

Using the 'protective environment' framework to analyse children's protection needs in Darfur

Alastair Ager Professor of Clinical Population and Family Health, **Neil Boothby** Professor of Global Health, and **Megan Bremer** Research Associate, Program on Forced Migration and Health, Mailman School of Public Health, Columbia University, United States

A major humanitarian concern during the continuing crisis in Darfur, Sudan, has been the protection of children, although there has been little in the way of comprehensive analysis to guide intervention. Founded on a situational analysis conducted between October 2005 and March 2006, this paper documents the significant threats to children's well-being directly linked to the political conflict. It demonstrates the role of non-conflict factors in exacerbating these dangers and in promoting additional protection violations, and it uses the 'protective environment' framework (UNICEF Sudan, 2006a) to identify systematic features of the current environment that put children at risk. This framework is shown to provide a coherent basis for assessment and planning, prompting broad, multidisciplinary analysis, concentrating on preventive and protective action, and fostering a systemic approach (rather than placing an undue focus on the discrete needs of 'vulnerable groups'). Constraints on its present utility in emergency settings are also noted.

Keywords: cultural practices, displacement, economic conditions, enforcement, legislation, monitoring and reporting, political violence, protective environment, vulnerability

Background

In early 2005, in response to the United Nations (UN) Commission of Inquiry's documentation of war crimes perpetrated against the civilian population of Darfur, West Sudan, then UN Secretary-General Kofi Annan called for urgent action to address what had become 'little short of hell on earth for our fellow human beings in Darfur' (UN, 2005a). Since this statement, the number of people affected by the crisis has increased substantially, growing to some four million by late 2006 (UN, 2006).

The Government of Sudan (GoS)'s counterinsurgency to flush out rebels defines the current conflict. After a series of violent skirmishes and protests by loosely allied groups culminated in a well-organised attack on government facilities in 2003, the GoS activated its army and proxy militias to launch a full counterinsurgency. Operations by GoS forces have often involved the engagement of both helicopter gunships and supporting armed militias on horseback.¹ The counterinsurgency has made little distinction between civilians and armed combatants with the direct targeting of

communities. An estimated 301 villages were totally destroyed, and 76 were partially destroyed, between March 2003 and June 2004 (Physicians for Human Rights, 2004). Such attacks continued to be the principle driver of displacement, with estimates of nearly two million internally displaced persons (IDPs) across Darfur by late 2006—more than 775,000 in West Darfur, 720,000 in South Darfur, and 475,000 in North Darfur (UNMIS, 2006a).

Subsequently, militias seized the opportunity of increased lawlessness to loot, rape and kill with impunity. The rebel movements are now divided into factions that threaten one another politically and with force. Localised conflicts between tribes not previously involved in the conflict have sparked new violence and displacement. The Darfur Peace Agreement (DPA) (UNMIS, 2006b), signed on 5 May 2006, brought hope for a cessation of hostilities, but this was short-lived. Only two of the parties involved in the conflict signed the DPA initially and the majority of non-signatories continue to oppose its implementation (DPA Monitor, 2006). An estimated 200,000 people have fled now across the border with Chad, with the escalation of GoS activity in South Darfur in late 2007 signalling a new phase of flight and disruption.

The factors contributing to the conflict can be traced back several decades to when militarisation, desertification and ethnic politics began to recast relations among Darfurians (Prunier, 2005; Flint and de Waal, 2006). Beginning in the late 1960s, Darfur became a staging ground for Chadian rebel groups and Libya-backed militias to launch attacks on the Government of Chad. The GoS also recruited militias from Darfur to fight in the war in South Sudan. At the same time, opposing political parties were competing for support from Darfur to win seats in Khartoum. Some of the parties manipulated tribal divisions to pit the 'Arab' vote against the 'non-Arab' or 'African' vote. Both the regional and local politics of the time called for Darfurians to declare themselves as either 'Arab' or 'African', designations that began to carry political meaning incomprehensible just decades earlier (Prunier, 2005). During the 1970s, the creeping desertification of Darfur, where herding and agriculture are primary livelihoods, created anxiety over land resources that strained relations between pastoralists and herders. The local administrative mechanisms were isolated and received little support to initiate development and to alleviate poverty. Growing resentment over underdevelopment, neglect and disempowerment sparked localised conflicts between tribes and against the government. The presence of arms heightened the level of violence while undermining traditional dispute resolution mechanisms.

Given these complex antecedents of what many see as among the most severe humanitarian crisis of modern times, what are the key risks and vulnerabilities facing the children of Darfur? And how can the humanitarian community respond appropriately to such needs? These were the central questions addressed by a situational analysis conducted between October 2005 and March 2006 across North, South and West Darfur. Our examination moves beyond consideration of discrete categories of children defined by exposure to specific protection risks. Categories such as 'separated children' and 'abductees' may have a value in programming, but for a comprehensive analysis they need to be seen in the context of the broader

environment of interacting risks and vulnerabilities faced by children rather than unrelated problems. In particular, we sought to develop a coherent and systematic approach to evaluate children's protection needs by considering the steps required to establish a more effective 'protective environment', as recently defined by the United Nations Children's Fund (UNICEF) (UNICEF, 2006a), for the children of Darfur. Building on this analysis, this paper appraises the protection needs of children in Darfur and explores the utility of the protective environment as an analytical tool in such contexts.

The concept of the protective environment

UNICEF developed the concept of the protective environment as a tool to guide programmatic action by international and national actors in support of children's protection (Langren, 2005). Since its establishment in 2005, the Child Protection Working Group of the UN protection cluster has recognised that there is no child protection assessment protocol consistently adopted by international agencies (PFMH, 2008). Assessments have therefore, frequently been ad hoc and analyses not clearly comparable across countries and regions. The protective environment framework potentially provides a means of addressing such concerns (UNICEF, 2007).

The paradigm specifies a range of factors that serve to protect children from risks and vulnerabilities in any given environment. It acknowledges the importance of actions targeted directly at minimising such risks, such as peace processes to reduce the exposure of civilian populations to military action. However, for the majority of humanitarian agencies, the greatest traction in relation to the protection of children will be achieved through actions that 'shield' children from ongoing risks. Accordingly, it is on such actions that the framework concentrates. Although there is this principal focus on protection, clearly mitigation of the impact of risks will often serve, in the longer term, to decrease overall sources of risk and vulnerability.

Eight key elements are identified in this concept of the protective environment (UNICEF, 2006a). Each independently provides a basis for strengthening the pro-

Table 1 Eight key elements of the protective environment

Monitoring and reporting
Governmental commitment to fulfilling protection rights
Protective legislation and enforcement
Attitudes, traditions, customs, behaviour and practices
Open discussion of and engagement with child protection issues
Children's life skills, knowledge and participation
The capacity to protect among those around children
Services for recovery and reintegration

tection of children, although the effectiveness of protection is enhanced by their joint action; like any 'shield', its effectiveness is potentially as frail as its weakest element. There has been particular interest recently in the use of the framework as a tool to guide coordinated response by actors in the 'protection cluster' in emergency settings (UNICEF, 2007).

We used these elements of the framework as a structure to review the protection needs of children in Darfur. Consequently, potential protective mechanisms are considered with respect to risks and vulnerabilities not only associated with the conflict, but also wider concerns that interact with such risks. These include cultural, economic and social conditions that shape childhood in Darfur to be harsh by any global standard (UNICEF Sudan, 2006a).

Methodology

The complementary foci of the work were documentary review (to map existing knowledge in a coherent manner against the framework) and applied field research (to gather new information, as required, to validate and extend findings based on pre-existing data).

