World Disasters Report: Leaving No One Behind*. <https://media.ifrc.org/ifrc/world-disaster-report-2018/>

108 UNICEF. (2019). *Child protection from violence, exploitation and abuse*. [https://www.unicef.org/protection/57929\\_58010.html](https://www.unicef.org/protection/57929_58010.html)

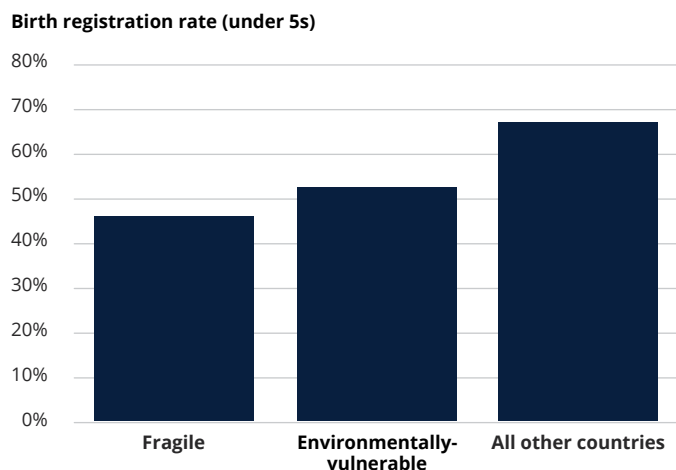
109 PLAN International. (2019). *No Child Left Unaccounted: Protecting a Child with a Certificate of Birth*. <https://plancanada.ca/no-birth-certificate-and-no-rights>

110 UNICEF. (2013). *Every Child's Birth Right. Inequities and trends in birth registration*. [https://www.unicef.org/publications/index\\_71514.html](https://www.unicef.org/publications/index_71514.html)

111 From IFRC. (2018). *World Disasters Report: Leaving No One Behind*. <https://media.ifrc.org/ifrc/world-disaster-report-2018/> Data collected from selected Demographic Data and Health Surveys (DHS), Multiple Indicator Cluster Survey (MICS), OECD States of Fragility 2016 and INFORM index 2018.

**Figure 2.1**

**Birth registration in countries classified as environmentally vulnerable and/or politically fragile compared with all other countries**



**Notes:** Fragile and environmentally vulnerable countries are respectively defined using OECD's *States of Fragility 2016* and the INFORM Index for Risk Management 2018 data set. See Data notes for further details.

**Sources:** Based on selected Demographic Data and Health Surveys (DHS), Multiple Indicator Cluster Survey (MICS), OECD *States of Fragility 2016* and INFORM Index 2018

**BIRTH REGISTRATION AMONG CHILD MIGRANTS IN ECUADOR**

In Ecuador, children born of migrants from Venezuela obtain Ecuadorian nationality and a birth identification document. However, for children of Venezuelan migrants born in Colombia and then moving to Ecuador, regularization can be a very long process. This leads to barriers in accessing essential services such as health care and education.

The birth documentation is confusing and there are many difficulties. Migrant parents continue to believe their children will have automatic birth registration and citizenship in this country. But this is not the case. Going to school or getting some health treatments are difficult for child migrants who have no papers.

From an IFRC focus group discussion with parents and NGOs in Colombia

Among other essential documents, obtaining documents needed to access school can be a significant barrier for children in disasters.<sup>112</sup> For example, many children forced from their homes have lost all personal identity documents and thus face difficulties when these documents are required as part of the school registration process. Where displaced children are able to attend school, the lack of school records showing their educational level and validating their previous results can also mean children miss out on learning or are forced to repeat a year.<sup>113</sup>

Given the importance of children's registration and access to essential documents, domestic laws should include provisions for registering the birth of all children, including migrants, and making accessible essential documents such as for school during disaster responses. In addition, adequate "business continuity" plans should be in place to ensure that registration can continue even if relevant public officials or resources are impacted by a disaster.

In addition to areas often traditionally included as part of child protection, there are also closely aligned issues related to access to education, child participation, and gender-responsive approaches that are necessary to strengthen child protection in disaster preparedness and response.

## Access to Education

Addressing education-related needs helps protect children.<sup>114</sup> Yet, for many children, access to education is restricted. This is especially true for girls. In fact, significant declines in girls' school attendance following disasters can be expected to contribute to heightened gender inequality in the long term—with negative, cascading effects on the achievement of all development indicators.<sup>115</sup>

A large proportion of the world's children out of school live in conflict-affected areas and in disaster-stricken regions.<sup>116</sup> In addition, of the 263 million adolescents that are out of school,<sup>117</sup> one in four live in countries affected by situations of armed conflict, disasters and other emergencies.<sup>118</sup> Of the estimated 462 million adolescents aged 3 to 18 living in countries affected by such crises, 75 million do not have adequate education provision, and among the estimated 14 million refugees aged 3 to 15 in those countries, very few go to pre-primary school.<sup>119</sup>

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112 Save the Children. (2014). *No Child Left Behind: Education in Crisis in the Asia-Pacific Region*. [http://www.protectingeducation.org/sites/default/files/documents/save\\_the\\_children\\_australia\\_-\\_no\\_child\\_left\\_behind.pdf](http://www.protectingeducation.org/sites/default/files/documents/save_the_children_australia_-_no_child_left_behind.pdf)

113 Ibid.

114 The INEE Minimum Standards for Education, the leading standard-setting document, says "in emergency situations through to recovery, quality education provides physical, psychosocial and cognitive protection that can sustain and protect lives."

