# CONSULTATIONS WITH CHILDREN AFFECTED BY ARMED CONFLICT ON ACCOUNTABILITY FOR CHILD RIGHTS VIOLATIONS COMMITTED

# Terms of Reference

## Introduction

Save the Children (SC) is the world's leading independent organization for children. As part of the organisation’s contribution towards ensuring every child attains the right to survival, protection, development and participation, Save the Children has been working with armed forces in Sub-Saharan Africa since 1998 and with the African Union (AU) for the last 10 years to promote the rights of children in conflicts, post-conflict, and protracted political emergency situations. With support from SIDA, Save the Children has worked towards strengthening child protection in African Union peace support operations since 2013. The engagement has borne results that include the development and adoption of a harmonized and standardized curriculum and standards on child protection and child rights which is currently being rolled out by the East African Standby Force (EASF), and troop contributing countries such as Uganda, Senegal and Côte d’Ivoire.

Save the Children in collaboration with partners continues to augment efforts that protect girls and boys in conflict settings. These interventions aim at strengthening the capacity of peace support operations actors to deliver their protection mandate and ensure girls and boys affected by armed conflicts and protracted political disputes enjoy their rights.

The ‘Integrating Child Protection within the African Peace and Security Architecture’ (ICPAPSA) project focuses on four key objectives:

1. To enhance the commitment and capacity to prevent and respond to violence against girls and boys within the AU Peace and Security Department (AU PSD), East Africa Standby Force (EASF), ECOWAS Standby Force (ESF), and Member States.
2. To institute and monitor a functional accountability framework on child protection within the AU PSD, EASF, ESF, and troop contributing countries.
3. To increase knowledge, evidence and collective understanding on child rights and child protection issues within peace support operations.
4. To improve participation among girls and boys affected by armed conflict to contribute to decisions and processes of the AU, Regional Mechanisms/Bodies, and Member States.

To achieve this, Save the Children collaborates with stakeholders within the AU, Regional Bodies and Regional Mechanisms in East and West Africa, and National Armed Forces.

## Context

The African Charter on the Rights and Welfare of the Child (ACRWC) entered into force in 1999. This was after AU Member States took a unanimous stance on the applicability of the United Nations Convention on the Rights of the Child (UNCRC) to children in Africa on various socio-economic, cultural and developmental diversities.

Like the UNCRC, the ACRWC defines the full spectrum of children’s civil, political, economic, social and cultural rights and the obligations of duty bearers to uphold those rights, the principal duty bearer being the State. The Charter makes it possible for girls and boys to assert their rights through domestic judicial or administrative proceedings. The Charter’s articles are applicable in all contexts including situations of conflict. Article 22 of the Charter is specific to conflicts in stating that no child should participate in armed conflict. The Charter establishes the African Committee for the Rights and Welfare of the Child (ACERWC) as the body responsible for monitoring its implementation and ensuring the protection of the rights contained in it. On the definition of a child, the UNCRC defines a child as every human being below the age of 18 years ‘unless under the law applicable to the child, majority is attained earlier’[[1]](#footnote-1), where the law referred to in the CRC includes international treaties and domestic legislations specific to children. The ACRWC defines a child more concisely as ‘every human being below the age of 18 years’.[[2]](#footnote-2) This has a significant difference when discussing the age of conscription or engagement in armed forces.

Despite this framework, girls and boys caught in conflict on the continent continue to be subject to rights violations including violence that is both incidental and targeted. As highlighted in the *Study on the Impact of Armed Conflict on Children in Africa* commissioned by the ACERWC[[3]](#footnote-3), girls and boys living in conflict contexts are more likely to be separated from their families, sexually assaulted, subject to early marriage, maimed, killed, recruited by force, or die early as a result of disease or malnutrition. At the same time, they are less likely to attend school. Girls and boys not only have to live with the physical and psychological scars from their experience but often with social alienation particularly those who have been associated with armed groups or those who have survived sexual violence. Conflict often has different effects on girls and boys. For example, boys are often more vulnerable to recruitment as combatants by armed groups whilst girls are often more vulnerable to sexual violence.

