

Consultancy on guidelines for standard operating procedures for troop and police contributing countries in the response to cases of sexual violence against children.

Background:

Inquiries into the scope of sexual violence committed against children in situations of conflict remain grossly under reported and under addressed as most of the attention has been on adults' experiences. A number of factors have contributed to under-reporting of this violation: low levels of disclosure, stigma associated with being identified as a victim of sexual violence, entrenched gender-based discrimination, fear of reprisals, lack of essential services for survivors, and challenges in accessing justice at individual and structural levels which have led to the failure to hold perpetrators to account.¹ Inadequate evidence of boys' and girls' experiences of sexual violence has led to limited preventive interventions for affected children in urgent need. The impact of sexual violence on the lives of boys and girls, particularly in situations of conflict, cannot be understated. More than 72 million children in the world today are living in proximity to parties to conflict that use sexual violence against children.² Further, of the 54 active conflicts today, 15 involve actors who have explicitly perpetrated sexual violence against children. This means that in almost 70% of conflicts where sexual violence against civilians is committed, children are violated as well.³ Action plans and enabling domestic legal frameworks that hold perpetrators to account notwithstanding, cases of sexual violence against children still persist as parties to conflict continue to operate with impunity and disregard human rights and humanitarian law.

Sexual violence against children in situations of conflict is one of the six grave violations condemned by the UN Security Council under the children and armed conflict agenda and is actively being monitored and reported on to hold perpetrators to account. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG CAAC) verified a total of 735 cases of rape and other forms of sexual violence against children in 19 countries, including 665 cases across Africa.⁴ Of all the grave violations, rape and other forms of sexual violence disproportionately affect more girls than boys; for example in 2019, 87% of the verified cases of sexual violence were against girls while only 1.5% of the verified cases were committed against boys.⁵

¹ Morgane Greco, 2020. Conflict-related sexual violence: consequences and needs of female victims. Available at: https://ilg2.org/2020/04/14/conflict-related-sexual-violence-consequences-and-needs-of-female-victims-part-2/?blogsub=confirming#blog_subscription-2

² Save the Children, 2021. Weapon of War: Sexual violence against children in conflict. Available at: <https://resourcecentre.savethechildren.net/library/weapon-war-sexual-violence-against-children-conflict>

³ Ibid.

⁴ United Nations, 09 June 2020. Children and Armed Conflict: Report of the Secretary General. A/74/845–S/2020/525 available at: https://www.un.org/ga/search/view_doc.asp?symbol=S/2020/525&Lang=E&Area=UNDOC.

⁵ Ibid.

Noting the pervasive nature of incidents of sexual in situations of conflict and its impact on the lives of victims and communities, the UN established the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC) to advocate on conflict-related sexual violence (CRSV).⁶ In execution of its mandate, the Office prepares an annual report to document cases of CRSV against adults and children. The report also lists parties to conflict that are suspected of committing or being responsible for acts of rape or other forms of sexual violence. The Secretary-General's latest report on CRSV lists both state and non-state actors from 7 African countries that have been listed for a total of 2,420 cases of sexual violence in conflict-affected settings:⁷ Central African Republic, Democratic Republic of the Congo, Libya, Mali, Somalia, South Sudan, and Sudan.⁸ While sex and age disaggregated data was not provided in all situations, the majority of the cases were against women and girls. Identifying the causes that pre-dispose women and girls to CRSV has been the subject of numerous analyses however, the arguments are skewed towards the fact that 'pre-existing gender inequality is heightened during conflict, and that violence against women [and girls] is more readily facilitated when societal norms and safeguards breakdown'.⁹

The issue of sexual exploitation and abuse (SEA) by peacekeepers has been high on the UN's policy and operational agenda with regard to troop conduct and discipline. Advocacy around "zero tolerance against SEA" has gained significant momentum leading to the revision of Memoranda of Understanding and codes of conduct to ensure that accountability for SEA violations is upheld. These efforts are particularly important noting the gravity of cases of rape and other forms of sexual violence against children and to ensure that those entrusted with the duty to protect are held to the highest standards of conduct and discipline. These efforts notwithstanding, cases of sexual violence by peace support operations (PSO) personnel persist with a noted rise of 43% in allegations from 2018 – 2019.¹⁰ Implementation of policy responses has been wanting due to the absence of accurate data and the responsibility of enforcement resting on the troop-contributing countries.¹¹ In 2015, the UN issued its "Policy on Accountability for Conduct and Discipline in Field Missions" which stipulates that "member states have the primary responsibility for investigating all alleged acts of misconduct committed by members of

⁶ United Nations Security Council, 30 September 2009. Resolution 1888 adopted by the Security Council at its 6195th meeting. S/RES/1888 (2009) available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/resolution/resolution-1888-2009/Resolution-1888-2009-en.pdf>

⁷ United Nations, 03 June 2020. Conflict-related sexual violence: Report of the Secretary-General. S/RES/2020/487 available at: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_487.pdf

⁸ Ibid.