115 Save the Children. (2014). *No Child Left Behind: Education in Crisis in the Asia-Pacific Region*. [http://www.protectingeducation.org/sites/default/files/documents/save\\_the\\_children\\_australia\\_-\\_no\\_child\\_left\\_behind.pdf](http://www.protectingeducation.org/sites/default/files/documents/save_the_children_australia_-_no_child_left_behind.pdf)

116 United Nations General Assembly. (2010). *Resolution on the Right to Education in Emergency Situations*. <http://repository.un.org/handle/11176/148383>

117 UNESCO Institute for Statistics (UIS). (2017, June). Reducing global poverty through universal primary and secondary education. *Global Education Monitoring Report, policy paper 27 / factsheet 37*. Montreal: UIS. <http://uis.unesco.org/sites/default/files/documents/reducing-global-poverty-through-universal-primary-secondary-education.pdf>

118 Conflict-affected countries have only 20 per cent of the world's primary-school-age children, but 50 per cent of the world's out-of-school children. UIS and UNICEF. (2015). *Fixing the Broken Promise of Education for All: Findings from the Global Initiative on Out-of-School Children*. Montreal: UIS, p. 11. <http://dx.doi.org/10.15220/978-92-9189-161-0-en>

119 See Nicolai, S. et al. (2016). *Education Cannot Wait: Proposing a Fund for Education in Emergencies*. London: ODI. <https://www.odi.org/sites/odi.org.uk/files/resource-documents/10497.pdf>

Among the more than 1.2 billion students enrolled in primary and secondary schools worldwide, approximately 875 million are in high-seismic-risk zones, and hundreds of millions face regular flooding, storms, landslides, droughts, fire hazards, health-related hazards and social hazards.<sup>120</sup> In these situations, schools can be destroyed, damaged and left unsafe, or used as shelter or for warehousing.

Education is cited as a priority concern by children affected by situations such as armed conflict, disasters and other emergencies, and is consistently listed as a top priority by children, adolescents and young adults when asked.<sup>121</sup>

Although a growing number of countries have mandated school-based disaster risk-reduction education, fewer have specific plans to ensure that children have access to education in disasters. In order to minimize educational disruption during disasters and enhance access, laws and regulations should provide that schools may only be used for emergency shelter where there is no feasible alternative, and contingency plans should identify alternative sites to serve as emergency shelters.<sup>122</sup>

In light of the fact that it may not always be possible to avoid using schools for emergency shelter practical measures should be taken to promote educational continuity in this situation. Specifically, decision-makers should consider adopting the following practical measures: mandating that, where possible, gymnasiums, auditoriums and other open spaces are used instead of classrooms in order to permit teaching to continue; stipulating a maximum number of school days for which schools may be used as emergency shelters during any given school year; establishing financing mechanisms for the replacement or repair of any school property that is damaged by the use of the school as emergency shelter; and establishing rules and procedures for the use of the school as emergency shelter that are designed to ensure that the school is maintained in good condition.<sup>123</sup>

## NEPAL RED CROSS: SUPPORT FOR ACCESSING EDUCATION IN 2015 EARTHQUAKE RESPONSES

As part of its response to the two earthquakes of 2015, the Nepal Red Cross worked with local communities to help children access school. This included implementing safe spaces for children to gather and learn while schools were closed,<sup>124</sup> and reinforcing, refitting, and reconstructing schools—including in mountainous, hard-to-access locations.<sup>125</sup>

120 Save the Children. (2016). *Education Disrupted: Disaster Impacts on Education in the Asia Pacific Region in 2015*. Singapore: Save the Children. [http://reliefweb.int/sites/reliefweb.int/files/resources/education\\_disrupted\\_save\\_the\\_children\\_full\\_report.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/education_disrupted_save_the_children_full_report.pdf)

121 Save the Children. (2015). *What do Children Want in Times of Crisis?* London: Save the Children, pp. 1 and 16. [http://www.savethechildren.org.uk/sites/default/files/images/What\\_Do\\_Children\\_Want1.pdf](http://www.savethechildren.org.uk/sites/default/files/images/What_Do_Children_Want1.pdf) This report revealed that 99 per cent of children surveyed by multiple studies included education in their top five priorities.

122 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-Country Synthesis Report*.

123 Ibid.

124 IFRC. (2017). *Child Friendly Spaces in Emergencies: Case Study Report*. <https://media.ifrc.org/ifrc/document/child-friendly-spaces-in-emergencies-case-study-report/>.

125 Nepal Red Cross. (2016). *Keeping Nepal's Children Safe from Earthquakes*. <https://www.nrcc.org/tags/retrofitting-schools>.

When we left the Democratic Republic of the Congo, I was in Senior 4 at my school; but when we reached here, I was told I had to go back to Primary 4 where I was older than everyone in class. I am now in primary 7 and still I am the oldest. It was very uncomfortable at first, some of my friends who were in the same situation even left school and got married.