Despite widespread condemnation and mechanisms to hold perpetrators accountable, such grave violations of children’s rights continue. In the annex to the UN Secretary General’s 2014 Report on Children and Armed Conflict[[4]](#footnote-4) listing parties responsible for grave violations against children, armed groups on the continent are overrepresented. 15 of the 28 groups listed are located in Africa, 5 of which are national armed forces.

There is growing intolerance globally and on the continent against acts of violence committed against children in conflict situations and in particular against violence committed by peacekeepers. The UN Secretary General is vociferous in his condemnation and he is exploring ways to end impunity through, for example, naming and shaming countries that fail to take action.[[5]](#footnote-5) His dismissal of the Head of the UN Mission in the Central African Republic following repeated allegations of violations by peacekeepers sent a clear signal. In 2015, the UN Security Council demonstrated its continued engagement on the issue by adopting Resolution 2225.[[6]](#footnote-6) The resolution requested the Secretary General to include in the annexes to his report on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in patterns of abduction of children in situations of armed conflict. In line with the priorities of this Swedish funded project, it also called for mandatory pre-deployment training of peacekeepers on child protection and sexual violence. This will need high-level political commitment that is driven by evidence from grassroots action, which this project would endeavour to undertake.

The AU has taken the issue seriously with the appointment of a Special Envoy to the Chairperson of the AU Commission for Women, Peace and Security. A Special Envoy on Children and Armed Conflict is to be appointed as well following endorsement by the Heads of State and Government during the AU Assembly. The AU Peace and Security Council (PSC) has to date held five open sessions focusing on children associated with armed conflict. It is cooperating with the ACERWC to make Member States more accountable for their implementation of the African Charter.

African troops already form the bulk of peace support troops currently engaged in the UN missions on the African continent, and in one AU mandated mission (AMISOM in Somalia) and two AU authorised missions (the fight against the Lord’s Resistance Army in central Africa and Boko Haram in Nigeria and surrounding countries). By the weight of their numbers and their engagements, they clearly have a significant effect on the lives of girls and boys in the contexts in which they operate. As peacekeepers, they are mandated to protect children from violence in conformity with Security Council resolutions on children in armed conflict, country specific resolutions and the respective mandates. Ensuring that they have the necessary capacity and resources to implement this mandate effectively has a large potential impact on protecting children from violence in the continent’s ongoing and future conflicts.

## Background to the child participation component

It is encouraging that children and armed conflict are on the African political agenda and various mechanisms are in place to prevent and respond to violence against children affected by armed conflict. However, the reality is that the children whom they are designed to protect rarely inform such mechanisms. Consequently, decisions, policies and processes that do not involve children in their design can have gaps. In worst cases, these policies can actually work against the best interests of the child, further exposing girls and boys to violations especially where they do not consider the intricate differences in dimensions of impact on girls and boys. Simply put, decisions, policies and processes affecting children are more likely to be effective in their intent if children are involved in their design, implementation and monitoring.

Currently when children are engaged in processes it is often tokenistic without clear mechanisms for them to influence decisions, policy and practice. Such engagement is often not in line with best practice in ensuring that children are properly informed, that they are willing participants, and that the experience of different groups of children differentiated by for example sex, ability, age etc. are considered. Paternalistic attitudes and lack of knowledge on how to engage children effectively contribute to this.

Save the Children’s vast and diverse experience on child participation shows that girls and boys bring alternative perspectives to issues affecting them that have not been considered by adults. Their participation leads to better decision making, policies and practice that more effectively address their experience. The child participation work under the ICPAPSA project aims at improving decision making policy and practice by strengthening the ability of peace support actors to engage children and strengthening the capacity of children to effectively engage with peace support actors. For 2019, the work will focus on advocacy processes and activities on children affected by armed conflict in various target countries, research studies to be conducted in collaboration with children on specific issues affecting children living in conflict contexts, as well as capacity building of various stakeholders on child participation following development and adoption of the Child Participation Guidelines.

