A 'ROUGH GUIDE' TO CHILD PROTECTION SYSTEMS

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INTRODUCTION

Child protection[1] is a relatively new area of development and emergencies work that has grown rapidly over the last decade. During that time the main focus has been on a series of individual protection problems – such as child trafficking, child labour, children's recruitment into armed groups, the care needs of HIV/AIDS orphans, physical & humiliating punishment, family reunification, and sexual abuse. The focus on different issues has contributed greatly to the protection of children and much has been learnt about what makes good child protection work. There is much better understanding, for example, of how to work with separated children in emergencies, how to reintegrate trafficked children back into their communities, or how to support family-based alternative care options for HIV orphans.

However, this approach has not been without its costs. Because many children face multiple protection problems rather than just one, the focus on individual issues has sometimes resolved one issue while leaving others untouched. This can be the case, for example, when children have been abused or been victims of violence at home *and* are now working and living on the streets *and* are in conflict with the law. Fragmented child protection responses may deal with one of these problems but they rarely provide a comprehensive solution. The pervasive lack of coordination between child protection service providers, and between child protection and other sectors, means that opportunities are lost to provide more 'joined up' and effective support.

Concern about fragmented approaches has also been raised because of the tendency for politicians, policy makers, social welfare ministries and donors to see child protection as a series of individual issues – a menu of priorities, each needing separate attention. 'Child protection' as a sector or overall government responsibility is not understood. Different issues become the focus of governmental or donor interest for a short time and then attention – and funding – shifts to another group of vulnerable children. This problem is particularly acute in emergencies settings.

Different donors and NGOs contribute to this problem by championing different child protection problems. The result is an uncoordinated group of issue-based child protection programmes that recipient governments struggle to manage. 'Bursts' of short term funding for an issue are followed by a shortage of funds as interest moves elsewhere – heightening the sense of competition for funding between different child protection issues. Developing country governments tackle those problems that they can get donor funding or

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[1] Save the Children defines child protection as measures and structures to prevent and respond to violence, abuse, exploitation and neglect affecting children. The goal of child protection is to promote, protect and fulfil children's rights to protection from violence, abuse, exploitation and neglect as expressed in the UN Convention on the Rights of the Child and other human rights, humanitarian and refugee treaties and conventions, as well as national laws.

NGO support for – leaving many other important child protection problems untouched because they cannot access funding.

Dissatisfaction with some of the negative consequences of the current fragmented approaches has led to the emergence of interest in *child protection systems*. There is increasing interest in reframing child protection work by looking more broadly at the deficits in protection facing all children, and addressing the structural or root causes for these gaps in prevention and response. This interest was reinforced by the World Report from the UN Study on Violence against Children which recommended that:

> *"all States develop a multi-faceted and systematic framework in response to violence against children which is integrated into national planning processes. A national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with the capacity to involve multiple sectors in a broad-based implementation strategy, should be formulated. National laws, policies, plans and programmes should fully comply with international human rights and current scientific knowledge. The implementation of the national strategy, policy or plan should be systematically evaluated according to established targets and timetables, and provided with adequate human and financial resources to support its implementation."[2]*

Child protection systems are seen as a more comprehensive, adaptable and sustainable response to child protection failures. However, the two approaches – issue-based programming and service provision and the systems approach – are not mutually exclusive. Issue-based approaches address the specific needs of individual vulnerable groups while the systems approach addresses key issues in the vitally important 'infrastructure' of child protection (e.g. laws, policies, standards, regulation, multi-sectoral coordination, human resources, and funding). Issue-based child protection programmes and services can be integrated into local or national child protection systems as important inputs to delivering children's rights to protection.

The systems approach draws on the experience of other sectors, especially the health sector. Like child protection, health work in the developing world has often been characterised by fragmented responses that have been disease-specific (e.g. malaria, TB, and HIV). Although highly successful in certain areas these 'vertical' approaches have drawn attention – political and financial - away from the need to build and strengthen 'horizontal' heath systems in developing countries. Yet these health systems are the key to delivering the long term coverage and sustainability of health care in developing countries on which disease-specific programmes will have to rely. In the health sector there is now discussion of the need to focus on finding 'a better balance between the two approaches, so that efforts at fighting specific

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[2] P S Pinheiro, Independent Expert for the UN Secretary-General's Study on Violence against Children *World Report on Violence Against Children* 2006, p.18

diseases and strengthening health systems can support each other effectively'[3].

The parallel with child protection is clear. Fragmented approaches to child protection can deliver benefits for children but they come with significant costs. The evidence suggests that they may undermine or hold back the creation of a more effective and long term response to child protection problems – national and sub-national child protection systems that are more coordinated, comprehensive and sustainable. Such systems aim to protect all children and offer the possibility of creating a long-term response that is evidence-based, more robust, and adaptable to new problems. The need for issue-based expertise and responses will not go away but it should be combined with a *systemic* approach that builds for the longer term.

The discussion on child protection systems is in its early stages, and interagency agreement of key concepts and terminology has yet to be established. So, while it is too early for a definitive guide, this 'rough guide' aims to provide an introduction to child protection systems.

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[3] M R Reich & K Takeni "G8 and strengthening of health systems: follow-up to the Toyako summit' *Lancet* published online January 15th 2009.DOI:10.1016/S0140-6736(08)61899-1

SECTION 1: SOME BASIC QUESTIONS

What are Child Protection Systems?

