
Module 2:

NORMATIVE FRAMEWORK FOR CHILD PROTECTION

OVERVIEW

Children are entitled to special protection under international norms and law, UN Security Council resolutions and other UN policies and guidelines. This special care applies in times of peace as well as in times of armed conflict. UN peacekeepers have a duty to understand and apply international laws and norms on child protection.

LEARNING OUTCOMES

- Understand how legal obligations and mandate should guide the work of UN Police
- Be able to understand how the normative framework on child protection serves UN Police officers in fulfilling their mandates:
 - International legal framework
 - UN Security Council resolutions
 - DPKO, DPA and DFS policies
 - National legislation

ACTIVITIES

- PowerPoint presentation
- Group Work on case studies
- Quiz

LEARNING HANDOUTS

- Summary of the Geneva Conventions and their Additional Protocols
- UN Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Principles and Guidelines on Children Associated with Armed Forces or Armed Groups
- Mission Mandate (provide all mission mandates where UNPOL are deployed but handout would be for specific mission the officers will be deployed to)
- Case Study 1
- Case Study 2
- Case Study 3
- Case Study 4

FACILITATION TIME

2.5 hours

TRAINER'S NOTES

 In this module, we suggest that at least 50 to 60 minutes be spent on the four case studies for a better integration of the learning objectives through operational practices of the different scenarios.

SLIDE 1: Learning Outcomes

 In this module, we will explore the framework for the protection of children that applies to all components of UN peacekeeping operations. Children are entitled to special protection and care under international law. In addition, specific UN Security Council resolutions and Department of Peacekeeping Operations (DPKO) / Department of Field Support (DFS) policies outline the legal obligations of UN personnel to protect children in all UN operations, including UN Police.

 The body of international laws and guidelines that protect children is vast and complex. The time available for this training will not permit you to go into the details of all the instruments. The objective is therefore not to make learners experts, but rather to make them understand that child protection is an obligation and at the heart of their responsibility, to give them an overview of the extent of international laws and norms that make child protection an obligation, and to go into more details on the main instruments that specifically address children's rights and child protection. Learners should be encouraged to research and read some of these instruments to get a more in-depth understanding. This knowledge will help them in their interactions with local actors, such as the host State police.

 You will see that the body of international laws and guidelines that protect children is vast and complex. In this module, we will get an overview of the various instruments, but only go into more details on the main ones that directly relate to UN Police work.

 As UN Police Officers, you will encounter many situations involving children during your deployment. It is crucial for you to understand how international laws, norms and guidelines, as well as UN policies direct your roles and responsibilities and guide your actions.

 As UN Police Officers, you will work in collaboration with host State police services. In this context, you will also need to understand the national legal framework of your mission area because host State police operate under national laws. In this module, we will explore the different types of national legal frameworks and how they relate to international laws and norms in terms of child rights.

SLIDE 2: Normative Framework

 The normative child protection framework is composed of a series of international legal instruments, norms, guidelines and policies. These can be broadly categorized into three frameworks:

- ❖ The international legal and normative framework contains International Humanitarian Law, International Human Rights Law and International Refugee Law. It includes several conventions that are legally binding on States that have ratified them, and a series of international norms and guidelines that are non-binding.

- ❖ The UN Security Council framework includes a series of resolutions on child protection issues and the mandates of the various UN peacekeeping missions that include provisions on child protection.
- ❖ The UN Department of Peacekeeping Operations / Department of Field Support (DPKO/DFS) framework includes the new policy on Child Protection in United Nations Peace Operations, other policies and standards of conduct for all peacekeeping personnel.

SLIDE 3: Normative Framework



As the instructor make sure that you properly explain the three levels which provide law, rules and guidance in the international Child Protection framework:

1. International Legal Framework
2. Security Council level
3. DPKO/DFS/DPA Policy level



With slide 4 you can introduce the first level. The next slide will provide the information on the first level.

SLIDE 4: International Legal Framework



International Humanitarian Law (IHL) regulates the methods and means of warfare and the treatment of people in times of war, including children affected by armed conflict or child combatants. It applies in times of armed conflict.



International Human Rights Law (IHRL) regulates the way in which States treat people under their jurisdiction, with several benchmarks related to children. Its provisions are applicable in times of peace and in times of armed conflict.



