



# WE NEED TO DO BETTER

POLICY BRIEF FOR ENHANCING  
LAWS AND REGULATIONS TO  
PROTECT CHILDREN IN DISASTERS

Summary

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The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest volunteer-based humanitarian network. With our 192-member National Red Cross and Red Crescent Societies worldwide, we are in every community reaching 160.7 million people annually through long-term services and development programmes, as well as 110 million people through disaster response and early recovery programmes. We act before, during and after disasters and health emergencies to meet the needs and improve the lives of vulnerable people. We do so with impartiality as to nationality, ethnicity, gender, religious beliefs, class and political opinions.

Guided by *Strategy 2030*—our collective plan of action to tackle the major humanitarian and development challenges of this decade—we are committed to saving lives and changing minds.

Our strength lies in our volunteer network, our community-based expertise and our independence and neutrality. We work to improve humanitarian standards, as partners in development, and in response to disasters. We persuade decision-makers to act at all times in the interests of vulnerable people. The result: we enable healthy and safe communities, reduce vulnerabilities, strengthen resilience and foster a culture of peace around the world.

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**We Need To Do Better:** Policy Brief for  
Enhancing Laws and Regulations to Protect  
Children in Disasters

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# FOREWORD

While much progress has been made to improve the protection, participation and survival of children around the world, despite all the advances, violence, abuse and exploitation in disasters remain a stubborn and profoundly harmful reality for children.

This is all the more concerning when we recognize that children make up nearly half of the people affected by disasters. In 2018 alone, nearly 50 million children needed protection in disaster settings.

As our planet heats up, disasters, including floods, fires, droughts, food insecurity, population movements and public health crises, increase in scope, intensify and become more frequent. The need to protect children has become all the more pressing. However, globally our investments in child protection are inadequate. We are failing to put in place the necessary systems. Countries do not have child protection mechanisms built into their disaster laws and systems. We need to do better to get child protection in disasters right. We need a transformative approach.

This policy brief, “We Need To Do Better”, seeks to improve knowledge of and evidence for strengthening child protection elements within laws and regulations related to disaster risk management. Specifically, this study calls on governments and disaster agencies to counter the lack of attention, systems and inadequate investment in child protection and to recognize the consequences of disasters—including those increasingly influenced by climate change—on girls and boys around the world.

Moving forward, it is essential to have domestic laws and regulations that enable children to live in safety. This approach moves us from a focus on response to a much-needed emphasis on prevention. It underlines the responsibility of governments to ensure systems are in place and adequate funds are available. It also provides clarity as part of disaster preparedness on what is needed, who is responsible, and what measurements need to be applied to protection of children.

The IFRC and its National Societies, through our local volunteers around the world, stand ready to support governments to continue striving to meet the best interests of each child affected by a disaster; to better protect children; and to defend against the consequences of climate change. Now is our time to act. Let us do so together.

**Jagan Chapagain**  
**IFRC Secretary-General**

## Executive Summary

- 1 Children are at higher risk than other age groups of encountering violence, abuse, neglect and exploitation in disaster settings, including those disasters driven by climate change. Disasters often hamper children's access to education, health care, birth registration and other critical governmental services. All of these risks could be reduced through specific preparedness activities prior to a disaster.
- 2 While international law does not explicitly refer to child protection in disasters, the United Nations Convention on the Rights of the Child and other human rights instruments have set out rights that are applicable to all situations of crisis and that are relevant to the most important protection gaps that children face in disasters. This is true of the requirement that all actions concerning children must be taken according to the principle of the "best interest of the child." The Convention on the Rights of the Child also enshrines each child's right to express his or her views and requires that these views be given due weight in accordance with the age and maturity of the child.
- 3 Different national contexts and legal traditions will determine whether legislative, policy or planning tools (or a combination of all three) are best suited to ensure that child protection goals are achieved. Because disaster management professionals often come to their work without clear guidance on children's rights and special needs in disasters, these issues can easily be overlooked. Law and policymakers are strongly encouraged to ensure that measures and responsibilities for child protection are adequately formalized and disseminated to ensure the right action at the right time.
- 4 Moreover, law and policymakers are encouraged to consider gender-responsive, rather than gender-blind approaches, as better adapted to diverse needs related to gender. In order to meet children's best interests, law and policy relating to children also needs to reflect the varied needs of children of different ages and different abilities.
- 5 Responding to requests from the state parties to the Geneva Conventions in resolutions of the International Conference of the Red Cross and Red Crescent, National Red Cross and Red Crescent Societies have a growing capacity to support governments to gather feedback from communities, communicate disaster preparedness messages and implement child protection activities, as well as to support interested law and policymakers in the design of laws, policies and plans that promote child protection in disaster settings.