Child protection systems[4] are comprehensive approaches to the protection of children from abuse, neglect, exploitation and violence and to the fulfilment of children's rights to protection. The foundations of such systems are the state's human rights obligations to children that include:

- Preventing violence, abuse, exploitation and neglect, responding effectively when it occurs and providing necessary treatment, rehabilitation and compensation to child victims
- Acquiring knowledge about the root causes of child protection failures and the extent of abuse, neglect, exploitation and violence against children in all settings.
- Developing appropriate policies and regulations, interventions for prevention and response, and ways to measure progress.
- Encouraging the participation of girls and boys, their parents, caregivers and community members, and international and national NGOs and civil society.

Crucially, however, child protection systems are *systems* - made up of a set of components that, when properly coordinated, work together to strengthen the protective environment around each child. These components include a strong legal and policy framework for child protection, adequate budget allocations, multi-sectoral coordination, child-friendly preventive and responsive services, a child protection workforce, oversight and regulation, robust data on child protection issues, etc.

Child protection systems differ from current approaches to child protection:

- By addressing the underlying 'infrastructure' of child protection as well as individual child protection issues
- By working for the protection of all children (rather than being 'vertical' initiatives that target individual groups of vulnerable children)
- By using coordination and linkages to add value to fragmented services and other child protection activities
- By recognising child protection as a distinct sector and government responsibility in developing countries

What do Child Protection Systems do?

- *Work for the protection of all children* by addressing underlying vulnerabilities as well as targeting individual groups or categories of

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[4] A 'system' means that the various parts or components are connected up and reinforce each other to achieve a common goal. The system performs better the more that people and actions are connected up and working to achieve the same result.

vulnerable children. A systems approach recognises children as whole beings and not just protection 'problems'.

- *Address the full range of child protection issues* in the context (rather than focussing on one or two "fundable" concerns)
- *Make existing efforts and structures in child protection more efficient* by improving coordination, maximising scarce resources, and eliminating duplication within a previously fragmented set of activities. Since a system is better placed to identify and address gaps in child protection in an ongoing way and link children with a multitude of actors, it can maximises benefit from finite resources.
- *Unite the child protection efforts of all actors at the various levels*, emphasising their complementarity, under a common goal and to common standards.
- *Place a strong emphasis on prevention*, in compliance with the 'best interests' principle - thereby also achieving greater long-term cost-effectiveness.
- *Include measures to respond to and ameliorate* the effects on children of protection violations.
- Convert fragmented programme and policy efforts in child protection into *investment in a sustainable benefit* that can continue to provide predictable prevention and response services in child protection.
- *Address the structural and organisational means to achieve children's rights to protection*, for example by considering financing and budgetary processes, coordination between government departments and others, professional case management systems, and the accountability mechanisms to ensure that established standards and procedures are respected

Why are Child Protection Systems needed?

Current approaches to child protection are fragmented, largely uncoordinated and *ad hoc*. As a result they often fail large numbers of children. Child protection systems are designed:

- To ensure universal and equitable protection for *all* children, especially the most vulnerable
- To *promote* and *enforce* good practice standards in the care and protection of children
- To give children *reliable* access to care and protection when needed, including during natural disasters and other emergencies
- To provide the basis on which *long-term and sustainable* solutions can be developed
- To agree and formalise *cooperation* between sectors, between levels and across various parts of the system.
- To encourage *ownership* and *understanding* of their role by everyone involved inside and outside the child protection system
- To efficiently *manage* and *coordinate* resources allocated for child protection across different issues and sectors

Principles of Child Protection Systems

All child protection systems should be guided by certain basic principles in order to ensure that they truly promote children's rights and well-being.

They should be:

- Absolutely *focused on the child* and the promotion of children's best interests as the primary consideration (e.g. rather than on punishing parents and carers or treating children as offenders for breaking immigration laws)
- Sensitive to children's ages and their stage of *development*
- A well coordinated *partnership* between children and families, different professions, and different sectors
- *Rights-based-* and therefore
  - *participatory* (especially of children, families and communities)
  - *inclusive* of all children (especially discriminated-against groups such as children with disabilities and ethnic minorities)
  - treating every child with *dignity and respect*
- Building on the *strengths* of children and families as well as addressing difficulties
- Emphasise *prevention* as well as *response*
- *Evidence-based*

In addition, child protection systems must be *contextualised* – ONE SIZE DOES NOT FIT ALL. All child protection systems aim to protect children but can do so in different ways, reflecting the cultural, social, political, and institutional context in which they exist.

What are the main components of Child Protection Systems?

1. Child Protection laws and policies, compliant with the CRC and other international standards and good practice
2. Meaningful coordination across government and between sectors at different levels
3. Knowledge and data on child protection issues and good practices
4. Effective regulation, minimum standards, and oversight
5. Preventive and responsive services
6. A skilled child protection workforce
7. Adequate funding
8. Children's voices and participation
9. An aware and supportive public

These are discussed in much more detail in Section 2 below.

What are the core functions of a Child Protection System?

An effective child protection system needs to carry out a range of *functions* in order to deliver protection from abuse, neglect, exploitation and violence. These functions are of two types:

1) Functions related to decision-making around individual children (such as needs assessment, gate-keeping, investigation, placement, removal and reintegration)
2) Functions that support the overall performance of the system (such as capacity building and professional development, monitoring and evaluation, the allocation of human and financial resources, legal reform and policy development, coordination among child protection agencies and service providers, social mobilisation)

The way that these functions are carried out in any setting will depend upon the context and the priority child protection concerns.