Both IHL and IHRL apply to States and organized armed groups. There is a branch of international law that applies to individuals, as we will see later in this module.



International Refugees Law regulates the legal definition of who is to be considered a refugee, the rights flowing from this status and the legal obligation of receiving countries. The rights of refugee children are clearly articulated in the international law. In contrast, internally displaced children are covered under international human rights law.

SLIDE 5: International Humanitarian Law



The four Geneva Conventions of 1949 and the series of international conventions regulating the use of weapons constitute what is commonly referred to as the “laws of war”. Together, they regulate how States and armed groups should behave in times of armed conflict.

 The fourth Geneva Convention¹ regulates the treatment of civilians in times of war, which means an armed conflict between States. The Geneva Conventions also have two additional protocols. Additional Protocol I of 1977 affords special protection to children in times of war and sets 15 years as the age limit for recruitment into armed forces. The Additional protocol II, also of 1977, addresses the rights of civilians (including children) in times of non-international armed conflict, such as civil wars, insurgencies and other forms of internal armed conflict.

 As we have seen in module 1, armed conflicts today mostly fall into the category of internal (intrastate) conflict. Therefore, Additional Protocol II is especially important.

 Apart from the Geneva Conventions, a series of international conventions address the laws of war (The Hague Conventions), use and trafficking of weapons, and ban certain types of weapons, such as antipersonnel mines and cluster bombs and munitions.

 Children are therefore afforded special protection under IHL and it is the duty of UN police personnel to protect them.

 Distribute the handout “Summary of the Geneva Conventions and their Additional Protocols” to all learners.

SLIDE 6: International Human Rights Law

 In addition to conventions that protect human rights in general, there are specific conventions that specifically target the rights of the child.

 Ask the following question in plenary. Encourage learners to discuss. Then, complete the discussion with the suggested answers presented in the next slides.

Can you name the main instruments relating to children and International Human Rights Law?

SLIDE 7: International Human Rights Law

Those include:

- ❖ The UN Convention on the Rights of the Child (CRC), 1989²:

The Convention outlines the fundamental rights of children, including:

- Right to be registered at birth and have a legal identity
- Freedom of expression
- Right to education and health care
- Freedom of thought and religion

¹ Fourth Geneva Convention: <https://www.icrc.org/ihl/INTRO/380>

² UN Convention on the Rights of the Child, 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

- Protection against all forms of violence
- Protection of especially vulnerable children such as refugee and displaced children and disabled children, etc.
- Protection from economic and sexual exploitation
- Protection from torture, and unlawful and arbitrary detention
- Legal rights of children in conflict with the law

The CRC is the most widely ratified human rights convention. Some of its key advancements include the rights of the child to express his or her point of view and to be heard in decision making processes that affect his/her life. The CRC also states that children - alongside adults - must be recognized, respected and protected as rights holders rather than being only the passive objects of protection and care.

The CRC is based on the guiding principle of the **best interests of the child**, which means that any decision impacting a child should always consider his or her best interests. This main principle includes three other principles: **survival and development**, **non-discrimination** and **participation**. We will see these principles in detail in module 3.

❖ The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, 2002³:

The Optional Protocol establishes the minimum age for children to take part in hostilities as 18 years and prohibits the forced or compulsory recruitment of children under 18 years into national armed forces. However, children between 15 and 18 years are allowed to voluntarily enroll in national armed forces under certain circumstances, including the prohibition to take part in active combat.

The Protocol stipulates that armed groups (non-State actors) are prohibited from recruiting and using children under the age of 18 years. States have a duty to criminalize such recruitment.

❖ Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, 2002⁴:

This protocol prohibits all forms of sexual violence, exploitation, abuse and neglect, including the sale and trafficking of children for any purpose, as well as child prostitution and pornography in State Parties to the Convention.

❖ Optional Protocol to the CRC on Communication Procedures, 2011⁵:

This protocol allows children to seek justice directly at the Committee on the Rights of the Child if the national legal system has not been able to provide a remedy for a child rights violation.

³ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2002, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

⁴ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, A/RES/54/263 of 25 May 2000, entered into force on 18 January 2002, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>

⁵ Optional Protocol to the Convention on the Rights of the Child on a communications procedure, entered into force in April 2014, <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

- ❖ African Charter on the Rights and Welfare of the Child, 1990⁶:

The Charter is an African Union document that replicates most of the provisions of the CRC, including those providing protection to children in armed conflict. It is legally binding on African States that have ratified it.