A total of 214 documents were identified as relevant for inclusion in the analysis. Materials included UNICEF documents (including field reports), other UN documentation, documents produced by international non-governmental organisations (NGOs), and a range of other published and non-published works. Documents were abstracted into a synthesis report, structured with respect to the domains of the protective environment framework. The research team then used this to source analysis and/or to confirm field data through triangulation of sources.

Applied field research was structured around attempts to consult with all key stakeholder groups in each of the three states: North, South and West Darfur. The deteriorating security situation in West Darfur limited fieldwork in this state in comparison to North and South Darfur. Key stakeholder groups identified comprised IDP and host communities (children, women and men), civil society organisations, government ministries and departments, NGOs and UN agencies.

All fieldwork was conducted with a translator familiar with cultural, as well as linguistic, forms of the area. Topic guides, based on issues raised by the documentary review and the protective environment structure, were developed for interviews, as well as for focus group discussions with men, women and children.

During the course of the fieldwork, a total of 121 interviews were held, involving approximately 1,000 people.³ Interviews with government stakeholders included the Director-General of Police in North, South and West Darfur, the Attorney-General in South Darfur, and officials from relevant state ministries across the three states. Meetings were held with UN agencies, African Union (AU) personnel, and Sudanese Liberation Army (SLA) commanders, as well as with 21 international and six local NGOs. In addition, participatory meetings with the Child Protection Working Groups (inter-agency coordination fora) were convened in El Fashir, Khartoum and

Table 2 Locations of field research interviews

North Darfur	South Darfur	West Darfur
El Fashir	Nyala	El Geneina
Abu Shouk IDP camp	Kalma IDP camp	Zalingei
Mellit		Mukjar
Kutum	Rihad El Birdi	Bindisi
Fata Borno IDP camp	Ed Daein	
Kassab IDP camp	Khor Omer IDP camp	
Kebkabiya	El Ferdous IDP camp	
Saraf Omra	Feina	
Birkat Seira		
Tabit		
Galab		

Nyala. Focus group discussions were held with displaced and non-displaced men (seven groups), women (13 groups) and children (18 groups), teachers (five groups), health workers (one group), and paralegal workers (one group). Nine individual interviews were held with children and three with health workers. Table 2 shows the geographical spread of these interviews—influenced by UN security procedures and access at the time of the fieldwork.

Major forms of abuse, exploitation and neglect

Population estimates suggest that military violence and harassment have resulted in the displacement of some one million children since 2003. Within IDP camps, children still face regular attacks. Communities are terrorised daily by violence, especially at the perimeter of camps and towns. Although it is difficult to estimate with any reliability the prevalence of violence, even isolated incidents can have a major impact on the confidence, and thus mobility, of a community. For example, the murder of two children less than one kilometre outside of the Fata Borno camp in November 2005 resulted in major disruptions to the lives and movements of children in the area.³ The threat of violence and fear of movement are common across virtually all communities. In towns surrounded by the SLA, women and children whose husbands and fathers respectively are associated with the *Janjaweed* militia are also living in fear, highlighting that they ‘cannot move anywhere for fear of attack from all tribes’.⁴

Children have frequently witnessed members of their family and community being killed or raped during attacks on their villages. Sheikhs reported how they often hear a small boy who was with his mother when she was killed crying out in the middle of the night.⁵ Some of the children said that they have had nightmares, have trouble sleeping, and are angry. Others have no appetite and do not speak openly. Animators at the Child Friendly Spaces (CFSs) in the IDP camps and in the towns point up a heightened degree of restlessness and anxiety when children first attend following their flight. Such children have difficulty concentrating and show signs of aggression.

Cases of abducted children were regularly reported after initial attacks on villages when entire communities were forced to flee amidst the chaos and terror stirred by a stream of gunfire (Amnesty International, 2004a; Human Rights Watch, 2005a; UN, 2005b). In the confusion, many children were lost—some were killed, some were abducted, and many others separated. In one classroom in Jebel Marra, 15 out of 33 children interviewed were without their parents.⁶ Many of them had seen their fathers killed and had not seen their mothers in the three years since the attacks on their villages.

Rape has been widely used in the current conflict during attacks on villages and in an effort to terrorise women and girls living in IDP camps (Amnesty International, 2004b; Human Rights Watch, 2005b). Around one-third of victims are under 18 years of age (UNMIS, 2005). All localities reported that women and girls were still being raped after leaving the IDP camps or the perimeter of towns, with several settings indicating an incidence of more than 20 per month. Firewood collection places women and girls at particular risk because of the long distances they must travel in severely deforested areas.

In addition to the direct experience of violence, the constant presence of armed men in the IDP camps and towns profoundly influences the lives of children. Communities emphasise a sense of insecurity associated with such a presence. In one camp setting, soldiers were reported to fire their weapons routinely at night. The boys' play area was adjacent to where soldiers go to drink alcohol, and the boys said they were being constantly harassed (Sudan, 2005a). Elsewhere IDPs reported seeing the same armed men who destroyed their villages walking through town and around the market area.

Children were found to be directly associated with most of the armed groups in Darfur—GoS army and police, the *Janjaweed*, Popular Defence Forces (PDFs), the Justice and Equality Movement (JEM), the Sudan Liberation Army (SLA), and numerous others (UNICEF Sudan, 2005b).⁷ Boys are primarily involved in the military aspects while girls bring food to the soldiers. The cultural expectation in Darfur is that everyone plays a role in protecting the community, including children. For some boys, it is a right of passage to manhood. Tribes with large herds give herders weapons to defend against thieves. Consequently, boys as young as 11 may be trained to carry arms.⁸

Many impacts of the conflict reflect complex interaction with other factors. The number of babies abandoned in Darfur is rising, for example.⁹ This appears to be attributable to an increase in the incidence of rape, women and girls working in more exploitative conditions (such as domestic labour) which increase their vulnerability to sexual exploitation, and the disruption of traditional mechanisms to address pregnancies out of wedlock (typically, forced marriages).

Similarly, because of displacement, children are frequently left unsupervised for long periods in towns and camps where they are living. In their home villages, children were often left behind with older siblings or neighbours in safe environments while mothers worked. The increased burden on women to generate income for

the household means that most adult females are engaged in labour. Young children are left in unsafe environments with older children or with no supervision at all for long hours in the day. Some are locked inside the home or wander freely while parents, if security permits, return to their villages to tend to agriculture activities (UNICEF Sudan, 2005c). The strain on household livelihoods and care practices also appears to be a key factor in the rise in the number of children living on the street in urban settings.

The above documents the significant threats to children's well-being directly connected to the ongoing political conflict in Darfur. It also demonstrates, however, that those threats are often linked to other determinants of abuse, neglect or exploitation. Thus, rape is clearly a conflict-related protection violation, but its likelihood is augmented by expectations of child labour roles in the collection of fuel wood and by the traditional constructions of girls' sexuality and its control. Current recruitment into armed groups shows a clear linkage with appeals to cultural expectations of boy's 'bravery' and mandated roles in defending property.

None of this is to minimise the part played by the ongoing conflict in promoting serious protection violations. Instead, it is to acknowledge the role of non-conflict factors in exacerbating these, or promoting additional, protection violations. This does rather more than extend the list of protection concerns. It begins to identify systematic features of the environment that put children at risk in many different ways. Moving beyond the identification of discrete groups of children (such as children associated with armed groups, child survivors of sexual violence, and abandoned children), analysis can identify structural features of the environment that recurrently serve to put children at risk. While a cessation of hostilities would be a major step forward in protecting children, considering what structural changes are required to ensure a more effective protective environment defines an agenda in advance of, and one that extends beyond, the end of the current conflict.

The state of the 'protective environment' for children in Darfur

Reporting and monitoring

Understanding the needs of children and the effectiveness of protective mechanisms is clearly dependent on reliable and valid information. Despite some developments during late 2005 and early 2006, our analysis supported the conclusion made by a UN inter-agency evaluation team in 2005 that '[e]fforts to collect and disseminate information have been slow and the monitoring of child rights has been neither systematic nor energetic' (UN, 2005b).