A child protection system also has to develop and maintain links with other systems or act in concert with them. This includes engaging with justice systems, national security systems, health systems, education systems, economic and social welfare systems. The quality of joint work between the child protection system and these other systems is central to the effectiveness of the child protection system, since these other systems also provide services to children which directly influence their protection. A central mechanism for joint work is effective referral and follow-up of individual cases between systems.

Do Child Protection Systems exist at different 'levels'?
Child protection systems can exist at various administrative or geographic levels – there can be local, provincial, municipal, and national child protection systems. National child protection systems should provide the overall framework and coordination for child protection systems at lower levels. In an ideal child protection system the different levels are well coordinated and mutually reinforcing.

How do Community-based Child Protection Groups fit in?
Community-based child protection groups and initiatives have an important role to play in both emergency and development settings. Their ability to monitor protection violations, to assess children's protection needs and to mobilise scarce community resources can make a real difference to children's lives at the 'grassroots' level. Active community involvement in the protection of children is an important part of any national child protection system, as is the ability of the system to build upon existing 'assets' and positive practices at the community level[5]. Their role becomes even more important where government is unable or unwilling to provide the resources or coordination even to support a minimum 'package' of child protection services at the local level. Wherever possible such groups should be integrated into the national child protection system – with the aim of supporting not controlling them. Care needs to be taken though not to 'overload' such groups with responsibilities for which they have neither the resources nor the training to fulfil.

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[5] With the proviso that measures are put in place to safeguard children from any harm arising from the actions of either individual members of such groups or the group as a whole – however, well-intentioned such actions might be.

Where do Child Protection Systems begin and end?
It can be difficult to say exactly where a child protection system begins and ends. This is partly because child protection is so dependent on the involvement of other sectors (such as health, education, law enforcement, and other child welfare services).

One way to think about this is to define a child protection system as all the activities whose *primary purpose* is to prevent or respond to the abuse, neglect, exploitation and violence of children. Formal child protection services and programmes are clearly within these boundaries (e.g. DDR or FTR programmes, alternative care services, and child labour programmes). Social workers, residential care workers, and those working with demobilised child soldiers, trafficked children and other vulnerable groups are also within the boundaries. Specialised medical, child labour inspection, and legal services are also included. Outside the boundaries are activities that may contribute to child protection but are not specifically aimed at doing so e.g. social protection schemes, livelihoods programmes, education provision, and anti-poverty programmes.

One particular question arises over the relationship between the child protection system and the juvenile justice system[6] (a subset of the broader criminal justice system). Both the juvenile and criminal justice systems have important relationships with the child protection system in relation to the protection of victims, obtaining redress and punishing perpetrators. Confusion arises from the fact that firstly, juvenile justice systems frequently become a *de facto* alternative to a functioning child protection system[7] and secondly, that treatment on arrest and conditions in detention often raise child protection concerns. Nevertheless, it is helpful to maintain a separation between the two systems while acknowledging their close connections.

Do child protection systems have a role in humanitarian/emergency settings and fragile states?
Whilst the move towards a 'systems approach' has gained momentum in development contexts, thinking and guidance on how work in emergencies and/or fragile states should seek to build or strengthen child protection systems is at a much earlier stage.[8]

One of the most important issues to address is the question of the balance between attention to particularly vulnerable groups in immediate need on the

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[6] The juvenile justice system is concerned with the special treatment of children within the criminal justice system and should reflect the basic fundamental aspects of juvenile justice, such as the separation of children from adults, the creation of juvenile courts, the need for rehabilitation and the prohibition of harsh and cruel treatment

[7] For example, by failing to maintain a clear separation between child offenders and children in need of protection and directing the latter to the criminal system because the care and protection system is lacking.

[8] The Child Protection Working Group within the Protection Cluster recently commissioned a paper, authored by Katy Barnett of Save the Children, on *'Child Protection Systems in Emergencies: a review of current thinking and experience'* (forthcoming). This contains an assessment of some of the implications of a systems approach for child protection work in emergencies, as well as identifying areas for further learning.

one hand, and longer-term systems-building on the other. The detection of high-risk groups of children, or patterns of grave violations, in combination with limited time, access and resources, may necessitate a narrow focus on specific categories of children or issues, at the expense of building a system for the benefit of all vulnerable children. This may be exacerbated by funding streams and priorities – for example, when particular issues or violations are priorities for donors, or achieve greater visibility.

However, experience from natural disasters such as the Tsunami in S and SE Asia indicates that children were better protected in those countries that had stronger child protection systems before the Tsunami event. This enabled them to develop a faster and more robust response to issues like the care of separated and orphaned children. Countries with pre-existing, well-established child protection systems are better able to cope and recover from the 'shock' caused by disasters such as earthquakes, floods and environmental change. This suggests that the building of resilient child protection systems should be seen as an integral part of emergency preparedness planning and disaster risk reduction [DRR].