- ❖ International Labour Organization Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999⁷:

The Convention identifies recruitment and use of anyone under the age of 18 in armed conflict as one of the worst forms of child labor and calls on States to make it a criminal offense.

 Distribute the handouts “UN Convention on the Rights of the Child” and the “CRC Optional Protocols” to all learners and encourage them to read the documents in their free time.

SLIDE 8: International Human Rights Law

 In addition to the legal instruments that address children specifically, many international instruments address human rights in general.

 Ask the following question in plenary. Encourage learners to discuss. Then, complete the discussion with the suggested answers presented in the next slides.

Can you name additional instruments that address human rights in general?

SLIDE 9: International Human Rights Law

 The International Covenant on Civil and Political Rights (ICCPR) is part of the International Bill of Human Rights and is a multilateral treaty⁸ that commits Member States to respect the civil and political rights of individuals, including the right to life, freedom of religion, speech, or assembly, electoral rights and rights to due process and fair trial. Children, as any other human beings, are protected by these instruments.

 Other conventions address specific human rights, for example:

⁶ African Charter on the Rights and Welfare of the Child, 1990,
http://www.unicef.org/esaro/children_youth_5930.html

⁷ ILO Convention No. 182, International Labor Organization,
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

⁸ The International Covenant on Civil and Political Rights (ICCPR), General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force on 23 March 1976,
<http://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

- The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984
- The Convention relating to the Status of Refugees of 1951 and its Optional Protocol of 1977
- The Convention on the Elimination of Discrimination against Women of 1979 and Optional Protocol of 1999
- The UN Convention on the Rights of Persons with Disabilities of 2006

 While those instruments do not distinguish children's rights specifically, they concern all human rights and therefore also apply to children, for example to refugee children and disabled children.

SLIDE 10: International Guidelines

 In addition to international legally binding instruments, the international community has developed a series of international guidelines to regulate the way States treat children. Those guidelines apply in times of peace as well as in times of armed conflict and they address all aspects of the interactions of children with a State's justice system. As they are guidelines, they are not legally binding but rather aim at establishing minimum standards to treat children.

 Ask the following question in plenary. Encourage learners to discuss. Then, complete the discussion with the suggested answers presented in the next slides.

Can you name international guidelines that regulate the way States treat children?

SLIDE 11: International Guidelines

 The UN guidelines and rules are:

- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing) 1985
- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh) 1990
- UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana) 1990
- UN Standard Minimum Rules for Non-Custodial Measures (Tokyo) 1990
- UN Guidelines for Action on Children in the Criminal Justice System (The Vienna Rules) 1997
- UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime 2005
- General Comment No. 10 on Children's Rights in Juvenile Justice 2007
- Guidance Note of the Secretary General on the UN Approach to Justice for Children 2008

 We will see these guidelines and rules in more detail in relation to the work of UN Police in module 7.

SLIDE 12: Paris Principles

 The "UN Principles and Guidelines on Children Associated with Armed Forces or Armed Groups" (Paris, 2007) aim at preventing the use and exploitation of children in armed conflicts and at better protecting children in contexts of armed conflict. The principles' objectives are⁹:

⁹ Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups:
http://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjy_KP6p_LJAhVNpYMKHdLD

- ❖ To prevent the unlawful recruitment and use of children by armed forces and armed groups
- ❖ To facilitate the release of children associated with armed forces and armed groups
- ❖ To facilitate their reintegration
- ❖ To ensure the most protective environment for all children

 The guidelines are useful in the design and implementation of disarmament, demobilization and reintegration programs (DDR) and to ensure that children's rights are properly taken into account at all stages. The principles also address best practices when managing cases involving refugee or displaced children, and the specific situation and needs of girls associated with armed forces or groups.

SLIDE 13: International Criminal Law

 While International Humanitarian Law and International Human Rights Law both apply to States and organized groups, there is a body of international law that applies to individuals. International Criminal Law addresses individual criminal responsibility at the international level much in the same way that national criminal justice systems address crime at the national level.