# Background and Key Take-aways



**1** Data for this study was collected through several means, starting with an IFRC multi-country synthesis study on Law and Disaster Preparedness and Response. This involved desktop reviews of a sample of 20 countries from around the world.<sup>1</sup> Further evidence was identified through a literature review; in-depth case studies in Brazil, Philippines and Uganda; and interviews with technical experts from academic, government, United Nations, and non-governmental organizations. A total of 727 people participated in this study. Of these, 438 were females, and 289 were males. Children accounted for 260 of the total participants. The results indicate that most countries reviewed have general legal and institutional frameworks that address child protection risks during peacetime. However, only two of the reviewed countries—Brazil and the Philippines—have laws or policies that specifically address the heightened risks to children during disasters.<sup>2</sup>



**50 million children**  
needed protection

**2** The majority of people affected by many disasters are children.<sup>3</sup> In fact, the United Nations has declared children to be the group most affected by disasters each year.<sup>4</sup> In 2018, almost 50 million children needed protection in humanitarian settings.<sup>5</sup> Yet children are often excluded from disaster risk reduction activities.<sup>6</sup>

1 IFRC. (2019). *Law and Disaster Preparedness and Response: Multi-country Synthesis Report*, <https://media.ifrc.org/ifrc/document/law-disaster-preparedness-response-multi-country-synthesis-report/>.

2 Ibid. Additionally, it is worth noting that Colombian legislation establishes that children have a right to be protected from the risks and consequences produced by disasters and other emergencies and empowers disaster management agencies to take appropriate measures to protect children's rights.

3 UNHCR. (2014). *Global Trends Report 2013*.

4 Pfefferbaum, B., Pfefferbaum, R.L., and Van Horn, R.L. (2018). Involving children in disaster risk reduction: The importance of participation. *European Journal of Psychotraumatology*, 2018, 9(sup2). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5804784/>

5 Alliance for Child Protection in Humanitarian Action. (2019). *Unprotected: Crisis in Humanitarian Funding for Child Protection*. <https://alliancecpa.org/en/child-protection-online-library/unprotected-crisis-humanitarian-funding-child-protection>

6 Muzenda-Mudayanhu, C. (2016). A review of children's participation in disaster risk reduction. *Jàmbá: Journal of Disaster Risk Studies*, 8(1). <https://jamba.org.za/index.php/jamba/article/view/218>



**3** Top risks for girls and boys in disasters include: physical, sexual and psychological violence; neglect; injuries; harmful practices including child, early and forced marriage; psychosocial distress and mental disorders; children becoming associated with armed conflicts and armed groups; child labour; malnutrition; trafficking; losing out on education; and becoming unaccompanied and separated.<sup>7</sup> In addition, research shows that the voices of children are often not heard and do not influence humanitarian decision-making.<sup>8</sup>



**4** Climate change is leading to more frequent weather-related disasters.<sup>9</sup> This has direct impacts for children. Currently, more than half a billion children live in extremely high flood occurrence zones and nearly 160 million live in high or extremely high drought severity zones. Poor and disadvantaged children were disproportionately affected by humanitarian disasters last year—including particularly damaging climate change-related disasters in Africa, Asia and the Pacific.<sup>10</sup> It is estimated that an additional 175 million children will be impacted by climate-related disasters every year.<sup>11</sup> Climate change-related disasters can also disrupt child protection systems and exacerbate pre-existing tensions and conflicts, leaving children susceptible to violence, abuse, child labour, trafficking and other forms of exploitation.<sup>12</sup>



