Accessing justice for children in humanitarian settings:

Learning from DRC and Afghanistan

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Context

- UN High Commissioner for Refugees (2015) - 60 million people are displaced throughout the world as a result of war and natural disasters, the highest number since World War II
- War Child programmes - child protection, psycho-social support and access to education and recreation programmes with livelihood opportunities - Iraq, Jordan, CAR, DRC, Uganda and Afghanistan.
- We have a long history of working with children in conflict with the law and those involved in legal or judicial proceedings
- Currently our programmes reached over 126,000 beneficiaries, out of which 84% are under the age of 24.

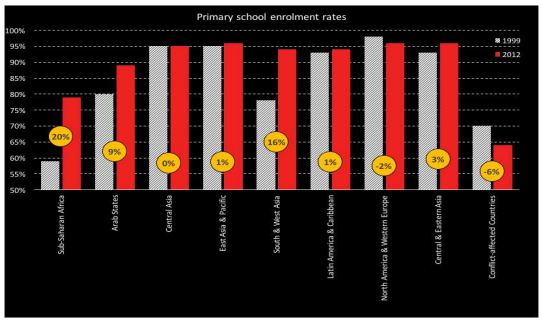
Legislative Framework

- Afghanistan and DRC are signatories to the UN Convention on the Rights of the Child - Right to survival, development, protection and participation
- These rights are application to all, regardless of difference (Art 2) for all those under the age of 18 (Art 1)
- The best interest of the child is paramount when decisions are being taken (Art 3)
- Children have a right to special protection when in conflict with the law (Art 37)
- National Laws - The Law of Protection (DRC, 2009); Juvenile Code (Afganistan, 2005)

Sustainable Dev Goals (2015)

Despite children having a right to protection, child rights violations still occur

- Poor access to quality education (in breach of Art 28 & 29)
- High physical violence (intra-familial; in schools and communities)
- Exploitative child labour, child pornography and sex trafficking
- Sexual and gender-based violence (committed against girls and boys)
- Forced Recruitment and/or use of children by armed groups
- Traditional Harmful Practices eg. Early and/or forced marriage; Honour-based crimes; FGM/C; using children)
- Endless cycle of poverty due to protracted crises (avg. time – 17 years)

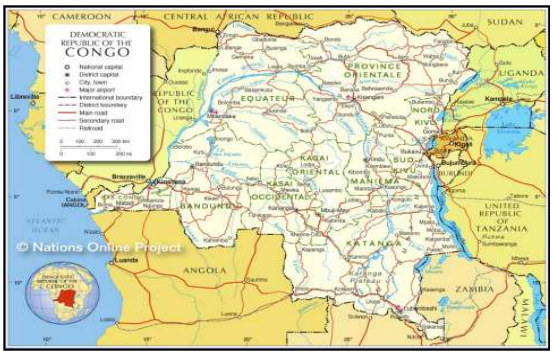


Consequence of Armed Conflict : 57 m children are not registered at school, out of which 28m are affected by armed conflict

Children in Conflict with the Law - Push factors

- Poor economic conditions
- Rise in unemployment
- The ominous legacy of war
- Illiteracy
- Absent parents/ guardians or family support
- Early or forced marriages

DRC (since 2014)



WCUK engaging with children (Amani festival) – emphasising the need to stay in education for IDPs

Ending Violence against children: Community-based CP networks and reintegration of children in conflict with the law (EU1.5m)

- Support the implementation of the Law on Child Protection (2009) so that children can benefit from restorative justice and AtDs
- Building-up of 17 CPN including SWs to monitor cases
- Advocating for early release (esp. for those under 14); supporting transfers of children to "open centres" for eventual release
- Target: 30,000 CYP; 800 volunteers

Child Helpline referrals - receives 10,000 calls pa - 35% from women and girls. 81% of calls report child rights violations – referred to Min of Social Welfare and other services

Protecting the Rights of Child Witnesses (ABA)

- 48 WAG raped every hour; 60% of whom are under 18 years
- WCUK to develop training resources to build the capacity of volunteers/SWs to support SGBV victims in court
- Support the establishment of mobile courts for quicker prosecution
- In partnership with Promundo –on a programme on establishing positive masculinity while working with men and boys

Afghanistan

War Child UK programmes

- Working at the Juvenile Rehabilitation Centres in Herat and Kabul - supporting Vocational Training to JRC boys and girls
- Provision of trained Social Workers (3)
- Establishment of Family Support group and training of para-counsellors among the members for further support
- Lobby government on the conditions of JRCs and Children in Women's Prison
- Capacity Building Training to JRC Staff (15)

Mohammed(40) getting married to his new wife Ghulam (11 years old) (UNICEF Photo of the Year (2011))

- A Child's experience of JRC: https://www.youtube.com/watch?v=ZNfHaTytF5g&feature=youtu.be

“Moral” crimes

- Not in any criminal code – merely jurisprudence
- Adversely affects girls particularly – subject to intrusive medical tests, shame and stigma
- Forced to marry the perpetrator
- Elimination of Violence against Women (2009) – does not protect those under 18

Challenges

- Poor understanding of children, their needs and rights
- “Education Establishments” not structured as such
- Cultural beliefs and attitudes towards children, particularly girls – stigma of “moral” crimes remain
- Judiciary unwilling to provide access to swift and just access to resolution – still wanting to incarcerate children for long period of time
- Low capacity of local civil society including partners
- Changing security situation – conflict-induced displacement
- Poor livelihood opportunities leading to economic migration
- Decreasing levels of international funding for Afghanistan & DRC
- Only 1.4% of humanitarian funding earmarked for education

Success: Afghani children speaking out for their rights and obtaining MPs commitment to monitor child rights

Global Advocacy: Ending the culture of impunity with Foreign and Commonwealth Office's Preventing Sexual Violence Initiative (PSVI)

Your role? Speak up for those who are voiceless and challenge discrimination and injustice…

Thank you