## Objectives of the consultancy

The purpose of the consultancy is to carry out consultations with children in Somalia and DRC using participatory research approaches appropriate for children, and produce reports and child-friendly products based on the findings and experiences shared by the children. Key informant interviews will also be carried out with various stakeholders in-country such as government officials, NGOs, and CSOs.

The consultancy firm will work with the project team to facilitate consultations with children so as to gather their views and opinions on existing accountability mechanisms for violations committed against them, what their experiences have been in accessing justice, and the recommendations they would have for improvement of such mechanisms. Through the use of various tools and methodologies, the consultancy firm should be able to facilitate different groups of children varying by age, sex, ability, and other factors with ease, ensure maximum and effective participation of children and other stakeholders, as well as extract and analyse key findings from the consultations which can be used for advocacy and campaigning purposes.

**The specific results are:**

* Comprehensive and detailed views and opinions gathered from children and other stakeholders during the consultations through the use of various tools and methodologies.
* Analysis of findings from the consultations.
* Reports and child-friendly products are developed based on the findings from the consultations, packaged for advocacy and campaigning purposes.

**Consultant’s key tasks**

* Undertake a desk review of existing accountability mechanisms in Somalia and DRC, and their effectiveness for victims and witnesses in accessing and obtaining justice. Relevant documents shall be shared by the project team.
* Travel to Somalia and DRC with the project team – specific regions and exact timelines to be determined during planning.
* Co-facilitate the consultations with children and other stakeholders in collaboration with the project team, through using various tools and methods to ensure maximum participation.
* Document detailed views and opinions from the consultations capturing the key experiences, needs and desires of children and other stakeholders.
* Analyse findings from the consultations.
* Produce a narrative report and campaign digests.

**Support from the project team**

* Liaise with the country offices on behalf of the consultant to ensure arrangements are in place for the consultations to take place.
* Provide logistical support for the missions to Somalia and DRC, including for the consultant or firm.
* Co-facilitate the consultations with children and other stakeholders, through using various tools and methods to ensure maximum participation, and also ensure best practice is adhered to throughout the process.
* Review and provide feedback on the desk review report and also the narrative report from the consultations.
* Extract key messages and views that can be used for advocacy and campaigning purposes.

**Key Deliverables**

Expected deliverables will include reports and child-friendly products produced in English and French, targeted mainly at national governments, the AU, ACERWC and other regional bodies to highlight the voices of children affected by armed conflict on accountability issues, the key challenges they face when accessing justice, and key recommendations that they would highlight.

Key deliverables will include:

1. A narrative report documenting the findings of the consultations.
2. Campaign digests highlighting case studies from the consultations for campaigning purposes.
3. **Timeframe**

**Consultations in Somalia – June 2019:**

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| --- | --- |
| **Deliverables**  | **No. of Working days** |
| Undertake a desk review of existing accountability mechanisms in Somalia, and their effectiveness for victims and witnesses in accessing and obtaining justice | 10  |
| Travel to Somalia and co-facilitate consultations with children and other stakeholders in two selected areas – collation and documentation of findings  | 10 (5 days for each location) |
| Analyse findings gathered during the consultations and write a narrative report on the findings | 5 |
| Develop narrative report on findings and campaign digests | 15 |
| **Total Number of Days** | **40** |

**Consultations in DRC – September 2019:**

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| --- | --- |
| **Deliverables**  | **No. of Working days** |
| Undertake a desk review of existing accountability mechanisms in DRC, and their effectiveness for victims and witnesses in accessing and obtaining justice | 10  |
| Travel to DRC and co-facilitate consultations with children and other stakeholders in two selected areas – collation and documentation of findings  | 10 (5 days for each location) |
| Analyse findings gathered during the consultations and write a narrative report on the findings | 5 |
| Develop narrative report on findings and campaign digests | 15 |
| **Total Number of Days** | **40** |

## Consultant profile

The consultant or firm must demonstrate substantial knowledge and experience in child rights and participatory approaches used with children in armed conflict contexts. He/she must have experience in designing and conducting research and participatory processes in humanitarian settings.