Equally, it is important that when emergencies happen, whether fast onset or chronic emergencies, the opportunity is taken to begin to build, or to reinforce existing, core components of child protection systems. Where some elements of a child protection system already existed, the key aim should be to 'build back better' i.e. to reinforce and strengthen the pre-existing system. Where very little existed, the aim should be to look for ways to begin to build the foundations of a sustainable child protection system for the future. Creating a parallel, temporary system for the length of the emergency should be avoided wherever possible because of the risk of undermining existing structures. Agencies should capitalise on current resources and avoid starting from scratch or developing duplicate systems

How can we build or strengthen child protection systems in emergencies or fragile states?
What is possible will depend on the context but the relief phase has a great role to play in the promotion of embryonic aspects of the system (from preventative services - such as family support to avoid secondary separation - to case management for separated, unaccompanied or abused children; from alternative and interim care service provision to reintegration support to families). The early recovery and post-emergency phases can be excellent times to reform the social and financial systems while practitioners and legal experts may have an opportunity to overhaul relevant legislation and radically improve society's perception of children. The convergence of agendas between emergency response and development actors in the post-emergency phase is an opportunity for the development of more effective transition strategies where system-building can be a uniting goal for all efforts.

Whilst the national scope of a formal child protection system implies work with State structures, this may not be possible for a range of reasons. For example, the State may be extremely weak; may not extend to geographical areas or populations affected by the emergency; and / or may itself be

abusive or negligent. Equally, there may be parts of the affected area where the competent authority is a non-state actor. Even where states are apparently committed to child rights, there may be denial of child protection issues, lack of political will on the part of the state, competition within the elements of the state for resources, and a lack of flexibility in the existing system. In such situations, NGOs, UN agencies, and other non-governmental service providers may need to assume part or all of the responsibility for service provision. While work to identify and support appropriate governmental actors and departments continues, immediate system-building efforts will need to focus on community and other viable levels.

How have Child Protection Systems evolved in Developed Countries?

Child protection systems in developed countries have changed significantly over the last 150 years. As in developing countries today they began as a combination of legal action (e.g. to ban child labour) and *ad hoc* charitable interventions to tackle specific issues (e.g. the situation of orphans and abandoned children). Over time governments took over responsibility for coordinating child protection services and for providing many of the services previously provided by charities and NGOs. As the exploitation of children has been reduced by effective legal action and law enforcement, the focus of child protection work has narrowed more and more towards issues of abuse and neglect and towards 'new' issues such as child sexual exploitation and child pornography on the internet.

Does everyone share similar views of Child Protection Systems?

Not completely. There is still a lot of debate and confusion about what we mean by child protection systems. Although the work on the UN Study on Violence Against Children helped move Save the Children's own thinking forward[9], there are still a range of views within Save the Children. The 2007 Alliance workshop on child protection systems addressed some of these issues but further work needs to be done.

Like Save the Children, UNICEF has been having on-going internal discussions and has made support to child protection systems a key part of its 2008 Child Protection Strategy[10]. A workshop was held in Bucharest in June 2008 to begin the process of agreeing the core components of child protection systems. UNICEF now plans to conduct multi-country studies to better understand the nature of child protection systems, focusing in particular on the role and responsibilities of social welfare ministries. As part of these discussions some of the UNICEF regions have also been developing their own views[11]

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[9] See for example Save the Children 2006 'Why Effective National Child Protection Systems Are Needed'

[10] In its 2008 strategy UNICEF defines child protection systems as follows: 'Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors — especially social welfare, education, health, security and justice — to support prevention and response to protection related risks.'. For the full strategy see http://www.unicef.org/protection/files/CP_Strategy_English.pdf

[11] See, for example, UNICEF EAPRO 'Child Protection Programme Strategy and Programming Process' April 2007.

UNHCR, following the 2007 ExCom Conclusion on Children At Risk, is currently implementing a project to see how child protection systems might better protect displaced and refugee children. The Child Protection Working Group within the humanitarian cluster structure has recently developed a paper on the role of child protection systems in emergency response (see footnote 5 above). All these discussions should help to clarify what we all mean by 'child protection systems'.

Save the Children and UNICEF both see child protection systems as a set of inter-linked components. However, there is also a view that sees child protection systems more narrowly as a process or set of steps for handling individual cases. In the developed world, for example, child protection systems to deal with suspected cases of abuse or neglect open with a report of report of abuse or neglect and advance through investigation, substantiation, court action, intervention and support to conclusion (including the option of placement in a new family). Most people see this as a case management process but others describe it as a child protection system.

SECTION 2: KEY COMPONENTS OF CHILD PROTECTION SYSTEMS

Thus section outlines the key components of child protection systems and suggests a range of indicators against which the development of a child protection system can be measured[12]

1. Child Protection laws and policies

Action on child protection needs a clear foundation in national legislation, as well as accompanying policies and guidance that support its implementation. As recommended in the UN Study on Violence Against Children, all forms of violence, abuse and exploitation must be prohibited by law and enforcement secured[13]. In addition, humanitarian and refugee treaties and conventions must be followed in emergency situations.

Civil society including children's organizations, together with professionals, parents and children should advocate towards their governments for a legal framework and enforcement that protects children in all settings.

Indicators
- Is there a comprehensive legal and policy framework in place on child protection issues?
- Have laws and policies been reviewed and/or revised to bring them into compliance with the CRC and other international standards?
- Are there significant problems or gaps in current legal or policy provisions on child protection? For example: laws permitting the corporal punishment of children; inadequate criminal penalties for perpetrators; age-specific status offences; deprivation of liberty for minor offences; no legal prohibition of sexual or emotional abuse.
- Has the government signed/ratified all relevant international and regional conventions and other instruments on child protection? (see Annex 2)
- Does the Government have a national child protection policy statement or national framework document[14]?
- Has the Government prepared national plans of action on specific child protection issues such as the elimination of violence or the worst forms of child labour, the commercial exploitation of children, and the care and protection of orphans and vulnerable children?
- Is there mandatory reporting of abuse and neglect?