Various actors—community leaders, several NGOs, at least three UN agencies and the AU—were all engaged in collection of data on child protection during the period of our fieldwork. Constraints due to lack of coverage, partiality, intimidation, and a dearth of expertise in child protection issues affected most actors and led to inefficient, incomplete and ill-coordinated activities.¹⁰

Sheikhs in IDP camps kept records of conflict-related incidences of violence inside and outside the camps. These records were usually shared with NGOs or camp coordinators. The NGOs and camp coordinators investigated individual cases with a view to providing appropriate services or referrals. The information was passed sometimes to UNICEF or the United Nations Mission in Sudan (UNMIS), but not consistently. The protection needs identified in this manner were very partial. Sheikhs reported only conflict-related incidences, in part due to their political significance. NGOs generally captured data relating to their programming; with few NGOs working specifically with children, it is possible that many issues were missed.¹¹ Some NGOs, particularly those that serve as camp coordinators in West Darfur, were developing their own databases to track individual cases of at-risk children. However, their capacity was limited and none of these systems appeared to be systemised or fully functioning.¹²

UNICEF's child protection reports tended to focus on rapid—largely anecdotal—assessment of major protection violations, such as killings and rapes. UNICEF relied on partners to pass information to the field offices in the state capitals. Such information generally fed into the UNMIS system of reporting to Khartoum, but not back to the field. In West Darfur, the United Nations High Commissioner for Refugees (UNHCR) sought to utilise camp coordinators and the weekly or bi-weekly working groups for protection, child protection and gender-based violence (GBV) to collect relevant information. A common form was used to report incidents, and these forms were consolidated into monthly summaries. There was no formal agreement to share this information with NGOs, UNICEF, or other UN agencies. The respective roles of UNMIS and UNHCR in documenting protection concerns were considered to be determined by 'which agency gets there first', given that there was no formal arrangement between the two agencies, not even at the local level.¹³

The International Committee of the Red Cross (ICRC) captured data on separated children through its registration processes. Data-sharing agreements appeared to be working in Chad, where pooled information enables ICRC to coordinate with the World Food Programme (WFP) and others to provide services for separated and unaccompanied children. However, such mechanisms were reported to be ineffective in Darfur due to delays in sharing data and structural problems with the database.¹⁴

The AU's capacity to capture and analyse data was hampered by insufficient technology, underdeveloped intelligence teams, and the political manoeuvring of third parties during investigations. The information on child protection collected and analysed was generally not shared publicly. In the first several months of the mission, only four of 80 reports were released (O'Neill and Cassis, 2005).

UNMIS had two units collecting information relevant to child protection: UNMIS Human Rights and UNMIS Protection (with its subsection for child protection). The divide between human rights and protection in UNMIS reflects a wider debate regarding the definition of these two interconnected fields as separate entities,

which appears to have brought few benefits to reporting and monitoring of child protection issues which so clearly straddle the two (UN, 2005b). The former unit focused on documentation of individual cases for legal follow-up and redress while the latter received information for political advocacy and strategic planning for the prevention of future incidents.¹⁵ Potential for collaboration between these units was, at the time of our fieldwork, rarely exploited. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) led an effort to gather data into a centralised database that was no longer operational but was under discussion for revival by UNMIS during the period of field research.

While systems did not capture the breadth of information that is required, did not feed back effectively on what was captured, and demonstrated an overall lack of coordination, it is important to acknowledge (and then address) the very real operational challenges that led to this state of affairs. First, lack of coverage, due to a shortage of appropriately trained personnel and security considerations, results in little meaningful data collection beyond established IDP camps. Second, the mechanisms that are in place are largely insensitive to the special protection concerns of children, analysis of which requires specialist skills.¹⁶ Third, there was widespread fear that sharing information may lead to retribution against reporting agencies and/or the loss of confidentiality and subsequent risks to victims (UN OHCHR, 2005). Fourth, the partiality of those who collect information, due to political agendas or the confines of specific organisational mandates, skewed the type of data collected and shared. In consequence, information potentially crucial to programme planning and policy formation is held captive by one organisation from another.

All of the preceding analysis is based on consideration of institutions and procedures related to the continuing political conflict in Darfur. However, as suggested earlier, protection concerns related to the conflict are inextricably bound up in risks and vulnerabilities shaped by other forces, connected to the physical, economic and cultural environment of Darfur. Hence, the means of reporting and monitoring developed in response to the political conflict in Darfur are unlikely to address an appropriate range of child protection concerns.

Government data would, in such circumstances, be a potentially important source of information. However, across the Ministries of Education, Health, Justice, Labour and Social Welfare—in all three states—it is clear that routine data collection on issues related to general child protection is severely lacking. For programming purposes for all actors, the development of a more robust evidence-based mechanism for planning is essential. There seems considerable opportunity to learn from good practice in sectors such as nutrition, where effective and efficient systems of reporting and monitoring have been created—in partnership with relevant government actors—using survey and surveillance approaches to data collection.

Government commitment to fulfilling protection rights

The UN Commission of Inquiry found that '[g]overnment forces and militias conducted indiscriminate attacks, including the killing of civilians, torture, enforced

disappearances, destruction of villages, rape and other forms of sexual violence, pillage, and forced displacement, throughout Darfur. These acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity' (UN, 2005c, p. 3). Such complicity in grave human rights violations undermines any credible defence of the GoS commitment to protect Darfurian children. The government responded to the call for protection in Darfur by deploying thousands of new police officers (Amnesty International, 2004c). Yet the government's practice of integrating *Janjaweed* militia into official forces, including the Border Intelligence Guard, the PDFs, and the police, damages the credibility of stated commitments to protect civilians from armed groups (International Crisis Group, 2004; 2005).

Steps taken to investigate and redress earlier violations have, as a result, met with vehement scepticism. The GoS established a number of institutions, including the Special Criminal Court on the Events in Darfur (Government of Sudan, 2005), and dispatched additional police officers to Darfur (Amnesty International, 2004c). New criminal investigation teams with greater technical capacity and more judges have been deployed in all states of Darfur (UN OHCHR, 2005). The GoS set up (in 2004) judicial committees to investigate rape in the three states of Darfur (Human Rights Watch, 2004). In South Darfur, a State Committee on Combating Gender-Based Violence was created in March 2005. The Security Committee of North Darfur visited military commanders in El Fashir in May 2005 to inform them that soldiers were allegedly committing rape and that they would be prosecuted (UN OHCHR, 2005). In June 2005, a new Special National Criminal Court for Darfur came into being in El Fashir with the authority to hold hearings in other locations.¹⁷

But such developments have had minimal impact in terms of establishing any semblance of protection. The first case brought before the Special National Criminal Court charged two military men with the rape of a 16 year-old girl. The girl's lawyers were only informed of the hearing on the morning of proceedings and requested a 24-hour delay. The judge rejected their request, saying that as it is a special court, even five minutes' notice is enough (UN OHCHR, 2005). From June–December 2005, the Special National Criminal Court conducted six trials in which low-ranking members of the armed forces and civilians were charged with the following crimes: armed robbery, theft of livestock, possession of firearms without a licence, intentional wounding (one charge), murder (two charges), and rape (one charge) (International Criminal Court, 2005). At the time of our research, it had not tried any cases of war crimes and claimed to be hampered by the unknown identify of perpetrators despite the list of names compiled by human rights investigators (Human Rights Watch, 2005a). The judicial committees established in each state in 2004 to investigate allegations of rape were given the power to direct investigations, draft charges, file prosecutions, and supervise trials, but ended their work after only three weeks (UN OHCHR, 2005). Such events have eroded confidence in any serious commitment by central government to fulfil its obligations in this area.