**5** There is increasing evidence that, compared to men and boys, women and girls are at higher risk of experiencing many secondary or indirect impacts that arise from disasters,<sup>13</sup> including violence, the pressure to marry as children or being forced into marriage, and a loss or reduction in education opportunities. This is due to an intersectionality of power dynamics. As a result, they may suffer a “double disaster”. These secondary impacts may be the real “disaster” for women and girls. The risks are due to social norms that lead to girls having less access to, or control over, assets including the resources necessary to cope with

7 Child Protection Working Group. (2012). *Minimum Standards for Child Protection in Humanitarian Action*.

8 Jabry, A. (Ed). (2005). *After the Cameras Have Gone – Children in Disasters* (second edition). London: Plan International.

9 IMF. (2017). *World Economic Outlook, October 2017, Seeking Sustainable Growth: Short-term Recovery, Long-term Challenges*. [https://www.imf.org/en/Publications/WEO/Issues/2017/09/19/world-economic-outlook-october-2017#Chapter 3](https://www.imf.org/en/Publications/WEO/Issues/2017/09/19/world-economic-outlook-october-2017#Chapter%203)

10 UNICEF. (2017). *Annual Report 2016*. [https://www.unicef.org/publications/files/UNICEF\\_Annual\\_Report\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_Annual_Report_2016.pdf)

11 Save the Children. (2007). *Legacy of Disasters: The Impact of Climate Change on Children*. <https://resourcecentre.savethechildren.net/node/3986/pdf/3986.pdf>

12 Bartlett, S. (2008, October). Climate change and urban children: impacts and implications for adaptation in low- and middle-income countries. *Environment and Urbanization*, 20(2), 509–510; Global Protection Cluster. (n.d.). Strengthening Protection in Natural Disaster Response: Children. [www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/protection-in-natural-disasters-essential-guidance-and-tools.html](http://www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/protection-in-natural-disasters-essential-guidance-and-tools.html)

13 GFDRR. (2018). *Gender Equality and Women’s Empowerment in Disaster Recovery*. [https://reliefweb.int/sites/reliefweb.int/files/resources/DRGS\\_gender\\_equality\\_WEB.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/DRGS_gender_equality_WEB.pdf)

disasters. Such assets include information, education, health and wealth. It is the inequities in the everyday, and not just in times of disaster, that increase risk and reduce life chances for women and girls. Thus, action across the gender–disaster–development nexus is key to creating lasting change and resilience.<sup>14</sup>



- 6 While the risks for children are high and can impact their healthy development both in the present and over years or decades, funding to protect children from violence, abuse and exploitation in disasters remains minimal, with an average share of only 0.5 per cent of total humanitarian funding.<sup>15</sup> For example, in 2018, on average only US\$3 were spent per child in need of protection for the whole year.<sup>16</sup>

## PHILIPPINES: REPUBLIC ACT 10821 OR THE CHILDREN RELIEF PROTECTION ACT, SECTION 2

It is hereby declared the policy of the State to protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development. Guided by the principles on survival and development, on child participation, and consistent with the United Nations Convention on the Rights of the Child, as well as the Children’s Charter for Disaster Risk and Reduction, and the minimum standards for children in humanitarian action, the State shall establish and implement a comprehensive and strategic program of action to provide the children and pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.

14 DFID. (2013). *Women, Girls and Disasters*. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236656/women-girls-disasters.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236656/women-girls-disasters.pdf)

15 Alliance for Child Protection in Humanitarian Action. (2019). *Unprotected: Crisis in Humanitarian Funding for Child Protection*. <https://alliancecpa.org/en/child-protection-online-library/unprotected-crisis-humanitarian-funding-child-protection>

16 Ibid.

# **RECOMMENDATIONS: WHAT WE NEED TO DO BETTER**

## **Summary of Recommendations: What we need to do better**

In order to better meet children's best interests in disasters and to enhance their protection from violence, abuse, neglect and exploitation, a series of actions can be taken. These recommendations recognize that there are a complexity and a variety of national frameworks for child protection and that approaches need to be locally relevant. The recommendations will assist governments to ensure domestic implementation of the United Nations Convention on the Rights of the Child in such contexts and can be supported by the National Red Cross and Red Crescent Societies, and other partners, where needed.