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[12] The section draws on material taken from P Newell *Challenging Violence Against children: A handbook for NGOs working on follow-up to the UN Study* Save the Children 2008
[13] Including corporal punishment and all other forms of degrading punishment in all settings, including the home. See Annex 1 for a non-exclusive checklist of issues requiring legislative action.
[14] A national plan or framework document should be a practical, working document, based on an agreed set of core principles, outlining concrete actions to be undertaken by each part of the system to deliver improvements in protecting children.

2. **Meaningful coordination across government and between sectors at different levels**

Effective and quality prevention, response and monitoring of child protection requires coordination of relevant services, both within the child protection sector itself and with other sectors like health, social welfare, education, and justice.

Indicators

- Is there a lead Government department or agency with responsibility for the coordination of child protection across government[15]? Does this entity have the capacity to deliver this?
- Do all Government departments and agencies understand their role and responsibilities for the protection of children? Are there formal agreements/protocols between departments?
- Is UNICEF providing technical and other support to Government on the strengthening of the national child protection system?
- Are NGOs, professional associations, and others involved in a broad-based, coordinated approach to preventing and responding to child protection concerns? Are there formal agreements / protocols / partnerships between key actors?
- Is there joint working across the planning, management, provision and delivery of child protection services?
- Are there local interagency bodies to develop and agree child protection policies and procedures at lower levels (within national frameworks)?
- Is there a parliamentary oversight body on child protection?

3. **Knowledge and data on child protection issues and good practices**

Understanding the magnitude, characteristics, and trends of child protection problems is a crucial first step in developing effective and appropriate child protection systems. Yet most countries lack adequate data and research on:

- ❖ the prevalence of child protection problems
- ❖ the risk and protective factors that influence child protection outcomes
- ❖ the impact of child protection problems, including their economic cost

As well as its damaging impact on developing and managing child protection responses, this lack of knowledge and reliable data is also a major obstacle to increasing public and political awareness of the scale and impact of child protection issues. Also required is data and research on the functioning of the child protection system and those children who are contact with it.

Indicators

- Does the Government regularly collect and publish national level statistics on the prevalence of key child protection issues, disaggregated by gender, age, (dis)ability, ethnicity, etc?

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[15] Coordination across central government departments, between different sub-national units (e.g. provinces, departments, regions), between central and other levels of governments, between government and civil society.

- Are representative household surveys conducted that include questions on child protection issues such as the use of child labour or physical punishment of children?
- Are data collected, collated and disseminated on the numbers and characteristics of children in contact with the child protection system (e.g. placed in alternative care; registered in case management systems such as demobilised child soldiers or separated children)
- Is there a national research agenda on child protection issues, identifying priorities for improving data on the nature and extent of child protection problems, identifying risk factors, providing evidence on 'what works' in prevention and response, etc?
- Is policy and practice development based on evidence from research, evaluation and other forms of learning?

4. Effective regulation, minimum standards, and oversight

There is abundant evidence that unregulated child protection programmes and services, operating without effective oversight of their delivery against clear minimum standards, can create significant risks for children's safety and well-being. A child protection system – especially one including a range of service providers from the state, private sector and NGOs – needs an explicit framework of regulation and oversight to ensure that children's best interests are protected.

Indicators
- Are there regulations / minimum standards governing the operation of alternative care options such as children's institutions, fostering and adoption?
- Are there national standards for dealing with vulnerable children?
- Are child protection service providers (e.g. adoption agencies; children's institutions/orphanages) licensed and regulated?
- Are child protection service providers regularly inspected and assessed?
- Are there accountability mechanisms in relation to the performance of various parts of the system (e.g. a Children's Ombudsman or Commissioner; complaints procedures for individual services)?
- Is there any independent monitoring and reporting of how the child protection system is performing?

5. Preventive and responsive services

5.1 Prevention

The chief risk factors that increase the likelihood of harm to children from abuse, neglect, exploitation and violence cover both immediate and root causes. They include poverty, discrimination, conflict, gender, poor parenting, parental death or chronic illness, family separation, an unsafe physical environment, and local cultural beliefs and practices[16]. Prevention strategies

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[16] See the World Report on Violence Against Children 2006 pp. 12-13

aim to address these risk factors by providing various kinds of support to reduce the risks from these factors and to strengthen the resilience of children, families and communities. They include:

- Birth Registration
- Awareness raising with children and adults on child protection and child rights
- Children's clubs and committees
- Social protection measures including cash transfers
- Community education and awareness programmes
- Parenting programmes
- Micro-credit schemes
- Maternal and child health services
- Formal and non-formal education
- Mental health services
- Disaster Risk Reduction [DRR] initiatives

Civil Society has a role to play in temporarily filling the gaps in the most important gaps in such services, supporting informal preventative child protection community mechanisms, and influencing the government to fulfil its obligations. It has an important role to play in documenting its work, showing the current lack of formal protective services and the evidence of how prevention can protect children.

5.2 Response services
Child protection responses aim to ameliorate the impact of child protection failures and to support recovery and/or reintegration. They can be run by a range of providers including local or national government, NGOs, the private sector and community-based groups. Assessment, investigation, and referral can all be important elements in a child protection response – which may also include removal, placement and reintegration. Response services vary significantly depending upon the nature of the protection failure and include:

- Drop-in Centres
- Night schools
- Life skills training
- Vocational training
- Child help lines
- Placement services for children who are unable to live at home
- Emergency shelters
- Reintegration services
- Family tracing & reunification services
- DDR programmes
- Removal from hazardous or the worst forms of labour
- Treatment services
- Legal action
- Child-friendly spaces
- Support to child-led organisations and community-based child protection mechanisms/groups

- Counselling
- Support to access entitlements
- Respite care
- Self-help groups.