By comparison, state-level engagement appears to be a more promising route to effect greater governmental commitment to fulfilling protection rights. UN agencies

and NGOs have been working with state officials to raise awareness of child protection issues among the judiciary, police, and Humanitarian Aid Commission (HAC). The response has been positive, especially in South Darfur where training activities have been more abundant. Actions have been largely limited to awareness-raising initiatives, but state officials are requesting assistance in reforming old and developing new mechanisms for protection and building capacity accordingly. The development of state-level constitutions—with the constitution for South Darfur including a specific commitment to treat children in accord with the principles of international law—underlines the opportunities at this level of government to support the creation of protective policies. Whether such developments have had any affect on local judicial processes, however, has not been determined.

Particular opportunities exist in the field of child labour and social welfare. But the Ministry of Labour does not view child labour issues as a priority at this time. Staff members report that it would be difficult for them to monitor harmful child labour practices on the streets and herding in rural areas.¹⁸ Discussions indicated that Ministry of Labour personnel were aware of a broad range of child labour-related issues—such as girls working as domestic servants, recruitment into the army or armed groups, and vulnerability to accidents in the field of agriculture—but considered addressing such risks to be beyond their capacity. Given the significant size of staff teams, and their high level of qualification, this appears to be a matter that can be dealt with through concerted organisational and institutional development. The state Ministries of Social and Cultural Welfare (MoSCW) have similar problems of underutilised capacity. They are well positioned to tackle social phenomena and practices relating to child protection, including abandoned babies, domestic violence, female circumcision, street children, and sexual exploitation. If the goal is to develop institutions to establish a basis for the long-term protection of children in Darfur, these two ministries must play pivotal roles.

Protective legislation and enforcement

There are three interrelated systems of justice in Darfur. In addition to the formal court system, there is the traditional system and the popular courts of the Native Administration. All three are grounded in *Sharia* and therefore share similar legal frameworks, including evidentiary requirements. Taken together, these systems exhibit a lack of procedural protections, an absence of multi-sectoral support services, and laws that negatively affect women and vulnerable children. They do not provide services for rehabilitation and reintegration as called for in the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and The Beijing Rules.¹⁹ Criminal responsibility is determined by puberty with a minimum age set at seven years, a position that has been criticised by the Committee on the Rights of the Child (2002). None of the systems has mechanisms to guarantee a child's right to legal counsel at all stages of the proceedings—a right recognised in the above international and regional conventions. Notwithstanding these weaknesses, from the perspective of protecting children in conflict through the

law, the existence of parallel legal systems has some potential benefits, particularly with regard to capacity for informal dispute resolution and diversion programmes (which provide sentencing alternatives).

For example, the majority of crimes committed by children may be handled outside of the formal court system. The Child Act of 2004 states that judges may 'refer the case involving a delinquent child to be decided outside the judicial system provided Court specifies the criteria and terms and conditions that shall be applied for such a decision'. In such circumstances, the use of the (largely defunct) traditional court system is one potential referral pathway. There are many advantages to the informal dispute resolution mechanisms available through such courts:

- lengthy trials are avoided;
- intervention without the police reduces stigma and precludes the detention of a defendant;
- decisions are potentially taken with the acceptance of the child and his/her family;
- measures do not include execution or imprisonment; and
- there is a focus on restorative justice, compensation to the victim, and community service that is not prescribed in the law (Ministry of Justice Sudan and United Nations Children's Fund, 2004).

The popular courts (also known as the people's courts city, county, town, rural, or just people's courts), part of the Native Administration established under Anglo-Egyptian colonial rule, provide another mechanism for judicial enforcement. Building on the centralised three-tiered civil administration constructed under Sultan Ali Dinar (1899–1916), the courts are led by village sheikhs who deal with 'minor criminal, civil and personal cases, in terms of customary law and general principles of justice' (Young, 2005, p. 28). The formal justice system relies on popular courts to ease its caseload. Popular courts are usually the first point of entry to the formal justice system. A legal adviser to the State Legislative Council of South Darfur noted that popular courts often offer better remedies, are more readily trusted by the community, enjoy a high rate of success in enforcing their judgments, and are utilised in rural areas where no other formal courts exist.²⁰ Most offences involving children fall under the jurisdiction of the popular courts. Although the Child Act of 2004 prescribes child courts that would try cases instead of the popular courts, most provisions of this piece of legislation have yet to be implemented. The above discussion focuses on the legal structures relevant for dealing with children in conflict with the law. But what about legal protections for other vulnerable children? Particular issues manifest with respect to the provision of services for abandoned or orphaned children. Adoption is neither prohibited nor approved in Islam but was banned by Islamic *Fuqahaa* (jurists) to protect inheritance rights and to preserve lineage purity (UNICEF Sudan, 2005d). *Sharia* encourages 'taking care of and *Kafala* of orphans'—*Kafala* is codified as a civil contract in the Civil Transaction Law of 1984, which regulates the financial nature of the contract, not the care given to the child. The Child Care Law of 1971 concentrates on institutional care for

children rather than substitute families (UNICEF Sudan, 2005d). The focus of the system on control and confinement—rather than the welfare—of the child is demonstrated most strikingly in the requirement to bring abandoned babies and the victims of sexual violence to the police station to open a case before seeking medical treatment.

Attitudes, traditions, customs, behaviour and practices

With the exception of the past few decades, modernity has had little influence on life in Darfur. Complex kinship, tribal and, at times, feudal relationships have maintained order and have assigned clear roles and responsibilities to all members of society. Of particular interest are the expectations made of children, and the features of community life that may protect them. Given the nearly 100 major tribes and sub-tribes in the Darfur region, and the differences between urban and rural societies, these expectations and features are not common to all Darfurian communities. However, there are many themes that community members identified as more universal than local.

For instance, there is a wide range of social customs, ranging from almsgiving to traditional conflict resolution procedures, which are potentially protective. Expectations, indeed obligations, of protecting one's kin—widely cited in the context of the current conflict—also point to social bonds that serve protective functions. The strong commitment to family is clearly a characteristic of potential security and stability for children. The widespread practice of informal 'adoption' of orphaned or separated children further endorses the strength of the kinship obligation to provide for children.

The conflict, though, has disrupted the capacity of communities to utilise fully the wide range of intricate social mechanisms that have previously maintained social cohesion within and between villages. Accordingly, it makes some sense to consider means of supporting or, where they have completely failed, re-establishing traditional mechanisms that have a protective value. The mechanisms of the traditional courts are one example. While this system has been eroding for decades, displacement due to the conflict has further disrupted traditional community structures and hierarchies of influence. Rebuilding community structures, whether pre-existing or new, is crucial given the important role that conflict resolution will play both within and between tribal groups in Darfur in coming years. Thus far, the new structures developing in IDP camps have not attained the same levels of trust and influence for reasons mentioned earlier.

Acknowledging the protective mechanisms within traditional Darfurian society and seeking to protect and promote these is likely to be a significant element of any sustainable programme championing child protection concerns. However, it is clear that there remain many other features of community life—shaped by the harsh physical and economic conditions of Darfur and by deeply engrained cultural attitudes and practices—that appear profoundly hostile to the welfare of children, at least as far as such welfare is currently understood within the international humanitarian

and child right communities. Two major issues underlie such hostility: the commoditisation of children as a source of labour; and the control of girls (and their sexuality) through marked gender disparity.