### **1. Improve content of domestic laws for child protection**

It is recommended that governments review national domestic laws, regulations and policies, including those related to climate change adaptation, in order to strengthen child protection aspects in the most appropriate instrument. It is recommended that these reviews be inclusive of the perspectives all relevant ministries and agencies and levels of government as well as relevant civil society actors, including National Red Cross and Red Crescent National Societies. Actions should keep in mind the different needs of children, including girls and children with disabilities, and aim for meaningful participation of children throughout.



**In terms of content, the following priority considerations are proposed:**

- a) Relevant laws, regulations and/or policies should ensure that decisions related to children in disaster settings are made on the basis of the best interests of the child and are age-, gender- and disability-responsive.
- b) Relevant ministries and agencies that engage with children should be mandated to develop disaster contingency plans fully covering child protection before, during and after a disaster; and sufficient budgetary resources should be made available to fulfil the plans.
- c) An appropriate ministry, agency, or other relevant body should be made responsible to undertake planning for and coordination of child protection during disasters.
- d) Attention to child protection issues should be included in relevant laws, regulations and policies on disaster risk management, as well as in planning for and implementation of disaster resilience-building, disaster risk assessments, risk reduction, preparedness, needs assessments, response, recovery and reconstruction. Refer to and import relevant constitutional provisions and/or international obligations on child protection, as part of the domestic law and policies.
- e) Mandate the collection and analysis of age-, gender- and disability-disaggregated data as part of risk assessments, needs assessments, disaster impacts (death, injury, trafficking, adoptions, violence, etc.), delivery of emergency assistance, allocation of recovery and reconstruction assistance, and response.
- f) Draw inspiration, as appropriate, from the Alliance for Child Protection in Humanitarian Action's Minimum Standards for Child Protection in Humanitarian Settings.<sup>17</sup> Key elements that should be particularly relevant to domestic law and policy makers concern systems to protect and assist unaccompanied and separated children; provision of, and access to, services for survivors of sexual and gender-based violence and trafficking; adoption; birth registration and other essential documentation; mental health and psychosocial support; access to education and prompt resumption of educational services; and mechanisms for children to participate in decisions that affect them and to provide feedback on those mechanisms. The content of domestic laws for child protection need to be age-, gender- and disability-responsive and to include sexual and reproductive health rights.

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<sup>17</sup> Alliance for Child Protection in Humanitarian Action. (2019). *Minimum Standards for Child Protection in Humanitarian Action* (2019 edition). <https://alliancecpha.org/en/cpms>

## **2. Take a coordinated, multi-level and iterative approach to implementation of domestic laws involving child protection**

To have effective domestic laws for child protection, it is important for governments to institute coordinated, multi-level approaches that include both support to local level government, disaster responders and communities to take preparedness action appropriate to their local circumstances, as well as opportunity to provide feedback on national systems.

- a)** Improve coordination by the government across relevant ministries and agencies, with relevant civil society actors, including National Red Cross and Red Crescent Societies, and, as appropriate, international partners with regard to child protection in disaster preparedness and response.
- b)** Ensure a multi-level approach that includes coordination of national authorities with local governments and, as appropriate, traditional authorities. This can also include collaboration and sharing of lessons and expertise with country-level regional bodies.
- c)** Train local disaster responders and communities on legal requirements on child protection.
- d)** Ensure budget allocations for response and for awareness-raising, training, planning, and monitoring and evaluation of child protection measures within the domestic law systems at national and local levels.

# THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

## **Humanity**

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

## **Impartiality**

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

## **Neutrality**

In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

## **Independence**

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

## **Voluntary service**

It is a voluntary relief movement not prompted in any manner by desire for gain.

## **Unity**

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

## **Universality**

The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

The vision of the IFRC is to inspire, encourage, facilitate and promote at all times all forms of humanitarian activities by National Societies, with a view of preventing and alleviating human suffering, and thereby contributing to the maintenance and promotion of human dignity and peace in the world.

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