

# MODULE 2

## TRAINER’S ACTIVITY GUIDE

### Child Protection Framework Scenarios

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#### AIM

To improve learners’ understanding of the legal framework and its applicability in the context of child protection in United Nations peacekeeping operations.

#### LEARNING OBJECTIVES

- Identify the legal frameworks that provide for protection to children
- Discuss how to apply these frameworks on child protection to situations in the mission area

#### INSTRUCTIONS

- Working in assigned groups, learners should review the scenarios below in the context of the specific legal framework(s) applicable to each situation. The groups will discuss their solutions during the plenary session
- Each group should prepare a 10-minute briefing for the plenary presentation, taking into account the following:
  1. List the type(s) of violations in each scenario
  2. Identify the legal instrument(s) and associated provisions (articles) that apply to each scenario

#### CONDUCT OF THE EXERCISE

- Learners should be divided into groups for this exercise
- This exercise will be divided into three periods:
  1. The trainer(s) will brief learners on the issue(s) to be addressed; the groups will move to separate areas to discuss the issues;
  2. The groups will discuss the issues in the scenarios and prepare their responses/presentation. Each group should prepare a 10-minute PowerPoint presentation, highlighting the key issues in each scenario and how to address them
  3. A representative from each group will give a presentation based on their discussions in plenary
- Following all the group presentations, a brief discussion will wrap up the exercise



## TRAINER’S NOTES

- Scenario E on Sexual Exploitation and Abuse (SEA) is optional. SEA is covered in detail in lesson 3.1. If the scenario is utilized prior to lesson 3.1, the trainer must explain the differences relating to United Nations policies on sexual exploitation and abuse (SEA), sexual violence against children in conflict (one of the six grave violations), and conflict-related sexual violence (CRSV). Considered serious misconduct, SEA is addressed by the United Nations through its conduct and discipline strategy. Jurisdiction, procedures, privileges and immunities apply differently to different categories of United Nations personnel.
- These notes are intended as guidelines to trainers in facilitating discussions and mentoring learners so that they attain the learning objectives. The notes are not meant to provide “solutions”.
- **Trainers must be fully aware of the legal frameworks that affect children in armed conflict. It is strongly recommended that trainers thoroughly review the presentations and study the reference materials provided.**
- This exercise is designed to present the kinds of situations involving children that learners (military contingent commanders) may encounter in the peacekeeping mission areas. Based on the information provided and the knowledge acquired in Modules 1 and 2, in particular Lesson 2.2 – Child Protection Framework, learners should be able **to identify the situation and legal frameworks that apply in each scenario.**
- In this exercise, the group discussions should be closely mentored. Based on adult-education techniques, learners should be encouraged to find solutions by discussing among themselves and referring to the relevant materials. Trainers should refrain from providing “solutions”, unless it is absolutely necessary in order to attain the learning objectives. There may be a tendency for learners to focus on the actions that they would take in response to the scenarios, however, trainers should remind them that the aim of the exercise is to focus on understanding the legal frameworks affecting children in armed conflict, and encourage discussion.
- Based on the presentation in Module 2 — more specifically the application of the international legal framework (*international human rights law (IHRL) and international humanitarian law (IHL)*), including the *Convention on the Rights of the Child (CRC)*, the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)*), and *International Labor Organization (ILO) Convention No. 182 (1999)*), the *Security Council framework (comprising resolutions 1261 (1999), 1612 (2005) and other relevant resolutions on children and armed conflict)*, and *Department of Peace Operations (DPO)-Department of Operational Support (DOS)-Department of Political and Peacebuilding Affairs (DPPA) framework (in particular the DPKO/DFS/DPA Policy on Child Protection in United Nations Peace Operations (2017))* — learners should be able to identify the types of violations/abuse against children in each



scenario, specify the situations where children are entitled to legal protection, and explain how international law applies to each scenario.

- The first part gives a description of each scenario (A to F); and the second part gives possible responses to each scenario.

## SCENARIOS

### SCENARIO A

An elder of a village located close to your battalion HQ and in your battalion’s area of responsibility visits you. He informs you that his village has only one school where about 60 children study. It was built the previous year with assistance from UN agencies, and has good infrastructure and facilities.