Although economic conditions and the threat to household livelihoods provide a clear current 'justification' for children's prominence within the labour market, other variables such as patterns of feudal subjugation tending towards slavery, the abduction of children to serve as forced labourers, the 'renting' of young children for seasonal herding migrations, and the assumption that children will engage in heavy physical labour from an early age, all point to a long history of children being considered a major labour resource (Save the Children UK, 2005a; 2005b; UNICEF and UNFPA, 2005). The physical and emotional maturity of children to conduct such work—still less their volition to enter into such duties—is rarely questioned. There are tacit assumptions that children are equipped and able to handle such responsibilities. If issues of child protection in general, and child labour in particular, are to be meaningfully addressed, a clear strategy for engaging with such assumptions about the nature of childhood is required.

A similar analysis applies to the subjugation of women, although international organisations working in Darfur appear to have a clearer view of the forces maintaining marked gender disparity, and strategies to tackle it. Nonetheless, the widespread practices of female genital cutting, early marriage, toleration of domestic abuse, and marginalisation of women from decision-making, *inter alia*, point again to the engrained nature of attitudes maintaining the vulnerability of women and girls. Men's fears of their own safety outside camps have fostered a reliance on the mobility of women and girls that extends such vulnerability. Strategies rather more sophisticated than 'awareness-raising'²¹ are likely to be necessary to tackle such strongly socially sanctioned patterns.

Open discussion and engagement with protection issues

Across Darfur, there is evidence of a wide range of stakeholder groups engaging with protection issues; but some issues are addressed far more readily than others. Child labour and street children appear the least sensitive topics and generate much debate. Discussion of separated children was challenging when the international community first brought up the issue with communities because local conceptions of what constitutes a 'separated child' differ from those of the international community.²² Female circumcision, domestic violence, and early marriage were seen as a fact of life in Darfur, but were not always perceived to be a child protection concern. With trusted representatives of international agencies, communities showed a willingness to discuss sensitive topics like conflict-related rape and child soldiers. Sexual violence and exploitation within the family or the community proved far more difficult to address.

The governments in all three Darfur states have openly discussed child labour, working and living on the streets, female circumcision, and early marriage as protection concerns for children. Ministries have begun to debate and analyse social

phenomena such as street children and abandoned babies from a child protection perspective rather than limiting the discourse to economics and security.²³ State judiciaries, police, and branches of the HAC have welcomed training of their staff in child rights by UN agencies and NGOs. The police in some areas have been particularly engaged with child protection matters, with senior officers in both South and West Darfur expressing interest in working collaboratively with social workers who specialise in child psychology to add protection for children to the justice system.

Governments at both the state and national level have been less open to discussing issues of rape and child soldiers due to the political implications of acknowledging such child protection concerns. Whenever the matter of sexual and gender-based violence (SGBV) was raised, state officials tended to emphasise rape within communities, suggesting that sexual assault and exploitation by family members, neighbours, and employers—rather than the actions of armed men involved in the conflict—lay behind most incidents.²⁴ Only one state ministry signalled any willingness to tackle the issue of child soldiers (acknowledging that it was a phenomenon among all parties to the conflict).²⁵

The GoS's record of threatening to expel aid organisations that openly address politically sensitive child protection concerns, in addition to the arrest of at least one head of an agency for publishing a report on rape, has clearly muted the international community. Several reports and assessments by NGOs have not been released due to fear of reprisal by the GoS. This fear underscores the need for agencies within the UN system to take the lead on protection issues and to engage the GoS in dialogue (IASC, 2005).

Some SLA-controlled communities have engaged with the international community in discussions on child protection (including separated children, early marriage, and SGBV). Their willingness to address openly the matter of children associated with armed groups raised awareness among SLA forces in East Jebel Marra, who in 2005 released all children under 19 years of age in their camps. A subsequent policy decision within the SLA reportedly prohibited children under 18 from being associated with its armed units, although this had not been fully implemented in North or West Darfur at the time of our research.²⁶

Children's life skills, knowledge and participation

Children equipped with skills and knowledge and actively engaged in the life of their community potentially contribute to the establishment of a protective environment. Access to education provides protection. The rise in school enrolments during the current crisis (although substantially a result of the increased physical concentration of populations) is thus a welcome development, addressing long-term grievances regarding schooling (El-Tom, 2003). By late 2005 primary enrolment in North Darfur had risen to around 55 per cent, although in West and South Darfur it remained below 40 per cent (at 36.4 and 38.1 per cent, respectively) (UNICEF Sudan, 2005e). Fees levied by teachers and/or school committees, the distance to school,

lack of schools and teachers, time spent engaged in income-generating activities or other household responsibilities, and, in some settings, nomadic migratory patterns, remain significant obstacles to greater school attendance.

While there is widespread recognition that education is important for the future of children and their families, short-term economic survival is cited frequently as a competing priority. A 2004 survey in rural El Fashir noted that some six out of nine households reported withdrawing children from school because they could no longer afford the school fees or because they needed children to participate in income-generating activities during the day (Save the Children, 2004). Children from female-headed households or from households where a grandparent or older sibling are the primary caregiver are most likely to have education disrupted in this way (UNICEF Sudan, 2005b).

The economic significance of children is not generally reflected in their role in community affairs. Children as young as eight are working and raising younger children but they are still clearly viewed as children, with little in the way of rights and privileges. In this context, one of the major potential contributions of the CFSs developed by a number of agencies—in addition to providing a safe environment—is exposure to activities that promote choice and autonomy among children. Although seen as a '*hawaja* curriculum' (that is, Western agenda) by some sheikhs, others recognise the value of fostering confidence in young children. In this regard, evaluations that show the persistence of a teacher-oriented approach to decision-making across a number of CFSs are disappointing, and confirm the need for sustained efforts to maintain the quality of programming in such facilities (UNICEF Sudan, 2005f).

In the village context, older children play a major part in organising community events such as weddings, horse or camel races, picnics, and celebrations for Eid. Some villages have meeting places for youth to gather with their peers and to listen to the radio or play football and traditional games, although displaced youth generally do not have the same opportunities in IDP camps (War Child, 2005). Camp managers observed that youth are excluded from conversations about traditional issues and customs, such as gender roles, but may add their opinion to discussions of community development, such as standards of living, income generation, and community activities.²⁷

Youth in IDP camps and host communities have been actively engaged in the political discourse on the current conflict and have strong feelings about what has happened to their communities and what lies ahead. Such participation is broadly to be welcomed, although there is some concern that all sides of the conflict are politically manipulating children in schools, towns and IDP camps. In December 2005 and January 2006, children made political statements during public demonstrations in Nyala and El Geneina. During the protest in El Geneina, a child was shot and killed.²⁸

The capacity to protect among those around children

There is widespread evidence of weakening capacity to provide protection among those around children. Parents frequently expressed frustration that the conflict has

undermined their capacity to protect their children. The majority of families, displaced and non-displaced, are feeling the stress of the economic collapse. Those who have been displaced are in a weaker position to provide for their children and may be too overburdened to offer adequate emotional support to their children (War Child, 2005). Mothers lamented the consequences of their spending the day engaged in labour activities rather than caring for their children. Forced migration and economic pressures have led to women assuming work roles that involve their separation from children over significantly greater distances and time periods than is culturally normative.²⁹ The stress on families is exacerbated by the collapse of traditional livelihood strategies, ranging from subsistence farming, collection of wild foods, seasonal economic migration, and raising livestock (Tanner, 2005). The latter has enabled families to access a ready source of animal products as well as an income by selling one or more animals in the event of crop failure (HelpAge International and UNICEF, 2005). The attacks on villages and the ongoing insecurity have strained, and in some areas completely destroyed, such strategies.

The capacity of sheikhs to protect members of their communities has clearly been undermined by conflict and displacement, and the changes in power structures stemming from both. Despite some initiatives to negotiate cessations of military action,³⁰ many communities expressed a loss of faith in their sheikhs' abilities to secure protection³¹ (War Child, 2005). When the sheikhs request action or increased aid from the international community and the NGOs or UN do not meet the request, it is often the sheikhs who bear the brunt of the community's disappointment.