Child from disaster law and child protection study in Uganda

## Child Participation

Children are increasingly recognized as agents of change to be cultivated and mobilized for disaster preparedness, response and recovery.<sup>126</sup> Studies suggest that children's vulnerability is reduced and their resilience to disaster is enhanced when they: have access to resources and information, are encouraged to participate in disaster preparedness and response activities, and can access personal and communal support.<sup>127</sup>

Such participation is not only empowering for children themselves, children are active agents of change and can, and do, make significant contributions to reducing disaster risk.<sup>128</sup> Children's practical and creative ideas and their unique knowledge and experiences of their local environment have provided important input to disaster risk reduction efforts in several contexts.<sup>129</sup> Reviews of child-centred disaster risk reduction programmes reveal positive outcomes for both the children and their communities.<sup>130</sup>

Moreover, ensuring such participation is an international obligation. Article 12 of the Convention on the Rights of the Child provides that "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

Nevertheless, children are often excluded from disaster risk reduction activities<sup>131</sup> across the project cycle. This is a strong argument that specific provisions of law and/or policy will often be needed to mandate the necessary steps to ensure that the necessary steps are taken.<sup>132</sup> When children's voices are not heard, understood, or

**SAVE THE CHILDREN  
AND IFRC**  
**Guidelines for Public  
Awareness and  
Public Education for  
Child Protection in  
Emergencies**

126 Pfefferbaum, B., Pfefferbaum, R.L., & Van Horn, R.L. (2018). Involving Children in Disaster Risk Reduction: The Importance of Participation. *European Journal of Psychotraumatology*, 9(sup2). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5804784/>

127 Peek, L. (2008). Children and disasters: Understanding vulnerability, developing capacities and promoting resilience—an introduction. *Children, Youth and Environments*, 18, 1–29. As cited in Lopez, Y., Hayden, J., Cologon, K., & Hadley, F. (2012). Child participation and disaster risk reduction. *International Journal of Early Years Education*. [https://www.researchgate.net/publication/263538621\\_Child\\_participation\\_and\\_disaster\\_risk\\_reduction](https://www.researchgate.net/publication/263538621_Child_participation_and_disaster_risk_reduction)

128 Mitchell, T., Haynes, K., Hall, N., Wei, C., & Oven, K. (2008). The role of children and youth in communicating risk. *Children, Youth and Environments*, 18: 254–79. As cited in Lopez, Y., Hayden, J., Cologon, K., & Hadley, F. (2012). Child participation and disaster risk reduction. *International Journal of Early Years Education*. [https://www.researchgate.net/publication/263538621\\_Child\\_participation\\_and\\_disaster\\_risk\\_reduction](https://www.researchgate.net/publication/263538621_Child_participation_and_disaster_risk_reduction)

129 Back, E., Cameron, C., & Tanner, T. (2009). *Children and disaster risk reduction: Taking stock and moving forward*.

130 Lopez, Y., Hayden, J., Cologon, K., & Hadley, F. (2012). Child participation and disaster risk reduction. *International Journal of Early Years Education*. [https://www.researchgate.net/publication/263538621\\_Child\\_participation\\_and\\_disaster\\_risk\\_reduction](https://www.researchgate.net/publication/263538621_Child_participation_and_disaster_risk_reduction)

131 Muzenda-Mudayanhu, C. (2016). A review of children's participation in disaster risk reduction. *Jamba: Journal of Disaster Risk Studies*, 8(1). <https://jamba.org.za/index.php/jamba/article/view/218>

132 Todres, J. (2011). *Mainstreaming Children's Rights in Post-disaster Settings*. <http://law.emory.edu/eilr/content/volume-25/issue-3/symposium/childrens-rights-post-disaster-settings.html>

acted upon in clear and dedicated ways, it means that the population most affected by disasters is not being adequately supported.

In addition to the importance of including child participation are ensuring: access to information on their rights and how and where to access help for protection concerns; and to understand decisions that are being made that affect them. This information should be child-friendly and accessible to children of all ages, genders, abilities and backgrounds.

## CHILDREN'S VOICES AGAINST CLIMATE CHANGE CONSEQUENCES

While the Red Cross and Red Crescent Movement is rarely involved with litigation, it is noteworthy that, in recent years children have begun participating through courtroom mechanisms to advocate for improved protections from climate change consequences.

In Colombia, for example, in 2018, the Supreme Court agreed with a group of child plaintiffs' claims that deforestation in the Amazon and increasing temperature threatened children's constitutional rights to a healthy environment, life, health, food and water. The court also declared that the Colombian Amazon forest has legal personhood and that the Colombian government has a resulting duty to protect it.<sup>133</sup> The Supreme Court ordered the Colombian government and its agencies to create and implement plans to halt deforestation; update and orient existing land management plans towards climate change mitigation and adaptation; and develop an "intergenerational pact for the life of the Colombian Amazon" with the plaintiffs, affected communities, and research and scientific organizations.