The local elder explains that, the previous week, a local armed group commander came to his village accompanied by 15 to 20 fighters, and told him that they needed a place to live for a few months and wanted to use the school premises. The commander stated that, in his opinion, the children were wasting their time studying and that it would be more useful if they worked on farms or joined his group to fight the government forces. If the school premises are not given to him, the commander would destroy the school building and facilities, and warned the village of dire consequences.

The village elder has just heard that the commander intends to come to the village tomorrow and forcibly occupy the school premises. He thinks that the armed group plans to take some boys and girls with them to fight and support their cause. He knows that some children already think of the commander as a hero and would join the group quite willingly.

### SCENARIO B

At a refugee camp in a UN peacekeeping mission area, a dispute broke out between the local camp authorities and refugee leaders over the fate of Maria, a 13-year-old refugee girl. As a separated child, she had been placed in the care of a foster family from her province of origin. When a refugee worker learned that the girl had been promised (against her will) as a second wife to an older refugee man, the worker went to the camp authorities to protest.

The camp authorities stated that this would be against the law of the host country, and would also change the current status of the girl as a separated child searching for her family. The refugee leaders noted that the girl had adult responsibilities in her foster home and was considered an adult, and that it was customary practice for a girl of her age and status to marry in her home district. They felt that the camp authorities were



intruding on their culture and traditions and undermining their leadership in the community.

The situation was finally resolved when a local traditional religious leader intervened and the marriage was cancelled. The girl was placed with a different foster family and a women's association in the camp monitored her situation. It was noted that, although the girl's wishes were known, she was not asked about her thoughts on the matter.

### SCENARIO C

During the civil war in the country in the late 1990s, hundreds of orphanages sprang up in the mission areas. Humanitarian agencies in the country were working hard to reunite children with their families and assist families in caring for them. One contingent raised money to purchase clothes and mattresses for the children in one particular orphanage. During the ceremony, the children at the orphanage were gathered to receive the donations from the contingent officers and thanked them with songs and food.

Within a week, all the donated items had been sold at the local market, and once again, the children were sleeping on the floor and wearing ragged clothes; fresh appeals were made to donors for assistance. Soon after, it was reported that the owner of the orphanage had opened a second orphanage. Fundraising and publicity documents stated that the orphanage had received donations totalling over half a million US dollars from two church groups, in addition to the UN mission’s support.

Later, rumours broke out that the orphanages in the area were clearing houses for male children who were sent to fight for one of the warring factions and for illegal adoptions.

### SCENARIO D

In the southern part of the mission area, about 75 kilometres north of the border and just outside the provincial capital city, a UN patrol, consisting of two jeeps, comes across a heavily armed convoy of two trucks and four sport utility vehicles (SUVs).

The trucks are full of young women — some even look like children. One girl is being pushed up into the truck by two armed men and, across the field, another armed man is pulling a girl along. Both girls seem terrified and one is bleeding from a scalp wound.



## SCENARIO E

Last year, the Head of a UN Mission was made aware of rumours that local women seeking jobs with the civilian administration — e.g., as cleaners or receptionists — had to have sex with international staff in the administration division, including senior staff, in order to be hired.

The Head of Mission sent the allegation to the Office of Internal Oversight Services (OIOS). It was investigated and found to be true. The Head of Administration, as well as several others in the civilian administration section, including senior staff, were dismissed.

Following the sex-for-jobs scandal in the mission, yesterday you saw some girls and boys hanging around Force HQ premises and the Force deployment sites. You had heard from several military and civilian colleagues and the civilian police that they are often accosted by aggressive locals, both women and men, proffering young women and children for sex in exchange for money, food or other supplies.

You request basic fact-checking of the situation by relevant mission personnel and offices, including the Conduct and Discipline Team, Child Protection Section, Gender Adviser, Security Section, Human Rights, Force Provost Marshall, etc. The fact-checking team identifies a possible serious problem: it confirms that there are several rumours of peacekeeping personnel buying sex, not only from adult prostitutes, but also from children.