Other key community resources also fail to fulfil protective functions. The use of corporal punishment in schools undermines teachers' potential protective role and the place of schools as a safe space for children. Health facilities, similarly, do not consistently represent a protective space for children. Reports document cases where police have forcibly removed rape survivors from clinics where they were receiving treatment and taken them to the police station (UN Security Council, 2005). Health-care workers have also been harassed for treating survivors of rape (UN OHCHR, 2005).

In such circumstances, the presence of the international community 'on the ground', as well as the services it provides, clearly serves a major potential protective function. The UN's main protection strategy is 'protection by presence', but that presence remains extremely limited (International Crisis Group, 2005).

Very few UN agencies have a presence outside state capitals.³² NGOs that work in rural areas are often isolated and have no partners to whom they can refer cases that need specialised care.³³ There is no explicit strategy for providing protection in areas where the UN does not have a consistent presence.³⁴ Humanitarian organisations have stated a reluctance to 'delve too deep into [child] protection concerns because they do not have the capacity or ability to actually follow-up on serious concerns' (UNICEF Sudan, 2005g, p. 4).

The mandate—and constrained numerical presence—of the AU has limited its capacity to provide significant protection. The AU has not had enough manpower

to isolate the flow in and out of camps. For example, at the time of our fieldwork, in Sector Six, there were only 10 AU troops available daily for each camp.³⁵ It was suggested that at least three times the number is needed to secure the IDP camps. The priorities for the AU through 2006 were to increase the number of 24-hour patrols and the frequency of firewood patrols³⁶—patrols inside camps were generally not favoured because of concern that the presence of armed men has negative psychological effects on camp residents (Refugees International, 2005). During patrols, AU vehicles, usually unprotected flatbed trucks, circle designated areas outside the IDP camps and towns to monitor armed or otherwise threatening activity. Firewood patrols accompany women and children who collect firewood several kilometres beyond the outskirts of IDP camps or towns. However, there was a lack of uniform procedure regarding coverage or frequency of patrols. In some settings patrols were not given a high priority by officers, in others they were withdrawn because personnel did not feel adequately protected. The subsequent case for a strengthened, joint AU–UN force acknowledges the potential strategic protective function of such personnel, and the inadequacy of the pre-existing deployment to provide sufficient presence and capability to provide real protection (O’Neil and Cassis, 2005; International Crisis Group, 2006).

Services for recovery and reintegration

The final element of the protective environment considers services targeted at those who have experienced protection violations or concerns. While other elements are focused firmly on prevention, this element considers what resources are available to support children when such preventive actions have failed to protect them. Government services are key in this area, although with the limited commitment and capacity of the state—and competing priorities for resources—the burden of supplying the majority of such services falls on non-governmental actors, mostly from the international humanitarian community.

There is a lack of services for particularly vulnerable children of all ages. Two centres for street children, a Spanish Red Cross centre in Nyala and an International Rescue Committee (IRC) centre in El Fashir, provided education, hygiene lessons and resources, meals and recreation. Only one programme, in Nyala, offered care for abandoned babies and arranged alternative family placements. There were few services focused on returns of children associated with fighting forces and there were no reconciliation services for communities to restore peace with a view towards return in Darfur. The only activities regarding children associated with fighting forces were trainings and discussions with leaders in the national and state government and the SLA to raise awareness of the illegal nature and negative social consequences of using child soldiers.

Service provision in the areas of psychosocial programming, GBV, and tracing and reunification are more established. Psychosocial support is a primary programming area for many agencies. There has been some resistance to programmes in this area when communities’ concerns have been focused more clearly on basic needs (that

is, food and water).³⁷ Programmes have been most effective when communities were consulted and awareness of psychosocial programming goals was raised prior to the commencement of interventions. The most commonly replicated intervention in the sector is the CFS, which has supplied a scalable model for bolstering the protective environment for children across all three states. The main benefit of CFSs, as noted by NGO staff, is the provision of a safe context for child supervision while mothers are engaged in labour activities.³⁸ Focus group discussions with women in North and South Darfur confirmed this benefit as a priority for women. The CFSs also establish a routine that should facilitate transition into primary school.³⁹

Services related to GBV require discrete delivery in order to protect those who access them, given the social stigma and political reprisals connected with such services. One NGO working in the GBV sector reported its first priority to be increasing access to psychological support and medical treatment for survivors, and its second priority to be modifying existing social attitudes and practices.⁴⁰ The international community partially succeeded in expanding access to medical care by working with the GoS to amend access and reporting requirements. There has been less success with psychological services. Few professional counselling services exist in Darfur and none exists outside the three state capitals. It is neither best psychological practice nor economically feasible to transport survivors from their home communities to the capitals for rehabilitation. No support programmes are purposely designed for child survivors of GBV. This is due in part to the low number of organisations targeting children specifically and in part to problems with accessing this population. Referral pathways to services also lack coordination.

While tracing services are offered to separated children, virtually no support is given during the tracing process. The ICRC and the Sudanese Red Crescent conduct registration and tracing of separated children in Darfur. The ICRC will register and trace any separated child. Given the Darfurian custom of children living with extended family members rather than their primary caregivers, the ICRC only initiates reunification for the vulnerable, that is, the unaccompanied, and those at risk through abuse, neglect or poverty. There have been a ‘low number’ of family reunifications—exact figures are not available.⁴¹ Communities ask the ICRC for assistance with transportation for reunification and with sending messages. Tracing activities in Darfur have been largely reduced to a system of letter exchange; 60,000 messages were transmitted in 2005.⁴² No comprehensive programme for separated children exists to provide foster care or alternative caregivers.⁴³

Conclusion

The above review suggests that the concept of the ‘protective environment’ can be a useful structure for situational analysis of child protection issues in settings of humanitarian concern. Three major benefits of this structure are apparent. First, the elements of the framework encourage a breadth of analysis that ensures that legal, political, psychological and socio-cultural aspects of protection are considered in an

integrated manner. Second, by focusing on conditions that promote protection, the framework encourages analysis that identifies potential actions for humanitarian agencies, governments and other actors not only relevant to a current emergency setting but also as foundations for longer-term agendas of reconstruction and development. Third, the framework fosters a systemic approach to analysis, which pinpoints overlapping sources of vulnerability and risk due to the absence of protective influences, rather than considering child protection as a field understood with respect to the circumstances of discrete 'vulnerable groups' of children. This also promises a more strategic basis for interventions aimed at promoting child well-being. Given these benefits, and the disbenefits noted earlier of pre-existing ad hoc approaches to assessment, we commend further exploration of the framework as a foundation for a consistent approach by UN agencies and their partners to child protection situation analyses.

Drawbacks to the use of the framework in emergency settings need, however, to be acknowledged. For instance, the framework makes government responsibility for child protection a central assumption. This may be formally appropriate and, in many contexts useful, but in some environments mobilising the protective influence of humanitarian actors may be the most pressing priority. Furthermore, in defining a very wide range of potential actions, the framework does little in its current form to assist prioritisation. The development of defined 'protection standards' for each element of the framework—with respect to which current circumstances may be compared—may be a means to address this issue (UNICEF, 2007). Critically, such protection standards would provide strategic orientation relevant across the differing contexts of assessing preparedness, emergency protection needs, and post-conflict recovery and development.