Similar cases by children have been filed in Belgium,<sup>134</sup> Canada,<sup>135</sup> Philippines,<sup>136</sup> Uganda,<sup>137</sup> and the United States.<sup>138</sup> In addition, a group of sixteen children from multiple countries filed a legal complaint, using United Nations' mechanisms, against several governments arguing that the countries have knowingly contributed to the climate crisis and thereby put at risk children's health and survival due to extreme weather, floods, wildfires, sea-level rise, the spread of mosquito-borne disease, and poor air quality.<sup>139</sup>

133 Our Children's Trust. (2019). *Colombia*. <https://www.ourchildrenstrust.org/colombia>.

134 Our Children's Trust. (2019). *Belgium*. <https://www.ourchildrenstrust.org/belgium>.

135 CBC. (2019, October). *Young Canadians File Lawsuit against Government over Climate Change*. <https://www.cbc.ca/news/canada/british-columbia/canadian-teens-lawsuit-federal-government-over-climate-change-1.5335349>.

136 Our Children's Trust. (2019). *Philippines*. <https://www.ourchildrenstrust.org/philippines>.

137 Our Children's Trust. (2019). *Uganda*. <https://www.ourchildrenstrust.org/uganda>.

138 Our Children's Trust. (2019). *Juliana v. United States: Youth Climate Lawsuit*. <https://www.ourchildrenstrust.org/juliana-v-us>.

139 UNICEF. (2019). *16 Children, including Greta Thunberg, file landmark complaint to the United Nations Committee on the Rights of the Child*. <https://reliefweb.int/report/world/16-children-including-greta-thunberg-file-landmark-complaint-united-nations-committee>

**If it is about them, of course, children should have the right to say what they think is important and they should be able to shape their lives because it is about them.**

**Youth interviewed as part of Massive Open Online Course on Caring for Children Moving Alone<sup>140</sup>**

### Age-Responsive Approaches

The needs of children change and vary based on their age and development. For example, young children such as babies (0–2 years), toddlers (2–4 years), and early school-age children (5–8 years) are at stages where their brain develops and adapts to its environment. These stages of intense development and adaptation have lifelong implications for learning, physical health and mental health.<sup>141</sup> At these ages, children have greater dependence on parents and adults than at later stages of childhood, and thus specific and more needs in disasters. In terms of climate change, young children, because of their less-developed physiology and immune systems, will most intensely experience the effects of climate change-related stresses.<sup>142</sup>

Adolescents (generally considered children aged 10 up to the age of 18 years), based on their development, are more ready to: participate in decisions that affect them, help lead and support disaster risk reduction activities, and make choices about what disaster support is most suitable for themselves. Adolescence is also an age where sexual and reproductive health needs for both girls and boys emerge and where specific support is required, such as for menstrual hygiene management for girls.<sup>143</sup>

In order to be effective, domestic laws and/or policies should ensure that disaster responses assess, plan for and implement actions in ways that meet the different needs and capacities of children at different ages.

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140 IFRC & ISS. (2019). *Massive Open Online Course on Caring for Children Moving Alone*.

141 Alliance for Child Protection in Humanitarian Action. (2019). *Minimum Standards for Child Protection in Humanitarian Action (2019 edition)*. <https://alliancecpha.org/en/cpms>

142 Landrigan, P.J. & Garg, A. (2005). *Children are not little adults*. In *Children's Health and the Environment: A Global Perspective*, J. Pronczuk-Garbino, ed. Geneva: WHO.

143 Coast, E., Lattof, S.R. & Strong, J. (2019). Puberty and menstruation knowledge among young adolescents in low- and middle-income countries: A Scoping Review. *International Journal of Public Health*, 64(2): 293–304. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6439145/>.

## THE COMPACT FOR YOUNG PEOPLE IN HUMANITARIAN ACTION<sup>144</sup>

The Compact was developed after the World Humanitarian Summit with the aim of placing young people at the centre of humanitarian action. Its 53 members work to enhance engagement and partnership with young people in all phases of humanitarian action by: strengthening young people's capacities to be effective humanitarian actors; supporting local youth-led initiatives; increasing resources; and generating and systematically using age- and sex-disaggregated data.

**Change needs to happen now if we are to avoid the worst consequences. The climate crisis is not just the weather. It means also, lack of food and lack of water, places that are unlivable and refugees because of it. It is scary.**

**Greta Thunberg, one of 16 children who, in 2019, filed an official complaint to the United Nations Committee on the Rights of the Child to protest lack of government action on the climate crisis<sup>145</sup>**

## Gender-Responsive Approaches

There is clear and growing evidence that women and girls suffer disproportionately from gender discrimination and gender blindness in disaster preparedness and response activities.<sup>146</sup> This is shaped and enhanced by an intersectionality between their gender, age, ethnicity, sexuality and ability that can combine to increase discrimination against them.