## SCENARIO F

Your battalion is deployed close to an international border and has seen a number of conflicts and skirmishes between the opposing factions in the past 30 to 40 years. Both sides have used anti-personnel mines extensively during the conflict, most of which have still not been removed or cleared.

You are aware that, in the past few years, there has been several civilian casualties in your area of responsibility owing to landmines and explosive remnants of war. A number of children have been maimed and/or killed. One of your patrols has just reported that a landmine exploded in a field near a village where some children were playing. One girl lost both legs, and one boy is seriously injured. The patrol has requested medical evacuation for the injured children.



## RESPONSES

### SCENARIO A

Relates to attacks against schools and possible recruitment of children by armed factions, which is a clear violation of children’s rights under the CRC of 1989 (which covers all basic children’s rights, including the rights to education, health, survival, participation, etc.) and Security Council resolution 1612 (2005) (the six grave violations). Learners should also discuss human rights violations.

#### 1. Types of violations

- IHL: Recruitment of children
- Attacks against schools
- Abduction
- Possibility of denial of humanitarian access
- Human Rights: Denial of access to education

#### 2. Legal instruments that protect children

- *SC resolution 1612 (2005)*: condemns violations, welcomes monitoring and reporting mechanism; *attacks against schools and recruitment of children* (grave violations) to be reported to the Security Council; armed force/group responsible listed in Secretary-General’s report on children and armed conflict; possibly referred to the International Criminal Court; *SC resolution 1998 (2011)*: includes *attacks against schools or hospitals* as triggers for listing armed force/group in the Secretary-General’s report on children and armed conflict
- *International humanitarian law*
- *International human rights law*
  - *Convention on the Rights of Child*
    - *Article 4: Implementation of rights*
    - *Article 6: Survival and development*
    - *Article 9: Separation from parents*
    - *Article 19: Protection from abuse and neglect*
    - *Article 28: Right to education*
    - *Article 32: Child labour*
  - *Optional Protocol to the CRC on the involvement of children in armed conflict*
    - *Article 4: Recruitment of children*
- *International Labour Organization Convention No. 182 (1999)*

### SCENARIO B

Has many issues relating to human rights and the Convention on the Rights of the Child, the main one being coercion into marriage of a girl. SC resolution 1612 (2005) does not apply here (since no armed groups/forces are involved).



**1. Types of violations**

- Girl (13 years) promised for marriage
- Forced to perform adult duties (child labour, possible sexual exploitation)
- Denial of education
- Denial of right to express her opinion
- Denial of family reunification

**2. Legal instruments that protect children**

- *International Human Rights Law*
  - *Convention on the Rights of Child*
    - *Article 4: Implementation of rights*
    - *Article 6: Survival and development*
    - *Article 9: Separation from parents*
    - *Article 10: Family reunification*
    - *Article 12: Child’s opinion*
    - *Article 13: Freedom of expression*
    - *Article 19: Protection from abuse and neglect*
    - *Article 22: Refugee children*
    - *Article 28: Right to education*
    - *Article 31: Leisure, play and culture*
    - *Article 32: Child labour*
- *International Labour Organization Convention No. 182 (1999)*
- *National law against marriage to a child*

**SCENARIO C**

Deals with possible recruitment, trafficking, and exploitation. Learners should be able to identify the relevant provisions of the Convention and Optional Protocol as well as SC resolutions that apply.

**1. Types of violations**

- Possible illegal abduction
- Trafficking of children
- Recruitment of children

**2. Legal instruments that protect children**

- *International humanitarian law*
- *International human rights law*
  - *UN Convention on the Rights of Child*
    - *Article 4: Implementation of rights*
    - *Article 6: Survival and development*
    - *Article 10: Family reunification*
    - *Article 19: Protection from abuse and neglect*
    - *Article 20: Protection of children without parental care*
    - *Article 28: Right to education*



- *Article 31: Leisure, play and culture*
- *Article 32: Child labour*
- *Optional Protocol to the CRC on the involvement of children in armed conflict*
  - *Article 4: Recruitment of children*
- *SC resolution 1612 (2005): regarding the six grave violations; SC resolution 2225 (2015): includes abduction as a trigger for listing armed force/group in the Secretary-General’s report on children and armed conflict*

## SCENARIO D

Concerns physical violence, recruitment, possible sexual violence and involves an armed faction.