In this instance, nonetheless, the framework has served to highlight the lack of many protections in the lives of children in Darfur. With respect to each element of the framework, there are clear weaknesses, all of which signal potential foci of action. However, our analysis suggests three areas where actions are foundational for progress. The lack of coordinated and reliable data collection critically hampered our analysis. Without addressing this issue, humanitarian action in support of children's protection will continue to be planned in a manner that is critically ignorant of scale, circumstance and effectiveness of response. The solution must include a commitment to the collection of population-based measures of *incidence* of protection needs, as well as continuation of the procurement of individual *incident* reports as a basis for documenting human rights violations (UNICEF, 2006b). Although there are substantive problems with the collection and sharing of relevant data in the current context of Darfur, these appear surmountable if tackled with suitable commitment. In this regard, the deployment of additional child protection officers in each state by UNMIS and UNICEF subsequent to Security Council Resolution 1612—and the negotiation of shared protocols for their reporting—is a major and welcome development.⁴⁴

In addition, diplomatic and political pressure to encourage genuine commitment by the GoS (and relevant rebel groups) to secure child protection rights is—in the

current political reality of Darfur—a crucial prerequisite to strengthening protection resources. Engagement of state-level ministries such as the Ministry of Labour and the MoSCW is vital if the goal is to establish a basis for the long-term protection of children in Darfur. In this respect, the ‘three state’ conference of 6–7 June 2006 that brought together (national and state) governmental actors and relevant humanitarian agencies to address the protection of children was a welcome development (UNICEF Sudan, 2006b), although subsequent progress (as with wider peace process negotiations) has been disappointing.

Finally, analysis suggests the potential protective role of local, traditional structures and procedures for conflict resolution within and across communities. Restoration of such institutions is seen in recent analyses (de Waal, 2007; Abdul-Jalil, Mohammed and Yousuf, 2007; Young et al., 2007) as a key component of efforts to establish a sustainable peace in Darfur. Our own work suggests that strategic support of institutions that can provide alternatives to a formal legal or military resolution of conflict may also contribute significantly to a more protective environment for children.

Acknowledgements

The authors wish to thank all staff of UNICEF Sudan, UNICEF Regional Office Jordan, and UNICEF New York, as well as all governmental and agency workers in Khartoum and Darfur, whose support and cooperation made completion of this work possible. Thanks too go to those who served as local consultants and translators, particularly Suliama Sharief, who supported several weeks of fieldwork in Darfur. The Program on Forced Migration and Health acknowledges the financial support of the United States Agency for International Development (USAID), the Oak Foundation and the United States Institute for Peace for its work on child protection. Statements made in this paper are the views of the authors alone, and do not constitute the policy of UNICEF or any other of the institutions or agencies mentioned above.

Correspondence

Alastair Ager, Program on Forced Migration and Health, Mailman School of Public Health, 60 Haven Avenue, New York, NY 10032, United States.
E-mail: aa2468@columbia.edu.

Endnotes

¹ Evidenced by drawings collected by non-governmental organisations (NGOs) and United Nations Children’s Fund (UNICEF) Child Protection Officers in multiple locations across the three states of Darfur. An interview with NGO staff in Zalingei on 31 January 2006 revealed that children were still producing drawings of such attacks.

- ² For reasons of confidentiality and security, quotations in the text are appropriately anonymised.
- ³ Interviews with community leaders, teachers and animators in Fata Borno, 29 November 2005; interview with African Union in Kutum, 30 November 2005; and interview with NGO staff in Kutum, 30 November 2005.
- ⁴ Focus group discussion with women in North Darfur, 7 December 2005.
- ⁵ Focus group discussion with sheiks in Fata Borno IDP camp, 29 November 2005.
- ⁶ Focus group discussion with boys and girls in the eighth grade in Jebal Marra, 3 January 2006.
- ⁷ Interviews with women and children in North and South Darfur; interviews with government officials in South Darfur; field notes from the United Nations Mission in Sudan (UNMIS); assessments from NGOs in North, South and West Darfur; and interviews with the African Union.
- ⁸ Interview with a community leader in Jebel Marra, 4 January 2006.
- ⁹ Interview with NGO staff at the Child Protection Working Group in El Fashir, 10 December 2005; interview with officials from the Ministry of Social and Cultural Welfare (MoSCW), 11 December 2005; and Interview with staff at Um-Elikram in Nyala, 29 December 2005.
- ¹⁰ We recognise, and commend, the significant changes in UN monitoring and reporting practice that have occurred since the completion of the fieldwork on which this paper is based, particularly in response to UN Security Council Resolution 1612 of 26 July 2005.
- ¹¹ Interview with United Nations High Commissioner for Refugees (UNHCR) staff, 14 December 2005.
- ¹² Interview with NGO staff in El Geneina, 25 January 2006.
- ¹³ Interview with UNHCR staff, 14 December 2005.
- ¹⁴ Interview with ICRC staff, 5 February 2006.
- ¹⁵ Interview with Director of Protection of Civilians, UNMIS, 13 December 2005.
- ¹⁶ Interview with UNMIS Human Rights Officer in Khartoum, 14 December 2005.
- ¹⁷ UN Security Council document S/2005/403 (18 June 2005) contains the Letter from the Permanent Mission of the Sudan to the United Nations to the President of the Security Council with a letter from the Chief Justice of Sudan and the decrees establishing the Special Criminal Court on the Events in Darfur affixed. Special Criminal Courts in El Geneina and Nyala were authorised by decrees on 16 November 2005.
- ¹⁸ Interview with official from the Ministry of Labour in EL Fashir, 10 December 2005.
- ¹⁹ Article 40 of the Convention on the Rights of the Child, which was adopted by the UN General Assembly in Resolution 44/25 on 20 November 1989, and which entered into force on 2 September 1990; Article 17 of the African Charter on the Rights and Welfare of the Child, which was adopted in Organisation of African Unity (OAU) Document CAB/LEG/24.9/49 (1990), and which entered into force on 29 November 1999; and Rule 29.1 of the UN Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules'), which was adopted by the UN General Assembly in Resolution 40/33 on 29 November 1985.
- ²⁰ Interview, Nyala, 6 December 2005.
- ²¹ Interview with NGO staff in Nyala, 6 December 2005.
- ²² Interviews with ICRC staff, 19 and 24 January and 5 February 2006; and meeting with UNICEF Child Protection Unit, 24 November 2005.
- ²³ Interview with officials in the MoSCW in Nyala, 5 December 2005; interview with senior officer from the GoS police in Nyala, 5 December 2005; interview with a legal adviser for the state in Nyala, 6 December 2005; interview with an official from the Ministry of Labour in EL Fashir, 10 December 2005; interview with officials in the MoSCW in El Fashir, 11 December 2005; interview with officials in the MoSCW in El Geneina, 23 January 2006; and interview with a police official in El Geneina, 24 January 2006.
- ²⁴ Interview with a general from the GoS police in Nyala, 5 December 2005; Interview with the head of the judiciary in Nyala, 6 December 2005; interview with officials in the MoSCW in El Fashir, 11 December 2005; and Interview with a legal adviser for the state in Nyala, 6 December 2005.