The consultant or firm must have experience in all aspects of carrying out research including planning research, outlining and writing reports, reviewing documents, facilitating focus group discussions, analysing large amounts of material and data, and extracting key messages which can be used for advocacy and campaigning purposes.

This consultancy is open to individuals and firms who possess the following requirements:

* Demonstrated experience and expertise on issues of accountability for violations committed against children and children’s rights issues more broadly.
* Substantial working experience in participatory research with children especially in conflict contexts, using child participation approaches and methodologies.
* Capacity to gather and critically analyse large amounts of material and data.
* Extensive knowledge of the political and humanitarian context in the Horn of Africa and Central Africa (specific working experience in Somalia and DRC an added advantage).
* Ability and willingness to travel within the Horn of Africa and Central Africa regions.
* Experience of writing reports of similar assignments characterised by ease of readability across mixed audiences.
* Excellent writing and reading skills in both English and French.

The consultant will be commissioned by the Regional Programming Unit (RPU) which is based in the East and Southern Africa Regional Office (ESARO) in Nairobi, and will work with the project team to the successful completion of this assignment.

# Remuneration

Daily rates will be determined after discussions with the consultant. Save the Children ESARO will cover for the consultant’s air tickets on economy class to relevant field sites, accommodation, airport transfers, and other incidentals incurred in the field. All other costs shall be borne directly by the consultant. Remuneration will be based on submission of deliverables. Payment will be made as per the agreed schedule. Taxation laws for Kenya will apply on the overall consultancy fee.

# Ethics, Safeguarding and Code of Conduct

As the consultant or firm will be working on behalf of Save the Children, they will be required to sign and adhere to the Child Safeguarding Policy and ethical guidelines. Note that background checks will be undertaken on all applicants.

As regards the documentation, the title rights, copyrights and all other rights of whatever nature in any materials used or generated under the provisions of these services will exclusively be vested with Save the Children International East and Southern Africa Regional Office.

## Submitting expressions of interest

Interested individuals or firms must submit a technical and financial proposal including:

* A cover letter introducing the consultant and how the skills and competencies above are met, with concrete examples as appropriate.
* An expression of interest including interpretation of the TOR, proposed methodology, time schedule and work plan for carrying out the consultancy.
* A CV detailing relevant skills and experience, including 3 contactable referees
* Reasonable budget breakdown and cost consideration commensurate to expected deliverables.

Applicants should be available for immediate engagement

**Applications** should be submitted to: esaro.procurement@savethechildren.org

Save the Children East and Southern Africa Regional Office by **Friday, 17th May 2019**

1. Article 1, CRC [↑](#footnote-ref-1)
2. Article 2, ACRWC. [↑](#footnote-ref-2)
3. ACERWC, June 2015, *Inception Report - A Study on the Impact of Armed Conflict on Children in Africa* commissioned by the African Committee of Experts on the Rights and Welfare of the Child [↑](#footnote-ref-3)
4. UN Secretary General Report on ‘Children and Armed Conflict’. A/68/878–S /2014/339 of 15 May 2015. [↑](#footnote-ref-4)
5. The Guardian, *Ban Ki-moon says sexual abuse in UN peacekeeping is 'a cancer in our system*', 14 August 2015, online at: http://www.theguardian.com/world/2015/aug/14/ban-ki-moon-says-sexual-abuse-in-un-peacekeeping-is-a-cancer-in-our-system [↑](#footnote-ref-5)
6. UNSC Resolution 2225 available online at: <http://watchlist.org/wordpress/wp-content/uploads/UNSC-2225-2015.pdf> [↑](#footnote-ref-6)