Gender discrimination occurs when a person is treated less favourably on the basis of their gender.<sup>147</sup> Most of the countries reviewed have constitutional laws and human rights or anti-discrimination legislation to establish a general prohibition on discrimination.<sup>148</sup> However, none of the countries indicate that their domestic laws and/or policies contain an express prohibition on gender discrimination in disaster preparedness and response.<sup>149</sup>

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144 The Compact for Young People in Humanitarian Action. (2017). *What we do*. <https://www.youthcompact.org/>

145 UNICEF. (2019). *16 Children, including Greta Thunberg, file landmark complaint to the United Nations Committee on the Rights of the Child*. <https://reliefweb.int/report/world/16-children-including-greta-thunberg-file-landmark-complaint-united-nations-committee>

146 IFRC. (2017). *Effective Law and Policy on Gender Equality and Protection from Sexual and Gender-based Violence in Disasters*. <https://media.ifrc.org/ifrc/document/effective-law-policy-gender-equality-protection-sexual-gender-based-violence-145-disasters-global-case-study/>

147 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-Country Synthesis Report*.

148 Ibid.

149 Ibid.



A related factor to gender discrimination is gender blindness. This refers to a failure to recognize and respond to the fact that women, men, girls and boys have different needs and coping strategies, especially during disasters. For example, gender blindness may manifest as a failure to take steps to make disaster preparedness and response activities equally accessible to women and girls. It may also manifest as a failure to recognize and meet the specific rights and needs of women and girls. For example, in disasters, there is often a lack of access to adequate sexual and reproductive health services, which has a disproportionately negative impact on girls.<sup>150</sup>

Girls need access to a minimum level of services, including (but not limited to) clinical care for survivors of sexual violence, and emergency obstetric and newborn care.<sup>151</sup> In addition, during disasters, girls can struggle to access basic materials required to manage menstruation (for example, sanitary pads or cloths, and underwear), in addition to a lack of appropriate sanitation facilities.<sup>152</sup> These barriers are often intensified by cultural beliefs and taboos surrounding menstruation, which can make women less likely to demand improved services or supplies.<sup>153</sup>

Domestic disaster laws and/or policies should foster gender-inclusive disaster risk management, and ensure that the necessary measures are in place to prevent gender discrimination, in all disaster risk management activities (from planning and implementation of disaster resilience-building, to disaster risk assessments, risk reduction, preparedness, needs assessment, response, recovery and reconstruction). This includes mandating the collection and analysis of gender-disaggregated data on risk assessments, needs assessments, disaster impacts (death, injury, livelihoods, property), delivery of emergency assistance, allocation of recovery and reconstruction assistance, and SGBV incidence and response.

## COLOMBIA: INCLUSION OF GENDER-RESPONSIVE APPROACHES

Colombia's *Manual of Standardization of Humanitarian Action* requires gender to be recorded as part of temporary shelter registration, and for gender-specific needs to be considered in relation to the provision of food, water, medical services, sanitation and hygiene.<sup>154</sup>

150 Reproductive Health Sub-Working Group of the ISDR/WHO Thematic Platform for Disaster Risk Management for Health. (2012). Integrating Sexual and Reproductive Health into Health Emergency and Disaster Risk Management.

151 Inter-Agency Working Group on Reproductive Health in Crises. (2010). Inter-Agency Field Manual on Reproductive Health in Humanitarian Settings. <http://iawg.net/wp-content/uploads/2016/07/IAFM-2010.pdf>

152 Schmitt, M.L. et al. (2017). Understanding the Menstrual Hygiene Management Challenges Facing Displaced Girls and Women: Findings from Qualitative Assessments in Myanmar and Lebanon. *Conflict and Health*, 11(19), 1.

153 Ibid.

154 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-country Synthesis Report*.

## Disability-Responsive Approaches

An estimated seven million children with disabilities worldwide are affected by disasters annually.<sup>155</sup> Persons with disabilities, including children, are at heightened risk of physical, psychological and sexual abuse during disasters.<sup>156</sup> However, the diverse needs, experiences, perspectives and potential roles of children with disabilities in disaster risk reduction have been largely overlooked or ignored by researchers and policymakers.<sup>157</sup>

Children with disabilities have the same challenges as other children in disasters and also have unique barriers related to their specific disability. For instance, children with disabilities may have a hard time moving from one location to another, have difficulty communicating, or have trouble adjusting to different situations. A disaster can present all these difficulties at once.<sup>158</sup>

Research shows that children with disabilities hold and can express views, varied perspectives, and value participation in disaster risk reduction initiatives, given the right approach and environment.<sup>159</sup> However, opportunities to do so are often limited. This can be due to physical barriers such as steps or narrow walkways, which prevent children with disabilities from accessing buildings, facilities and services; attitudinal barriers such as negative assumptions about the capabilities of children with disabilities, or stigma against girls and boys with disability and their families; and institutional barriers which can include laws or regulatory frameworks which discriminate against, or fail to protect the rights of, people with disabilities.