 The International Criminal Court (ICC) was created as a permanent body to investigate and prosecute individual perpetrators of genocide, crimes against humanity and war crimes. The ICC has jurisdiction over crimes committed in the territory of State Parties or by nationals of State Parties after 2002, when the Statute of the Court became operational. To this date, 123 States are parties to the Rome Statute.¹⁰

 The Rome Statute of the ICC of 1998¹¹ specifically defines crimes against children:

- Under the crime of genocide as the forcible transfer of children from one group to another
- Under crimes against humanity as trafficking and enslavement of children
- Under war crimes as deliberate attacks on schools and conscription or enlistment of children under 15 years by armed forces and armed groups

SLIDE 14: The Lubanga Case

 Recently, the ICC has prosecuted and convicted Thomas Lubanga Dyilo for forcibly recruiting and enlisting children under the age of 15 years. Mr. Lubanga was convicted on 10 July 2012 and sentenced to 14 years in prison.

 The establishment of the Monitoring and Reporting Mechanism related to the six grave violations against children during armed conflict, introduced by the UN Resolution 1612, can be used in these kind

[DgEQFgggMAA&url=http%3A%2F%2Fwww.unicef.org%2Femerg%2Ffiles%2FParisPrinciples310107English.pdf&usg=AFQjCNFxeio4fHDwMKcLFcBgFRoYTs211A&bvm=bv.110151844,d.amc](http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf&usg=AFQjCNFxeio4fHDwMKcLFcBgFRoYTs211A&bvm=bv.110151844,d.amc)

¹⁰ For the list of State Parties, see the ICC website: https://www.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx

¹¹ ICC Rome Statute: https://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/3.aspx

of cases as a basis to hold perpetrators accountable. This will be presented in greater details in Module 5.



The ICC has come under heavy criticism recently for what is perceived as its deliberate targeting of Africans for prosecution. This debate is beyond the focus of this course. One way to limit the discussion if you have questions and comments from learners is to focus on crimes against children and the importance of the provisions of the Rome Statute in the fight against impunity for crimes against children.

SLIDE 15: The Taylor Case



The Special Court for Sierra Leone (SCSL) operated between 2002 and 2013 to prosecute those who bear the greatest responsibility for crimes committed in Sierra Leone's internal conflict (from 1991 to 2002).¹² The Court prosecuted and convicted seven people accused of conscription and enlistment of children under the age of 15 years into armed forces or groups and active use of children in hostilities. It was the first international tribunal to prosecute this crime and therefore established important international jurisprudence.



The most prominent of the accused was Charles Ghankay Taylor, former president of Liberia. The Court found him guilty of conscripting and enlisting children under 15 years, among other crimes, on 26 April 2012. He was sentenced to 50 years in prison and both his conviction and sentence were confirmed on appeal in 2013. It was the first time a head of state was prosecuted and found guilty of a crime against children at the international level, and creates a precedent to combat impunity for this type of crime.

SLIDE 16: UN Security Council Framework – UNSC Resolutions on Children and Armed Conflict



The changing nature of conflict in the 20th century and the growing targeting of civilians by armed forces and groups has meant that armed conflicts have had an increasing impact on children. Recognizing this trend, the UN Secretary General in 1996 appointed Ms. Graça Machel, an independent expert, to prepare a report on the impact of armed conflict on children. Her report¹³ demonstrated the horrible impact of armed conflict on children and called for action by the international community. Following the publication of her report, the Office of the Special Representative for Children and Armed Conflict was created in 1997 to serve as the global advocate for children in armed conflict.



The Machel Report also highlighted the serious gap in addressing the plight of war affected children in peacekeeping processes and called for an emphasis on the role of peacekeeping forces in promoting and respecting children's rights. In 1999, the Security Council adopted its first resolution on children and armed conflict (SCR 1261), which placed child protection on the peace and security agenda and provided for a specific role for DKPO. The topic of children and armed conflict was the first thematic resolution to ever be adopted by the UN Security Council. All previous resolutions had had a geographical focus. Since 1999, the situation of children in armed conflict appears regularly on the Security Council agenda, which considers their fate as a threat to peace and security. Since then child

¹³ "Impact of Armed Conflict on Children" Report of Graça Machel, 1996, <http://www.unicef.org/graca/>

protection provisions have been progressively included in peacekeeping mandates through thematic and country-specific resolutions.