6. A skilled child protection workforce[17]

As far as the context allows, a child protection system needs a skilled and stable child protection workforce, in sufficient numbers, well-managed, and deployed effectively around children's rights to protection. The ability to listen carefully to children and to work in child-friendly ways are particularly important skill areas

In many situations, of course, appropriately prepared/trained child protection workers will be in short supply (e.g. in fragile states and in the aftermath of natural disasters) and this can be a major challenge to the functioning of a child protection system. Often this will require longer term planning to expand the child protection workforce and develop its skills (e.g. through establishing child protection courses/modules in higher education institutions).

Indicators
- Do those working in child protection have the knowledge, skills and competence to fight for and fulfil children's protection rights? Are they confident and competent in working with children, families, communities, other child care professionals and other agencies?
- How many child protection workers are there a) in government service b) working in NGOs? What proportion has received some form of initial and/or in-service training in child protection? What proportion has received no training at all?
- Has there been a review of the child protection workforce (e.g. to assess capacity issues and understaffing in particular areas)?
- Is there a central training agency in child protection and/or is a child protection curriculum delivered by universities or other education providers (e.g. in social work courses)?
- Is there any form of accreditation of child protection workers?
- Are child protection staff fairly remunerated?
- Do workers in other sectors (e.g. health, law enforcement) receive training in recognising and responding appropriately to child protection concerns?
- Is there any procedure for checking criminal records of those working with children?
- Do emergency preparedness plans include options for the rapid recruitment and deployment of additional child protection workers?

7. Adequate funding

Child protection work is a notoriously under-funded area of both emergency and development work. Partly because of the fragmentation of child

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[17] Defined as all those who actually deliver child protection and whose role includes a significant responsibility for the protection of children from abuse, neglect, exploitation and violence or whose (e.g. child labour inspectors, social workers working with children and families, anti-trafficking police, care staff in children's homes and institutions)

protection programmes and services, it is often difficult to get an accurate picture of funding and to assess whether it is being allocated in the most efficient way to get the best return on expenditure[18].   Donor funding in both emergencies and development settings should be provided in ways that support agreed priorities and address the building or strengthening of child protection systems, as well as targeting individual child protection problems.

Civil society has a key role in advocacy to governments and donors for increased resources for child protection (e.g. through analysis of 'children's budgets').

Indicators
- Is there any estimate of national budget allocations across all child protection activities? How does this compare with allocations for education or health expenditure?
- Has there been a costing of the failure to deal with child protection failures (e.g. in terms of the impact on economic growth, human capital, or the incidence of mental health problems?
- What support do donors and INGOs provide to child protection programming and services? Do they favour certain issues and neglect others? Is there coordination and harmonisation of donor funding for child protection?
- Is there good coordination in the transition between funding for emergency response and longer-term development financing?

8. Children's voices and participation
Children's own experiences and views need to be at the heart of a child protection system. Too often these experiences and views have been neglected because of a belief that children cannot or should not participate in their own protection. The consequences of this approach have frequently been very damaging for children, exposing them to further abuse and violence and leading to the development of inappropriate and ineffective services. Children's voices need to be heard in both individual cases (e.g. care proceedings, judicial hearings, and DDR processes) and in the development of laws, policies, services and other programmes at national and sub-national levels.

Indicators
- Has the Government made a public commitment to children's involvement in all aspects of the prevention, response and monitoring of abuse, neglect, exploitation and violence?
- Are children with direct experience of a child protection issues meaningfully consulted on public policy decisions affecting their situation (at local, sub-national and national levels)?
- Are there complaints and other reporting mechanisms in place in all alternative care and detention facilities?

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[18] For example, between institutional care and alternative family-based care options for orphans and vulnerable children.

- Are children – especially discriminated-against and marginalised children - given the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law?
- Do NGOs and other service providers working in child protection engage with children in a meaningful, safe and ethical way, and respect their views?

9. An aware and supportive public

The protection of children is not the sole responsibility of child protection and other professionals working with children. It requires the involvement and support of the wider public which can play an active part in preventing child protection problems and identifying 'at risk' children. This often requires awareness raising campaigns to make the general public more alert to child protection issues, to challenge social norms that condone harmful practices, and to promote a better understanding of children's development needs.

Civil society can play an important role in such awareness raising activities through publications, campaigns, media work and community development.

Indicators
- Does the Government undertake or support awareness-raising campaigns concerning child protection issues, their impact on children and ways of preventing them?
- Are there other awareness-raising initiatives, programmes or materials developed by government agencies, NGOs, the media or others?
- Are there public education campaigns to promote good parenting? For example, to highlight positive alternatives to physical punishment, and children's need for a safe and secure home environment.
- Do members of the public to know what to do and who to contact if they have concerns for the safety or welfare of a child?
- Is there monitoring and tracking of public attitudes towards child protection?

SECTION 3: BUILDING A NATIONAL CHILD PROTECTION SYSTEM – SOME PRACTICAL STEPS

There is no 'right' way to begin the process of building a national child protection system. Each context will require a different approach based on an analysis of the current state of the existing child protection system. On the basis of that assessment it should be possible to identify the most important or priority next steps that can be taken that will help to build or strengthen the child protection system.