In order to improve protection, it is essential to remove the physical, attitudinal, and institutional barriers that hinder children's active involvement from the planning to implementation phases and systematically take up disability needs across all aspects of disaster risk reduction.<sup>160</sup> There is also a need to develop ability- and age-appropriate resources and approaches, and targeted messages that consider and address specific requirements for children with disabilities. In addition, disaster management activities should promote a 'twin track' approach, which ensures that children with disabilities: have equal access to all 'mainstream' disaster management operations; and that they can access specialized services as available to meet specific needs, such as assistive devices (wheelchairs, crutches, spectacles etc.), medical consultations, and essential medications.<sup>161</sup>

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155 Ronoh, S., Gaillard, J.C., and Marlowe, J. (November 23, 2015). Children with Disabilities and Disaster Preparedness: A Case Study of Christchurch. *Koitiutui: New Zealand Journal of Social Sciences*, 2015 10(2). <https://www.tandfonline.com/doi/full/10.1080/1177083X.2015.1068185>

156 As cited in IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-Country Synthesis Report*.

157 Ronoh, S., Gaillard, J.C., and Marlowe, J. (November 23, 2015). Children with Disabilities and Disaster Preparedness: A Case Study of Christchurch. *Koitiutui: New Zealand Journal of Social Sciences*, 2015 10(2). <https://www.tandfonline.com/doi/full/10.1080/1177083X.2015.1068185>

158 Centers for Disease Control and Prevention. (2019). *Keeping Children with Disabilities Safe in Emergencies*. <https://www.cdc.gov/ncbddd/disabilityandsafety/emergency.html>

159 Ibid.

160 Ibid.

161 Australia Red Cross. (2015). *Guidance Note: Disability Inclusion and Disaster Management*.



## UNITED NATIONS CLIMATE CHANGE RESOLUTION EMPHASIZES RIGHTS OF PERSONS WITH DISABILITIES

A 2019 Human Rights Council resolution for the first time calls on governments to adopt a disability-inclusive approach when taking action to address climate change.<sup>162</sup> This recognizes that the disaster related impacts of climate change disproportionately affect people with disabilities.<sup>163</sup> The resolution specifically urges support for the resilience and adaptive capacities of persons with disabilities both in rural and urban areas to respond to the adverse impacts of climate change. In addition it recommends that States strengthen and implement policies aimed at increasing the participation of persons with disabilities in climate change responses at the local, national, regional and international levels.<sup>164</sup>

**Sometimes people see the disability part of the children and assume because of that they are no good. But the Red Cross does not see it this way; we value the children and recognize their abilities and service to others.**

**Jiope Ralulu, Principal at Solomon Islands Red Cross School for Children with Disabilities**

162 United Nations General Assembly, Human Rights Council. (2019). *Human Rights and Climate Change*. [https://www.hrw.org/sites/default/files/supporting\\_resources/hrc41\\_climate\\_change\\_and\\_disability.pdf](https://www.hrw.org/sites/default/files/supporting_resources/hrc41_climate_change_and_disability.pdf)

163 As cited in Human Rights Watch. (2019). *UN Climate Resolution Emphasizes Protection of Disability Rights*. <https://www.hrw.org/news/2019/07/15/un-climate-resolution-emphasizes-protection-disability-rights>

164 United Nations General Assembly, Human Rights Council. (2019). *Human Rights and Climate Change*. [https://www.hrw.org/sites/default/files/supporting\\_resources/hrc41\\_climate\\_change\\_and\\_disability.pdf](https://www.hrw.org/sites/default/files/supporting_resources/hrc41_climate_change_and_disability.pdf)

# Design and Implementation of Priority Domestic Law Measures for Child Protection

In order to better meet children's best interests in disasters and to enhance their protection from violence, abuse, neglect and exploitation, a series of actions can be taken. These recommendations recognize that there are a complexity and a variety of national frameworks for child protection and that approaches need to be locally relevant. The recommendations will assist governments to ensure domestic implementation of the United Nations Convention on the Rights of the Child in such contexts and can be supported by the National Red Cross and Red Crescent Societies, and other partners, where needed.<sup>165</sup>

## Coordinated Responses

Governments have the primary responsibility to protect children, including in humanitarian situations. However, this is often not prioritized, and, in some settings, there can be a lack of the technical and financial resources needed for such interventions. The capacity of governments and their partners to protect boys and girls is often limited in peacetime, but it is especially limited during disasters.<sup>166</sup>

A study by the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography found that, in disasters, 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 against children.<sup>167</sup>

The inclusion of child protection issues in domestic laws can be improved through ensuring that existing mechanisms are applied to gather perspectives from relevant ministries and bodies such as those relating to child protection, civil protection, education, health, social services, transportation and infrastructure, etc. In addition, it is crucial for governments to coordinate with child protection actors such as local NGOs, the United Nations, and National Red Cross and Red Crescent Societies.<sup>168</sup>

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165 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-Country Synthesis Report*.

166 UNICEF. (2017). *Protecting the Rights of Children in Humanitarian Situations*. <https://www.ohchr.org/Documents/Issues/Children/HumanitarianSituations/UNICEF.pdf>

167 UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. (n.d.). *25 Years of Fighting the Sale and Sexual Exploitation of Children: Addressing New Challenges*.

168 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-Country Synthesis Report*.

In addition, governments can benefit from making requirements by law or policy that key government ministries and agencies that engage with children develop disaster contingency plans aimed at ensuring child protection before, during and after a disaster; and that they be provided with sufficient budgetary resources to fulfil the plans.

### **STRENGTHENING GOVERNMENT COORDINATION AND LEADERSHIP IN CHILD PROTECTION IN EMERGENCIES IN EASTERN AND SOUTHERN AFRICA**

The Area of Responsibility on Child Protection in Emergencies (the body responsible for organizing interagency child protection clusters in emergencies), UNICEF, the Partnership to End Violence against Children, and IFRC have a joint project since 2018 to strengthen government coordination to improve child protection in emergencies.