SLIDE 17: UN Security Council Framework – UN peace operations with child protection mandates

Since 1999, the Security Council has included child protection into the mandates of United Nations Peacekeeping Operations and Special Political Missions. Currently the missions in Afghanistan, Iraq, Somalia, Sudan, South Sudan, DRC, CAR, Mali and Haiti all have child protection mandates.

SLIDE 18: Un Security Council Framework

While each mission mandate is unique and tailored to the specific situation of the host State, similarities exist in the provisions on child protection. All missions now have a mandate to protect civilians and protect and promote human rights, and all have one or more of the following provisions specifically related to children¹⁴:

- Protection of civilians, especially women and children affected by armed conflict or criminality, including internally displaced children and refugee children
- Child protection as a cross-cutting issue throughout the mission mandate
- Protection and promotion of human rights, especially those of vulnerable groups like children
- Monitoring, investigation and reporting on violations and abuses against children, including all forms of sexual violence, and identification and prosecution of perpetrators
- Prevention of the recruitment and use of children by armed forces and groups
- Special attention to the needs of children in disarmament, demobilization and reintegration programs
- Addressing juvenile justice issues such as arbitrary or prolonged pre-trial detention and prison conditions

The mission mandate gives mission components, including UN Police, their specific and direct mandate to act on child protection issues. As UN Police, you are in a unique position to fulfil parts of this mandate, as you work directly with the host State police and judicial system. Through your mentoring and advocacy, you can help host States to bring their treatment of children up to international standards.

For mission that does not have a specific child protection mandate, the protection of children is intrinsically included within the overall Protection of Civilian's mandate.



Exercise on mission mandates

Time required: 35 minutes

5 minutes	For introduction of activity and instructions
15 minutes	For group work

¹⁴ These provisions are summarized from the mandates of the following UN peacekeeping missions in which UNPOL are currently deployed: MINUSCA (Central African Republic), MINUSMA (Mali), MINUJUSTH (Haiti), MONUSCO (DRC), UNAMID (Darfur/Sudan), UNMIL (Liberia), and UNMISS (South Sudan).

15 minutes	For plenary
------------	-------------

 If all the learners are deploying to the same UN peacekeeping mission, ask them to work two by two and let them choose their co-worker. If they are deploying to different missions, ask them to work two by two with someone who is deploying to the same mission.

 Distribute the mission mandate(s) of the relevant mission(s) to all learners.

 Ask the groups to identify all the provisions that relate to children in their mission mandate. Give the groups 15 minutes to complete the exercise.

 After 15 minutes, ask each group to read one provision from their mandate and explain it in their own words.

 Then, use Slide 19 and the explanations below to explain the commonalities in UN peacekeeping mission mandates in relation to child protection.

SLIDE 19: UN DPKO/DFS Policies and Standards

 **The DPKO-DPA-DFS Policy on child protection outlines the responsibilities and the role of peacekeeping missions and special political missions in the protection of children affected by armed conflict in UN peacekeeping operations, and political missions.**

Share some of the highlights of the policy as outlined below

- The policy explains the **role of child protection advisers** in peacekeeping and political missions;
- **It stresses that** child protection is **not the work of the advisers alone** but that it is a **collective responsibility** shared across the mission by all mission components;
- **Monitoring and reporting** on grave violations against children is identified as an important task in the child protection mandate;
- It calls for **all peacekeepers to receive training** on child protection;
- It stresses the importance of **respecting and promoting children's rights**. It therefore stresses that peacekeepers must promote and abide by the highest normative standards on child protection.
- Lastly it **prohibits violations of children's rights by peacekeepers** including, the use of child labour, sexual exploitation and abuse, and the military use of school.

 We will see some of these standards in more detail in modules 3, 4 and 5.

SLIDE 20 The obligations related to UN Police Component are also spelt out in the Policy

 UN Police must ensure that child protection is integrated into their work, including in their mentoring and advising activities, as well as in their capacity building efforts in support of the host State police

The Relevant issues that should be taken into account by the UN Police Component are:

- Child sensitive interviewing techniques
- Monitoring child protection concerns through community-oriented policing
- Compliance with international norms and standards, including those in relation to the apprehension and detention of children
- Prevention and response to violations and abuses against children, including SEA

SLIDES 21 to 23 the importance of national laws¹⁵

 In order to fulfil their mandate to build the capacity of the host State police, or of enforcing laws in the host State in executive missions, UN Police Officers need to familiarize themselves with national laws, including those on child protection.