⁹ Sidebotham, E. et al. 2016. Sexual violence in conflict: a global epidemic. In *The Obstetrician & Gynaecologist* vol.18 pp.247-250. Available at: <https://obgyn.onlinelibrary.wiley.com/doi/pdf/10.1111/tog.12314>

¹⁰ Anania, J., Mendes, A., Nagel, R. 2020. Preventing Sexual Exploitation and Abuse by Male Peacekeepers. Special Report No. 478, United States Institute of Peace. Available at: [20200902-sr_478-preventing_sexual_exploitation_and_abuse_by_male_peacekeepers-sr.pdf](https://www.usip.org/sites/default/files/2020/09/20200902-sr_478-preventing_sexual_exploitation_and_abuse_by_male_peacekeepers-sr.pdf)

¹¹ Ibid.

their national military contingents.”¹² Further, in a statement to the UN Security Council in 2015, the Secretary-General stated that troop-contributing countries had to shoulder responsibility for legal accountability for victims and survivors of sexual exploitation and abuse.¹³

As both state and non-state actors have been linked to cases of rape and other forms of sexual violence against children, this discussion needs to include instances of sexual exploitation and abuse by peacekeepers. The UN has investigated more than 2000 cases of sexual exploitation and abuse by its personnel, including cases against children, since 2005.¹⁴ The period 2015 – 2020 saw a total of 477 allegations of sexual exploitation and abuse against children and adults levelled against troop and police contributing countries from 29 countries in Africa based on information released by the UN on the conduct of UN personnel in field missions.¹⁵ The total number of allegations involving identified child victims from 2010-2020 is 317.¹⁶ These figures are an affront to the concept of protection of civilians and child protection specifically; standards that peacekeepers are expected to adhere to in execution of their responsibilities. The reality of violations committed against children by peacekeepers from African countries warrants attention from the African Union and Member States in their efforts to enhance protection for vulnerable groups.

Protecting Children Affected by Armed Conflict in Sub-Saharan Africa:

In implementing a four-year programme funded by the Swedish International Development Cooperation Agency (Sida), Save the Children focuses on enhancing the protection of the rights and welfare of children in situations of armed conflict in Sub-Saharan Africa. The overarching ambition of the programme is to ensure that all children affected by conflicts in Sub-Saharan Africa are protected from neglect, exploitation, violence, and abuse. To this end, one of the objectives of the programme, “Strengthened capacity for regional actors in Sub-Saharan Africa to prevent, resolve and deal with the effects of armed conflict on children” aims to, among others, look into the role of peace support operations in improved accountability. for child rights

¹² United Nations Department of Political Affairs, Department of Peacekeeping Operations, and Department of Field Services, 01 August 2015. Policy on Accountability for Conduct and Discipline in Field Missions. Available at: <https://conduct.unmissions.org/documents-standards>

¹³ UN Secretary-General, “Secretary-General’s Remarks to Security Council Consultations on the Situation in CAR,” August 13, 2015, www.un.org/sg/statements/index.asp?nid=8903 See also “A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations” which includes recommendations on reform of the investigation of allegations of SEA: strengthening organisational, managerial, and command responsibility; and instituting disciplinary, financial and criminal responsibility. Report of The Secretary-General’s Special Advisor, Prince Zeid Ra’ad Zeid Al-Hussein, on a Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations [A/59/710]. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/59/710

¹⁴ Child Rights International Network, ‘Sexual abuse by UN peacekeepers – Timeline’ available at: <https://home.crin.org/un-peacekeepers-timeline>

¹⁵ UN, “Conduct in UN Field Missions”, available at: <https://conduct.unmissions.org/sea-victims>

¹⁶ Ibid.

violations in situations of armed conflict. Accountability in this context refers to *the prevention and remedy of serious violations of international law committed against children in armed conflict*.¹⁷

By 2017, 18 African countries had contributed approximately 80,000 military, police, and civilian personnel to UN and AU-led peacekeeping missions, making Africa the largest contributor to global peace operations.¹⁸ Four years later, 13 African countries are among the top 20 troop-contributing countries.¹⁹ Therefore, by the weight of their numbers and engagements, they clearly have a significant effect on the lives of girls and boys and are specifically mandated by the UN Security Council to protect children from violence. It is thus necessary to ensure that such troops have the capacity and resources to give effect to this mandate.

Despite widespread condemnation and mechanisms to hold perpetrators accountable, such grave violations of children's rights still persist. There is, however, 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 exploring ways to end impunity by peacekeepers through, for example, naming and shaming countries that fail to take action. In 2015, the UN Security Council demonstrated its continued engagement on the issue by adopting Resolution 2225 which urges troop-contributing countries to continue taking appropriate preventive action, such as mandatory pre-deployment child protection training including on sexual exploitation and abuse, and to ensure full accountability in cases of such conduct involving their personnel. This will need high-level political commitment that is driven by evidence, which this programme endeavours to undertake.

It is against this background that Save the Children has been working with armed forces in Sub-Saharan Africa and with the African Union (AU) to promote the rights of children in conflicts, post-conflict and protracted political emergency situations and to strengthen child protection in African Union Peace Support Operations. As parts of efforts geared towards enhancing accountability for children affected by armed conflict within the context of PSOs, the programme aims to develop guidelines for the development of standard operating procedures on sexual violence against children.