In Eastern and Southern Africa, this included a regional workshop for governments, Red Cross and Red Crescent National Societies and local UNICEF field offices. As part of the workshop, the agencies collectively developed plans of action for how they can better coordinate their disaster preparedness and response activities. This included action on improving domestic laws.

### **SEYCHELLES: NEW DISASTER LAW BILL**

In the Seychelles a draft Disaster Risk Reduction and Management Bill<sup>169</sup> includes specific provisions on child protection. In particular, it states, “The authority will coordinate and ensure the response is child-sensitive and decisions are made based on the best interest of the child.”

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<sup>169</sup> Government of Seychelles. (2019). Disaster Risk Reduction and Management Bill (DRAFT).

## Addressing Root Causes

In addition to responding to children's immediate needs in a disaster through laws and regulations, to have a transformational impact, countries need also to apply domestic laws that address root causes of violence, abuse and exploitation of children.

The WHO and Partnership to End Violence against Children-led INSPIRE campaign has identified evidence<sup>170</sup> that laws banning violent punishment of children by parents, teachers or other caregivers; laws criminalizing sexual abuse and exploitation of children; laws that prevent alcohol misuse; and laws limiting youth access to firearms and other weapons can have especially positive outcomes for children. By reducing the risk of violence, abuse and exploitation against children in non-disaster times, laws to address root causes can have a direct impact on the protection of children in disasters as well.

Other issues that are important to protect children but that are often under-examined in terms of disaster settings, especially in recovery, include child-friendly transportation and urban infrastructure.<sup>171</sup> These are often important to providing safe transportation, access to services, and making infrastructure child-friendly.

## CHILD-FRIENDLY CITIES INITIATIVE<sup>172</sup>

With nearly half of the world's children now living in towns and cities, and children representing large portions of the population affected by disasters, urban planners and policymakers need to pay special attention to the rights and interests of children and to address the root causes that put them at risk. Since 1996, the United Nations-led Child-Friendly Cities Initiative, using a multi-stakeholder partnership approach, has aimed to put children at the centre of the urban agenda. This includes: working with cities to place child participation at all stages of planning and implementation; developing child-friendly legislation; having a child rights strategy; having a coordinating mechanism or agency for children; assessing policy and programme impact on children; providing a budget and resources for children; producing regular report on the state of children in the city; raising awareness, and building capacity, on child rights; and ensuring independent advocacy for children.

170 WHO. (2016). *INSPIRE: Seven Strategies for Ending Violence against Children*. <https://apps.who.int/iris/bitstream/handle/10665/207717/9789241565356-eng.pdf;jsessionid=4C8A0066A75108C3EFB9E04EB2977212?sequence=1>

171 Todres, J. (2011). *Mainstreaming Children's Rights in Post-disaster Settings*. <http://law.emory.edu/eilr/content/volume-25/issue-3/symposium/childrens-rights-post-disaster-settings.html>

172 UNICEF. (2012). *State of the World's Children: Children in an Urban World*. <https://www.unicef.org/sowc2012/panels.php>

When we are children, we are innocent, we have many needs, and are unprepared for life. We need people who care to create environments that let children develop in healthy ways. What we do today will shape what happens to children tomorrow.

Flora Dauce, Psychosocial Coordinator,  
Beira City, Mozambique Red Cross

## Multi-Level Approaches

Humanitarian aid is based on legal and operational frameworks at the international, regional, national and local levels, a reality that calls for a multi-level approach to facilitate the decentralization of such an emergency response.<sup>173</sup>

In addition to the role of national government bodies, local governments and traditional authorities also have a key role that needs to be supported. In particular, they are normally the closest to the affected populations, including children, and so their experience and lessons learned should be considered for disaster response planning and implementation.<sup>174</sup> However, information on national or local disaster laws to protect children is slower to reach levels such as villages and small towns<sup>175</sup> — even though these are the locations where action is taken in the immediate aftermath of a disaster.

We see that children here have many needs, so we help with first aid, restoring family links, discussing child rights, play, and just let children be surrounded by normal things. We also provide shoes to replace the broken- and worn-down ones. We need to work hard because we know this is not normal and childhood should not be this way.<sup>176</sup>

Ecuador Red Cross volunteer at safe space for child migrants

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173 UN General Assembly. (2015, February 10). *Final research-based report of the Human Rights Council Advisory Committee on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations.*

174 UN General Assembly. (February 10, 2015). *Final Research-Based Report of the Human Rights Council Advisory Committee on Best Practices and Main Challenges in the Promotion and Protection of Human Rights in Post-Disaster and Post-Conflict Situations.*

175 IFRC. (2019). *Case Study: Addressing Child Protection in Disaster Law in the Philippines.*

176 IFRC. (2019). Ecuador: Providing Safe Spaces for Child Migrants. <https://alliancecpha.org/en/child-protection-news/ecuador-providing-safe-spaces-child-migrants>

## UNPROTECTED: CRISIS IN HUMANITARIAN FUNDING FOR CHILD PROTECTION

A study commissioned in 2019 by the Alliance for Child Protection in Humanitarian Action<sup>178</sup> found that funding for child protection remains minimal, with an average share of only 0.05 per cent of total humanitarian funds. The amount requested and available per child for child protection services is extremely low and is part of the significant problem of child protection being underfunded. The gap in funding is even more stark when looking beyond financial data (that is, the gap between requirements and funding received) and assessing funding in view of the total number of children actually in need of protection.