 As UN Police, you must understand the nature of the national legal system, promote the implementation of international norms and standards according to the principle of the best interests of the child, and get informed on child protection issues in the context of the national legal system. You can do this by discussing with your colleagues from the child protection system. This will help you identify opportunities to promote a system better suited to children's rights.

 Host State police and UN Police Officers work within the framework of the legal system of the host State. UN police cannot change the host state legal system, but they must build awareness with their national counterparts on international standards.

 National legislation will determine what constitutes an offence or a crime in the host State, the extent of the powers of the police and other specific legal provisions relating to children. These will include for example:

- The age of criminal responsibility in the host State
- The minimum age of consent
- The minimum legal age for marriage
- The criminalization of certain harmful practices such as female genital mutilation, corporal punishment in schools and detention centers, etc.
- The operational framework for diversion

 If any questions arise on the minimum age of consent you can explain that the age of consent, refers to the minimum age at which a young person can legally consent to sexual activity. However, all sexual activity without consent, regardless of age, is a criminal offence.

¹⁵ Source: "UN Police and Different Legal Systems", STM for Police

 It is important for UN Police to understand that while some of the national legal provisions in the host State may not be in line with international standards, host State police are still bound by them. Documents to look for once you are deployed are the host State's **constitution, criminal code, code of criminal procedures, police act** and any specific laws relating to children such as a **child act** or a **juvenile code**.

 Individual UN Police officers are not empowered to change the host State's legal system, but they can advocate for change in the national laws and practices and bring them more in line with international standards. They can do this by building awareness with their national counterparts on international standards.

 In exercising their functions UN Police are bound by international norms and standards and they must therefore uphold the highest international standards of protection, including child protection standards in all aspects of their work through assisting, mentoring, advising, reporting, promoting training etc.

The UN Police must also respect national laws as well as the UN code of conduct.

SLIDE 24: Use of the different legislative frameworks

 The host State’s legal system will vary depending on the mission you are deployed to. Some host states will have a common-law system, others a civil law system and others again a legal system based on Islamic Law. The nature of the legal system will impact criminal procedures and police work.

 In addition to these three basic legal systems, some countries will have a traditional legal system that operates in parallel with the official legal system. These traditional legal systems are often referred to as “customary law” and may or may not form part of the official legal system.

 In some countries, customary law will apply for minor offenses that can be addressed through traditional local systems of conflict resolution, and will be recognized by the official legal system. In other countries, customary law will be applied by local communities in contravention of official laws. For example, some forms of punishment for an offense under customary law can be prohibited by the official legal system. We will see an example of this in one of the case studies.

 As UN Police, you must understand the nature of the national legal system, promote the implementation of international norms and standards according to the principle of the best interests of the child, and get informed on child protection issues in the context of the national legal system. You can do this by discussing with your colleagues from the child protection system. This will help you identify opportunities to promote a system better suited to children’s rights.

 It is important to stress that the point of this slide is for learners to locate in which system they come from, and that they may have to work within a different system as UN police officers, not to underestimate how this can change the relationship to justice, including justice for children.

 This table provide a summary of the different levels of child protection’s legislative and normative frameworks for UN police officers. Go through the table in plenary and ask the learners to provide additional examples to confirm common understanding. The next slide proposed a visual template of the information described in this table.

Function	National Laws	International Laws
Behaviors of UNPOL officers	Respect National Laws: -no stealing of a bike	Respect UN standard of conduct: -no sexual intercourse with any child under 18 years
Monitoring and Reporting	Report violations of int’l laws in line with int’l definition: -even if the age of adulthood in the country is 15 years we will still report violations for children under 18 years	Report violations of int’l laws in line with int’l definition: -if a country has 15 years old for child soldier we will still monitor and report any child soldier under 18
Advising and Mentoring	Need to be aware of national laws to be able to promote international law: -If a country uses arbitrary detention, the promotion of international standards on alternative methods to detention could be used	Need to be aware of int’l laws to report on breaches: Death penalty can be imposed by national laws but is not in international laws. Must report for advocacy at high level



Group work on case studies

Time required: 50 minutes

5 minutes	For introduction of activity and instructions
15 minutes	For group work
30 minutes	For group presentation and discussion



Divide learners into four groups.