Objective and Scope of the Consultancy:

Save the Children seeks to commission a consultant to review current practice on the prevention and response of cases of sexual violence within AU-mandated or AU-authorized operations as

¹⁷ Conflict Dynamics International: Children in Armed Conflict Accountability Framework - A Framework for Advancing Accountability for Serious Violations against Children in Armed Conflict, June 2015.

¹⁸ Walter Lotze (2013), Strengthening African Peace Support Operations: Nine Lessons for the Future of the African Standby Force, (December 2013), Centre for International Peace Operations Policy Brief, <https://reliefweb.int/report/world/strengthening-african-peace-support-operations-nine-lessons-future-african-standby>

¹⁹ United Nations Peacekeeping, "Troop and Police Contributions," Available at: <https://peacekeeping.un.org/en/troop-and-police-contributors>

well as at the troop-contributing country level. Such review will inform the development of guidelines for standard operating procedures (SOPs) for consideration at mission and T/PCC level.

The proposed SOPs will provide specific guidance in the handling of cases involving children as victims of sexual violence from the point of initial contact to hand over to the competent civilian authorities charged with the responsibility of providing assistance to child victims of sexual violence. The SOPs will ensure efficient and consistent responses that are informed by international best practices and will supplement the roles of each mission component in their execution of a child protection mandate. The exercise should be especially cognisant of gender and its intersectionality with age and disability and the likely differences in experiences of boys and girls, vulnerabilities specific to boys and girls as perpetuated by cultural gender norms, and the risks and needs of younger girls, adolescents and youth.

Methodology:

Methodology should be qualitative and innovative. Mixed methods approaches will also be considered. It is critical that the method used is guided by a sound theoretical and methodological framework, clearly showing its suitability. In view of the restrictions posed by the COVID-19 pandemic it would be necessary to ensure that the methodology provides a rationale for alternative data collection and analysis tools that will also retain quality in the outputs. As the scope of the assignment will cover continental, regional, and Member State levels, fluency in French is required to incorporate perspectives from Francophone countries.

Duration of the assignment:

A work plan for this assignment should ensure that the context analysis and guidelines are comprehensive. Conscious of the dynamics imposed by COVID-19, the assignment should also include critical analyses of the different ways the pandemic has affected prevention and response to SEA against boys and girls in situations of armed conflict. Development of the guidelines will be based on consultations with relevant stakeholders, including select troop and police contributing countries, active missions on the continent, representatives of the African Union Political Affairs, Peace and Security Department (PAPS), and other key stakeholders concerned with the promotion and protection of children's rights.

The assignment will take a maximum of 90 working days from the beginning of the contract, to accommodate the restrictions and uncertain working environment brought about by COVID-19 allowing for development of alternative data collection tools, as well as the number of outputs expected from this consultancy which would require a substantive amount of time to complete with the quality expected.

Key Deliverables:

The Consultant shall deliver the following outputs:

1. An Inception Report detailing the understanding of the terms of reference and a proposed methodology, data collection plan and intended instruments, work plan indicating clear milestones and timelines;
2. Review of current practice in handling incidents of sexual violence against children by troop and police contributing countries (T/PCCs) within peace support operations in Africa. Such review should include an assessment on the model of child-friendly case management to inform the development of a draft response standard operating procedures (SOP) for T/PCCs on sexual violence against children in conflict situations;
3. First draft of the Standard Operating Procedures on Sexual Violence against Children in Conflict Situations;
4. Final guidelines on Sexual Violence against Children in Conflict Situations and a comprehensive report detailing key results realized, pending work, challenges faced and recommendations;
5. Instruments, collected data and analysis for internal documentation;
6. Presentation and dissemination of results, either internally within Save the Children or with external partners (to be determined by the programme team);
7. Any other deliverable deemed necessary in order to successfully complete the assignment.

Competencies:

This consultancy is open to both individuals and consultancy firms who meet the following criteria:

- Advanced degree in Law or any Social Sciences Degree from a recognized university. Professional training in legislative drafting is an added advantage;
- Minimum of 8 years of relevant professional experience in developing SOPs, guidelines, policies in the context of conflict situations. Experience with peace support operations in Africa highly desired;
Experience in legal and policy development on conflict related sexual violence with a focus on sexual violence against children;
- Strong knowledge of the AU policy making processes, prospects, and challenges;
- Strong working relationship with relevant stakeholders in respective countries;
- Ability to work independently and flexibly to deliver the agreed outputs and respond to feedback in a timely and professional manner;



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- Excellent interpersonal and communication skills, including strong writing and presentation skills in English and French. Applications should include samples of previous assignments;
- Commitment to Save the Children's Child Safeguarding Policy.

How to apply:

- Applicants should submit a duly filled Expression of Interest for this assignment. Only applicants that have used the EOI will be considered.

Interested applicants are requested to send their applications to:

esaro.procurement@savethechildren.org

Deadline: **21st May, 2021**