We had to establish a dialogue with both the policy makers and the local leaders, so they could not put the messages of protecting girls from child marriage under the mat.

Taonga Nyekanyeka, Malawi Red Cross Society



178 Alliance for Child Protection in Humanitarian Action. (2019). *Unprotected: Crisis in Humanitarian Funding for Child Protection*. <https://alliancecpa.org/en/child-protection-online-library/unprotected-crisis-humanitarian-funding-child-protection>



# Summary of Recommendations: What We Need To Do Better

In order to better meet children's best interests in disasters and to enhance their protection from violence, abuse, neglect and exploitation, a series of actions can be taken. These recommendations recognize that there are a complexity and a variety of national frameworks for child protection and that approaches need to be locally relevant. The recommendations will assist governments to ensure domestic implementation of the United Nations Convention on the Rights of the Child in such contexts and can be supported by the National Red Cross and Red Crescent Societies, and other partners, where needed.

## 1. Improve content of domestic laws for child protection

It is recommended that governments review national domestic laws, regulations and policies, including those related to climate change adaptation, in order to strengthen child protection aspects in the most appropriate instrument. It is recommended that these reviews be inclusive of the perspectives all relevant ministries and agencies and levels of government as well as relevant civil society actors, including National Red Cross and Red Crescent National Societies. Actions should keep in mind the different needs of children, including girls and children with disabilities, and aim for meaningful participation of children throughout.

**In terms of content, the following priority considerations are proposed:**

- a) Relevant laws, regulations and/or policies should ensure that decisions related to children in disaster settings are made on the basis of the best interests of the child and are age-, gender- and disability-responsive.
- b) Relevant ministries and agencies that engage with children should be mandated to develop disaster contingency plans fully covering child protection before, during and after a disaster; and sufficient budgetary resources should be made available to fulfil the plans.
- c) An appropriate ministry, agency, or other relevant body should be made responsible to undertake planning for and coordination of child protection during disasters.
- d) Attention to child protection issues should be included in relevant laws, regulations and policies on disaster risk management, as well as in planning for and implementation of disaster resilience-building, disaster risk assessments, risk reduction, preparedness, needs assessments, response, recovery and reconstruction. Refer to and import relevant constitutional provisions and/or international obligations on child protection, as part of the domestic law and policies.

- e) Mandate the collection and analysis of age-, gender- and disability-disaggregated data as part of risk assessments, needs assessments, disaster impacts (death, injury, trafficking, adoptions, violence, etc.), delivery of emergency assistance, allocation of recovery and reconstruction assistance, and response.
- f) Draw inspiration, as appropriate, from the Alliance for Child Protection in Humanitarian Action's Minimum Standards for Child Protection in Humanitarian Settings.<sup>179</sup> Key elements that should be particularly relevant to domestic law and policy makers concern systems to protect and assist unaccompanied and separated children; provision of, and access to, services for survivors of sexual and gender-based violence and trafficking; adoption; birth registration and other essential documentation; mental health and psychosocial support; access to education and prompt resumption of educational services; and mechanisms for children to participate in decisions that affect them and to provide feedback on those mechanisms. The content of domestic laws for child protection need to be age-, gender- and disability-responsive and to include sexual and reproductive health rights.

## **2. Take a coordinated, multi-level and iterative approach to implementation of domestic laws involving child protection**

To have effective domestic laws for child protection, it is important for governments to institute coordinated, multi-level approaches that include both support to local level government, disaster responders and communities to take preparedness action appropriate to their local circumstances, as well as opportunity to provide feedback on national systems.

- a) Improve coordination by the government across relevant ministries and agencies, with relevant civil society actors, including National Red Cross and Red Crescent Societies, and, as appropriate, international partners with regard to child protection in disaster preparedness and response.
- b) Ensure a multi-level approach that includes coordination of national authorities with local governments and, as appropriate, traditional authorities. This can also include collaboration and sharing of lessons and expertise with country-level regional bodies.
- c) Train local disaster responders and communities on legal requirements on child protection.
- d) Ensure budget allocations for response and for awareness-raising, training, planning, and monitoring and evaluation of child protection measures within the domestic law systems at national and local levels.

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<sup>179</sup> Alliance for Child Protection in Humanitarian Action. (2019). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpa.org/en/cpms>

# THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

## **Humanity**

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

## **Impartiality**

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

## **Neutrality**

In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

## **Independence**

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

## **Voluntary service**

It is a voluntary relief movement not prompted in any manner by desire for gain.

## **Unity**

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

## **Universality**

The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The vision of the IFRC is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by National Societies, with a view of preventing and alleviating human suffering, and thereby contributing to the maintenance and promotion of human dignity and peace in the world.

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