Distribute one case study to each group.



Ask groups to read their case study and answer the questions.



Give the groups 15 minutes to prepare their answers.

Case Study 1

You are assisting your colleagues from the Haitian National Police (HNP) to investigate a criminal group that allegedly engages in human trafficking and forced prostitution. During a raid on one of the gang's premises, your HNP colleagues find 15 women and girls locked in a series of rooms. Of the 15, four are girls under the age of 18.

In their statements, two of the girls reveal that they were forcibly taken from their schools by armed men. The other two state that they joined the group voluntarily, as they were told that they would sell goods and make money. They were then forced into prostitution against their will for several months until they were rescued by the police.

Questions:

1. What violations against children can you see in this case?
2. If you had to provide information to report and protect the rights of these girls, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.

Case Study 2

The director of a health care facility in your area of deployment in Bor in South Sudan comes to visit you to report an incident with a militia commander. The director informs you that last week a commander from a local militia came to the clinic with around 50 armed men. The commander explained that his group needed accommodation and a place to treat their injured soldiers for a few weeks, and that he wanted to use the clinic. When the director refused, the armed men forcibly took over the health care facility premises.

The armed group has been in the clinic since yesterday. According to the director, they sent most of the patients that could walk home but kept ten of the older boys. The commander told the director that those ten boys were old enough to fight for their country and that he would train them and integrate them into his militia.

Questions:

1. What violations against children can you see in this case?
2. If you had to provide information to report this incident and protect the rights of these boys, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.

Case Study 3

A young girl has been raped in a village in northern Mali. The perpetrator is reported to be the girl's neighbour and he has confessed to the crime. The case was brought to the community leaders, who decided that the man must pay 100,000 CFA to the girl's parents in compensation for the offense. The parents are satisfied with the decision and agree not to take any further action against the perpetrator.

Questions:

1. What violations against children can you see in this case?
2. If you had to provide information to report and protect the rights of this girl, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.

Case Study 4

A 13-year-old girl has been arrested for suspected association with an armed group in a village in the Eastern part of the Democratic Republic of the Congo. She was brought to the police station and locked in a cell along with other inmates by one of your colleagues of the national police (PNC). The PNC Officer told you that he will leave her there for a couple hours to teach her a lesson and to gather as much information as possible on the modus operandi of the armed group controlling the area. The girl said that she has never been associated with any armed group and that she was only selling bread on the street when two men in uniform stopped at her stand and stole bread from her. Shortly afterwards, you heard the PNC Officer talking to the girl offering to release her in exchange for sexual favours.

Questions:

1. What violations against children can you see in this case?
2. If you had to provide information to report and protect on the rights of this girl, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.

 After 15 minutes, ask the learners to come back in plenary. Ask each group to read its case study and presents its answers.

 After each presentation, ask other learners to comment on the answers of the group presenting.

 Use the possible answers below to complete the discussion after each presentation:

POSSIBLE ANSWERS:

Case Study 1:

1. What violations against children can you see in this case?
Abduction, sexual exploitation, sexual abuse, denial of right to education, physical abuse.
2. If you had to provide information to report and protect the rights of these girls, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.
 - Child prostitution and sexual exploitation of children are crimes under international law, as stated in the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and the UN Convention on the Rights of the Child. In addition, forced prostitution is considered degrading treatment under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 - All the girls should be considered victims and witnesses during any following judicial proceedings and be treated following the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. All girls should be treated according to their best interests and should receive medical attention, protection and social assistance for reintegration with their families.
 - MINUSTAH's mandate clearly calls on the Haitian government to better protect women and girls against sexual violence:
"Strongly condemns the grave violations against children affected particularly by criminal gang violence, as well as widespread rape and other sexual abuse of women and girls, and calls upon the Government of Haiti, with the support of MINUSTAH and the United Nations country team, to continue to promote and protect the rights of women and encourages all actors in the Haitian Government, the international community and civil society to renew their efforts to eliminate sexual and gender-based violence in Haiti; as well as to improve response to rape complaints and access to justice for the victims of rape and other sexual crimes."
 - You can use the national Haitian legislation against trafficking and sexual exploitation, as those are defined as crimes.