### 1. Types of violations

- Illegal abduction/kidnapping
- Trafficking of children
- Possible sexual violence, rape
- Recruitment of children
- Denial of education
- Denial of medical help (humanitarian access)
- Physical abuse

### 2. Legal instruments that protect children

- *International humanitarian law*
- *International human rights law*
  - *Convention on the Rights of Child*
    - *Article 4: Implementation of rights*
    - *Article 6: Survival and development*
    - *Article 19: Protection from abuse and neglect*
    - *Article 28: Right to education*
    - *Article 32: Child labour*
- *SC resolution 1612 (2005): regarding the six grave violations; SC resolution 1882(2009): includes rape and other forms sexual violence as a trigger for listing armed force/group in the Secretary-General’s report on children and armed conflict; SC resolution 2225 (2015): regarding abduction of children*

## SCENARIO E

Has implications under IHRL– including the Convention on the Rights of the Child – and IHL and also involves the United Nations peacekeeping personnel’s Code of Conduct (to be covered in Lesson 3.1). Learners should stay focused on the legal frameworks. SC resolution 1612 (2005) is not relevant, because rape was not committed by an armed force or armed group party to the conflict.

### 1. Types of violations

- Sexual exploitation and abuse





## 2. Legal instruments that protect children

- *International humanitarian law*
- *International human rights law*
  - *Convention on the Rights of Child*
    - *Article 4: Implementation of rights*
    - *Article 6: Survival and development*
    - *Article 19: Protection from abuse and neglect*
- *DPKO/DFS/DPA Policy on Child Protection in UN Peace Operations (2017)*
- *Mission mandate*
- *Mission’s child protection guidelines*
- *Force Commander’s Directive on Child Protection*
- *SC resolution 1460 (2003), SC resolution 1539 (2004), : notes with concern cases of sexual exploitation and abuse involving humanitarian workers and peacekeepers; urges troop contributing countries to strengthen codes of conduct for peacekeeping personnel and develop appropriate disciplinary and accountability mechanisms; SC resolution 1612 (2005): United Nations peacekeeping operations to implement the Secretary-General’s zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct.*

## SCENARIO F

Involves killing and maiming of children owing to landmines. SC resolution 1612 (2005) and the Mine Ban Treaty come into play in this scenario.

### 1. Types of violations

- Killing and maiming

### 2. Legal instruments that protect children

- *International humanitarian law*
- *International human rights law*
  - *Convention on the Rights of Child*
    - *Article 4: Implementation of rights*
    - *Article 6: Survival and development*
    - *Article 19: Protection from abuse and neglect*
    - *Article 31: Leisure, play and culture*
- *SC resolution 1612 (2005): regarding the six grave violations; SC resolution 1882(2009): includes killing and maiming as a trigger for listing armed force/group in the Secretary-General’s report on children and armed conflict*
- *Mine Ban Treaty (1997)*

## REFERENCES

- Lesson 2.2 – Child Protection Framework slide presentation



- Specialized Training Materials on Prevention of Sexual Exploitation and Abuse by UN Personnel (2016)
- Convention on the Rights of the Child:
  - *Article 4: Implementation of rights*
  - *Article 6: Survival and development*
  - *Article 9: Separation from parents*
  - *Article 10: Family reunification*
  - *Article 12: Child’s opinion*
  - *Article 13: Freedom of expression*
  - *Article 19: Protection from abuse and neglect*
  - *Article 20: Protection of children without parental care*
  - *Article 22: Refugee children*
  - *Article 28: Right to education*
  - *Article 31: Leisure, play and culture*
  - *Article 32: Child labour*
- Optional Protocol to the CRC on the involvement of children in armed conflict
- Security Council resolutions 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2225 (2015) and others
- DPKO/DFS/DPA Policy on Child protection in UN Peace Operations (2017)