A Strategic Approach to Building Child Protection Systems[19]

- Establish the starting point – is it best to support a top-down (Government-led) process or facilitate a bottom-up, multi-sectoral process?
- Consider commissioning a review/diagnosis of the existing child protection system and the costs of not having an effective child protection system
- Identify leaders, experts and political champions on child protection to lead or advise on the process – including the highest levels of Government
- Establish a multi-disciplinary working group or task force, with one organisation dedicated to providing administrative support
- Identify skilful facilitation in order to keep the process moving forward
- Make sure you are inclusive of all stakeholders in order to maximise ownership – don't forget to include children and young people
- Start from existing national child protection priorities
- Work through and resolve differences in vocabulary and interpretation of key terms
- Be aware of the challenges of bringing together organisations, departments and individuals with different interests, professional perspectives and priorities
- Hold regular meetings (between and within organisations and agencies)
- Formalise all agreements into written protocols so that everyone is clear on their roles and responsibilities
- Be prepared to be opportunistic (e.g. if media coverage highlights a serious child protection failing)
- Identify one government department or agency as having overall responsibility for child protection across government

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[19] adapted from a presentation made by Margaret Lynch and Jenny Gray at the 2008 ISPCAN conference

Supporting the development of child protection systems will require adjustment in some of the ways of working of child protection agencies. For service-providing organisations this may be little more than a decision to continue in that role but to coordinate more closely with other organisations in planning and delivery. For other organisations it may require a more strategic re-think about how they work, working to a longer-term planning horizon and considering a wider set of activities (including for example, advocacy, public education campaigns, technical support to government, etc).

Possible activities to support the development of a child protection system are outlined below under various heading. These are illustrative only and many other options exist.

Advocacy:
- Lobby for the modernisation of out-of-date legislation and policy to bring it into conformity with the CRC and current good practice in child protection e.g. banning all forms of violence against children
- Promote the development (and implementation) of national plans of action or strategies on child protection
- Highlight significant child protection failures e.g. through research, monitoring, and media work on individual cases
- Advocate for the building or strengthening of child protection systems as a part of national and agency emergency preparedness planning

Technical Support:
- Place technical advisers in relevant government departments in order to support change and build capacity for the development of child protection systems
- Prepare technical advice, draft guidance and other inputs to consultation and reform processes
- Mentor and coach government officials with responsibilities for child protection on the development of child protection systems
- Facilitate visits to other countries for government staff to expose them to more developed child protection systems and good practices

Service & Programme Development:
- Identify and highlight significant gaps in service provision across the child protection system
- Develop innovative, child-friendly services and approaches that can be replicated and scaled-up across the child protection system
- Work with families and communities to fill important gaps in services until more sustainable solutions can be found.
- Advocate for a significant role for preventive services in the child protection system and ensure that child protection interests are represented in the development of social protection schemes, etc

Child Protection Workforce
- Map the current child protection workforce – however minimal - and conduct a needs assessment on the existing knowledge and skills of child protection workers (and related professions)

- Conduct capacity-building activities on key knowledge and skills gaps
- Encourage higher education institutions to establish child protection accreditation schemes, pre-service and in-service training, etc
- Provide adequate support and incentives to the development of volunteer community-based child protection groups

Funding:
- Advocate for increased public spending on child protection and more effective use of available resources
- Encourage donors to support the building or strengthening of child protection systems
- Carry out a budget analysis of national and/or local government expenditure on child protection

Children's involvement:
- Support the development of child-led organisations and groups working on child protection issues (e.g. through research, representation and services)
- Advocate for children's views to be heard in legal reform and policy development processes
- Encourage and support children's participation in service and programme development, including in emergencies (e.g. in situation analysis, programme design, and monitoring and evaluation)
- Promote the development of accessible, confidential, and child friendly reporting and complaint mechanisms (such as helplines and local complaints mechanisms in refugee camps)

Coordination:
- Advocate for a focal point on child protection in government and strong coordination across the child protection sector and between child protection and other sectors
- Identify and work with focal points on child protection in other sectors such as health, education, justice, etc
- Support cross-sectoral, inter-agency forums for the exchange of information and plans on child protection (including a child protection sub-cluster in relevant emergency responses)

Public Awareness
- Conduct awareness-raising campaigns on priority child protection concerns (with identifiable actions that can be taken by members of the public)
- Undertake media work to challenge traditional social norms and practices
- Establish referral points for public reporting of child protection concerns (backed up by follow-up services)
- Undertake polling of public attitudes on child protection and child protection issues

Annex 1: A Legal Framework for Child Protection
(Adapted from P Newell *Challenging Violence Against children: A handbook for NGOs working on follow-up to the UN Study* Save the Children 2008)

Criminal laws prohibiting:
- All forms of child slavery
- Sale and trafficking of children up to 18
- Debt-bondage, serfdom, forced or compulsory labour
- Use, procurement or offering children up to 18 for illicit activities (including, for example, in drug production or trafficking)
- All forms of sexual exploitation of all children up to 18, including "grooming" for sexual activities, procuring including through the Internet, etc.
- Use, procurement or offering of a child for child prostitution or involvement in pornography
- Possession, production, dissemination, distributing, importing, exporting, offering and selling of child pornography (to be defined in law as in article 2(c) of Optional Protocol to CRC on Sale of Children, etc).
- Female genital mutilation/cutting and any other identified harmful traditional practices and the arranging/offering of a child for them, where not covered effectively by the criminal law on assault
- Torture and all other cruel, inhuman or degrading punishment or treatment of children, in all circumstances
- The deliberate neglect and negligent treatment of children
- All forms of sexual abuse
- Rape in marriage and all other domestic violence