Case Study 2:

1. What violations against children can you see in this case?
Occupation of a hospital by an armed group, denial of health care, abduction, forced recruitment of children in the armed group.
2. If you had to provide information to report and protect the rights of these boys, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.
 - The abduction and recruitment of children into armed forces and groups is considered a war crime under the Geneva Convention IV and Additional Protocol II, and Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. It is also prohibited by several UN Security Council resolutions and using children in armed forces and groups is one of the worst forms of child labor, as stated in the ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. The commander could be held criminally responsible as an individual under the ICC Rome Statute and his behavior should be reported and investigated.
 - Children have a right to the provision of necessary medical assistance and health care under the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, which is being denied now by their abduction and the occupation of the community health care facility by the armed group. In addition, occupation and use of hospital by armed forces and armed groups is considered a war crime under the instruments previously named.
 - Once the children have been rescued, they should be treated according to the UN Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, and considered victims and not perpetrators.
 - UNMISS' mandate imposes a duty on peacekeeping personnel to protect children and to monitor and report any grave violations of children's rights.

Case Study 3:



This case study will require careful facilitation as the discussion could revolve around other issues such as traditional justice, cultural attitudes and behaviours.

1. What violations against children can you see in this case?
 - Rape, denial of justice, denial of right to participation
2. If you had to provide information to report and protect the rights of this girl, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.
 - Rape is a very serious crime and an internationally recognized grave violation of children's rights. This crime is not fit to be judged under customary law. You can use what the national Malian legislation says against rape as a crime to advocate for prosecution in official courts.

- In addition, the customary law process did not respect the principle of participation of the child. She has not been asked her opinion and her parents made a decision for her that is not based on her best interests.
- The UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child both protect children against sexual violence. Various UN Security Council resolutions also address sexual violence against girls. MINUSMA’s mandate establishes the responsibility of the mission to “address the needs of victims of sexual and gender-based violence in armed conflict.”
- The girl should be treated according to the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

Case Study 4:

1. What violations against children can you see in this case?
 - Sexual violence and mistreatment, arbitrary and illegal detention, denial of legal counsel and due process, denial of separate detention for children and from boys and girls.
2. If you had to provide information to report and protect the rights of this girl, what would be your main arguments? Please refer specifically to relevant instruments to make your case stronger.
 - The national Congolese legislation on child protection must protect children against arbitrary detention, abuse of power and denial of legal counsel and due process. It is important to master and refer when possible to the national instrument to which they are bound legally.
 - The Convention on the Rights of the Child, Beijing Rules, The United Nations Rules for the Protection of Juveniles Deprived of their Liberty and UN Policy on Child Protection in United Nations Peace Operations also have protection against arbitrary detention, mistreatment and due process related to juvenile detention. “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.”
 - Rape is a very serious crime and an internationally recognized grave violation of children’s rights. You can use what the national Congolese legislation says against rape as a crime to advocate for prosecution in official courts.
 - The UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child both protect children against sexual violence. Various UN Security Council resolutions also address sexual violence against girls. MONUSCO’s mandate establishes the responsibility of the mission to “address the needs of victims of sexual and gender-based violence in armed conflict.”

SLIDE 25: Questions?



Ask learners if they have questions on the content of this module. It is important to allow sufficient time to answer all questions.

SLIDES 26: Key Messages



The key messages slides summarise the important take-aways that connect with the objectives of the module as described at the beginning of the session. Ask learners what the key messages are before showing the slide with the possible answers. It will help them synthesise and integrate the key concepts taught throughout the module and it will help you in assessing the learning and concentrate on gaps or inaccuracies.



Ask the following question in plenary. Encourage learners to discuss. Then, complete the discussion with the suggested answers presented in the next slides.



What are the key messages of this module?

SLIDES 27 and 28: Key Messages

The key messages are:

1. The work of UN Police is guided by international norms and standards on child protection.
2. It is important for UN Police to be aware of UN policies, guidance and SOPs that operationalise these legal obligations on the ground.
3. It is critical for UN Police to promote and abide by international norms and standards on child protection when mentoring and advising host state police, in their personal contact and in their monitoring activities.



Distribute the end of module quiz to learners and give them 10 minutes to answer the questions. Then distribute the answers for auto-correction. Ask learners to work in pairs and correct each other's answers.