Employment laws prescribing a minimum age for admission to employment and prohibiting hazardous forms of employment and employment which may be harmful to the child's education, health or development, creating offences for those who employ, or offer for employment, children in such situations

Establishment of a legal age of sexual consent, without discrimination on grounds of gender or sexual orientation (ensuring that children are not criminalised for sexual activities below that age)

Establishment of an equal legal age of marriage at 18, with prohibition of procurement, offering, forcing or conducting an under-age marriage

In relation to anyone who commits an offence under the age of 18, prohibition of:
- the death penalty
- life imprisonment without possibility of release
- All other cruel, inhuman or degrading sentences and punishments, including all corporal punishment.

Ensure criminal law on assault applies equally to children, wherever they are

and whoever the perpetrator including the removal of any justifications for violence against children, including as a form of "discipline" or "control" (for example, removal from statute and common law of any defence of "reasonable chastisement" or "lawful" or "moderate" correction)

Explicit prohibition of corporal punishment and all other cruel, inhuman or degrading forms of punishment or treatment of children (in criminal and/or civil code, children's law or family law, repeated in sectoral laws and regulations applying to all schools, penal systems and all forms of institutional and alternative care of children)

Legislative requirement for the registration, regulation and regular independent inspection/review of all institutions and formal alternative care placements, with a statutory duty on inspectors to hear directly from children

Obligations to record and centrally report all incidents of violence in schools, other institutions and alternative care

Protection of "whistleblowers" who report violence against children

Obligations to ensure regular review of placement of children for care or treatment, of any detention of children, and of all relevant circumstances, respecting children's right to have their views heard and given due weight

Obligation on certain professional groups to report the suspected abuse and/or neglect of children to services with duty to investigate (i.e. mandatory reporting)

Obligation to hold public, independent inquiries into child deaths or serious injuries in which violence may be implicated

In every case, ensuring that:
- Children and their representatives have clear, well publicised and accessible means of challenging all these forms of violence, including through appropriate complaints procedures and direct access to the courts when necessary;
- Parents' permission is not required for filing of a complaint of violence or prosecution;
- There is adequate redress and compensation for children who have been victims of any forms of violence;
- Child victims are not themselves criminalised for their involvement;
- There are proportionate and appropriate penalties for perpetrators of violence against children;
- Legislation allows for extra-territorial prosecution of nationals who perpetrate violence against children in other jurisdictions and who travel for that purpose (the fact that an offence is not considered an offence under the law of the state where it is committed should never be an obstacle to such prosecution)
- The sale of children, child prostitution and child pornography should be deemed extraditable offences in any extradition treaty existing between

states and shall be included in every extradition treaty subsequently concluded (Optional Protocol, article 5)

- Legislation and child-sensitive procedures are in place to ensure that the best interests of child victims are considered throughout processes of child protection, including judicial processes, to ensure that they are not re-victimised; the child's views must be central to any assessment of their best interests
- Legislation requires that children are entitled to express their views and have those views given due weight throughout all processes of child protection, including judicial processes;
- Evidentiary requirements in law do not constitute unnecessary or unreasonable obstacles to prosecution for crimes against children, with due regard to the rights of defendants;
- Investigatory and judicial processes are in conformity with relevant international standards, including the UN Guidelines on Justice in Matters concerning Child Victims and Witness of Crime
- There is adequate training, in particular legal and psychological training, for those who work with child victims
- Unnecessary delay in the disposition of cases and the execution of orders granting compensation to child victims is avoided

NB This is not an exhaustive list and will need to be reviewed to ensure that all forms of harm suffered by children within particular States is appropriately covered.

Annex 2: International human rights instruments relevant to protection of children from abuse, neglect, exploitation and violence

(Adapted from P Newell *Challenging Violence Against children: A handbook for NGOs working on follow-up to the UN Study* Save the Children 2008)

Convention on the Rights of the Child, 1989
> Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, 2000
> Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, 2000

International Convention on the Elimination of Racial Discrimination, 1965

International Covenant on Civil and Political Rights, 1966
> Optional Protocol to the International Covenant on Civil and Political Rights, 1966
> Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989

International Covenant on Economic, Social and Cultural Rights, 1966

Convention on the Elimination of All Forms of Discrimination against Women, 1979
> Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
> Optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002

Convention on the Rights of Persons with Disabilities, 2006 (opened for signature, March 2007)
> Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006 (opened for signature, March 2007)

International Convention for the Protection of All Persons From Enforced Disappearance, 2006 (opened for signature, December 2006)

Convention relating to the Status of Refugees of 1951, as amended by the Protocol relating to the Status of Refugees of 1967

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000

Rome Statute of the International Criminal Court, 1998

Geneva Convention relative to the Protection of Civilian Persons in Time of War
> Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
> Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Hague Convention on the Civil Aspects of International Child Abduction, 1980

Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, 1993

ILO Forced Labour Convention No. 29, 1930

ILO Convention No. 138 Concerning Minimum Age for Admission to Employment, 1973

ILO Convention No. 182 on Worst Forms of Child Labour, 1999

For details of international instruments and their ratification, see www.ohchr.org*; for details of ILO Conventions, see* http://www.ilo.org/public/english/standards/index.htm *for details of Hague Conventions, see* http://www.hcch.net/index_en.php