- ²⁵ Interview with officials in the MoSCW in Nyala, 5 December 2005.
- ²⁶ Interview with an SLA leader, 4 January 2006.
- ²⁷ Interview with Enfants Du Monde at the Abu Shouk IDP camp, 27 November 2005.
- ²⁸ Interview with UNHCR staff in El Geneina, 25 January 2006.
- ²⁹ Focus group discussion with women in Kebkabiya, 23 December 2005; focus group discussion with female IDPs in the El Ferdous camp, 6 January 2006; focus group discussion with the community in Nymeri, 14 January 2006.
- ³⁰ Focus group discussion with sheikhs in the Fata Borno IDP camp, 29 November 2005.
- ³¹ Focus group discussion with women and adolescent girls in the Abu Shouk IDP camp, 9 December 2005; and focus group discussion with IDP women from Gallab, 21 December 2005.
- ³² Interview with UNHCR staff, 14 December 2005, referring to OCHA's 3Ws list ('Who does What Where?').
- ³³ Interview with NGO staff in El Geneina, 24 January 2006.
- ³⁴ Anonymous UN source, 8 February 2006.
- ³⁵ Interview with the African Union in Kutum, 30 November 2005.
- ³⁶ Interview with the African Union in Zalingei, 26 January 2006.
- ³⁷ Interview with NGO field officers in Nyala, 4 December 2005.
- ³⁸ Interview with NGO staff in El Geneina, 25 January 2006.
- ³⁹ Interview with an SLA leader, 4 January 2006.
- ⁴⁰ Interview with NGO staff in El Geneina, 25 January 2006.
- ⁴¹ Interviews with ICRC staff, 19 and 24 January 2006.
- ⁴² Interview with ICRC staff, 24 January 2006.
- ⁴³ Child Protection Working Group, El Fashir, 10 December 2005.
- ⁴⁴ In response to UN Security Council Resolution 1612 (26 July 2005), UNICEF hired five additional staff to create a database, to develop procedures to facilitate information flows from the field to the database and back to the field, and to train community members, NGO partners and UN staff in how to collect and share relevant information. While UNICEF is specifically responsible for only one of the five grave violations covered by 1612 (child recruitment), the database and procedures for information collection and sharing are developed to work with all child rights violations. The network of information gathering and sharing appears from recent reports to be functioning well. This includes areas where UNICEF and UNMIS child protection officers are working together—and jointly forming relationships with military officials—on the issue of child recruitment.

References

- Abdul-Jalil, M., A.A. Mohammed and A. Yousuf (2007) 'Native administration and local governance in Darfur: past and future'. In A. de Waal (ed.) *War in Darfur and the Search for Peace*. Harvard University Press, Cambridge, MA. pp. 39–67.
- Amnesty International (2004a) *Sudan: Darfur: Too Many People Killed For No Reason*. AFR 54/008/2004. 3 February. <http://www.amnesty.org/en/library/asset/AFR54/008/2004/en/dom-AFR540082004en.pdf>.
- Amnesty International (2004b) *Sudan: Darfur: Rape as a Weapon of War: Sexual Violence and Its Consequences*. AFR 54/076/2004. 19 July. <http://www.amnesty.org/en/library/asset/AFR54/076/2004/en/dom-AFR540762004en.pdf>.
- Amnesty International (2004c) *Sudan: Darfur: What Hope for the Future? Civilians in Urgent Need of Protection*. AFR 54/164/2004. 16 December. <http://www.amnesty.org/en/library/asset/AFR54/164/2004/en/dom-AFR541642004en.pdf>.

- Committee on the Rights of the Child (2002) 'Thirty-First Session: Consideration of Reports Submitted by States Parties under Article 44 of the Convention'. CRC/C/15/Add.190. 9 October.
- de Waal, A (ed.) (2007) *War in Darfur and the Search for Peace*. Harvard University Press, Cambridge, MA.
- DPA Monitor (2006) *Monthly Report on the Implementation of the Darfur Peace Agreement*. November. <http://www.unmis.org/english/documents/DPAmonitor/DPAmonitor-Issue06.pdf>.
- El-Tom, A. (2003) 'The Black Book of Sudan: Imbalance of Power and Wealth in Sudan'. *Journal of African National Affairs*. 1(2). pp. 25–35.
- Flint, J. and A. de Waal (2006) *Darfur: A Short History of a Long War*. Zed Books, London.
- Government of Sudan (2005) *Decree Establishing the Special Criminal Court on the Events in Darfur. Enacted by the Chief Justice, Jalal el-Din Mohammed Osman on 7 June 2005*.
- HelpAge International and UNICEF (2005) *Situation Analysis Report: West Darfur, Sudan*. April. HelpAge International and UNICEF, Khartoum.
- Human Rights Watch (2004) *"If We Return, We Will Be Killed": Consolidation of Ethnic Cleansing in Darfur, Sudan*. Backgrounder. Human Rights Watch, New York. November. <http://www.hrw.org/backgrounder/africa/darfur1104/>.
- Human Rights Watch (2005a) *Entrenching Impunity: Government Responsibility for International Crimes in Darfur*. Vol. 17, No. 17(a). Human Rights Watch, New York, NY. December. <http://www.hrw.org/reports/2005/darfur1205/>.
- Human Rights Watch (2005b) *Sexual Violence and Its Consequences among Displaced Persons in Darfur and Chad*. Backgrounder. Human Rights Watch, New York, NY. April. <http://www.hrw.org/backgrounder/africa/darfuro505/>.
- IASC (Inter-Agency Standing Committee) (2005) *Inter-Agency Evaluation of the Humanitarian Response to the Darfur Crisis - Observations and Recommendations Following Second Visit: 9 January to 10 February 2005*. Inter-Agency Standing Committee and United Nations, Geneva and New York, NY. <http://www.reliefweb.int/library/documents/2005/ocha-sudan-03mar.pdf>.
- International Criminal Court (2005) *Second Report of the Prosecutor of the International Criminal Court, Mr. Luis Moreno Ocampo, to the Security Council Pursuant to UNSC 1593 (2005)*. 13 December. http://www.icc-cpi.int/library/organs/otp/LMO_UNSC_ReportB_En.pdf.
- International Crisis Group (2004) *Sudan: Now or Never in Darfur*. Africa Report No. 80. 23 May. International Crisis Group, Brussels. <http://www.crisisgroup.org/home/index.cfm?id=2765>.
- International Crisis Group (2005) *Darfur: the Failure to Protect*. Africa Report No. 89. 8 March. International Crisis Group, Brussels. <http://www.crisisgroup.org/home/index.cfm?id=3314>.
- International Crisis Group (2006) *Getting the UN into Darfur*. Africa Briefing No. 43. 12 October. pp. 10–11. http://www.crisisgroup.org/library/documents/africa/horn_of_africa/bo43_getting_the_un_into_darfur.pdf.
- Langren, K. (2005) 'The Protective Environment: Development Support for Child Protection'. *Human Rights Quarterly*. 27(1). pp. 214–248.
- Ministry of Justice Sudan and United Nations Children's Fund (2004) *Report on Juvenile Justice in Sudan*. October. Ministry of Justice Sudan and United Nations Children's Fund, Khartoum.
- O'Neill, W.G. and V. Cassis (2005) *Protecting Two Million Internally Displaced: The Success and Shortcomings of the African Union in Darfur*. Brookings Institution, Washington, DC.
- Physicians for Human Rights (and Jennifer Leaning) (2004) 'Diagnosing Genocide – The Case of Darfur'. *New England Journal of Medicine*. 351(8). pp. 735–738. <http://content.nejm.org/cgi/content/short/351/8/735>.
- PFMH (Program on Forced Migration and Health) (2008) *The Care and Protection of Children in Crisis Settings*. PFMH, Columbia University, New York, NY. <http://www.forcedmigration.columbia.edu>.
- Prunier, G. (2005) *Darfur: The Ambiguous Genocide*. Cornell University Press, Ithaca, NY.
- Refugees International (2005) *No Power to Protect: The African Union Mission in Sudan*. November. Refugees International, Washington, DC.

- Save the Children UK (2004) *Report on Rapid Needs Assessment of Rural El Fashir*. December. Save the Children Sudan, Khartoum.
- Save the Children UK (2005a) *Child Labour in Bahr el Ghazal and South Darfur*. April. Save the Children Sudan, Khartoum.
- Save the Children UK (2005b) *Child Focused Livelihood Assessment in Urban El-Fashir*. June. Save the Children Sudan, Khartoum.
- Tanner, V. (2005) *Rule of Lawlessness: Roots and Repercussions of the Darfur Crisis*. Inter-Agency Paper. January. Sudan Advocacy Coalition. <http://www.sudanarchive.net/cgi-bin/sudan?a=pdf&d=Dunepd257.1&dI=1>.
- UN (United Nations) (2005a) 'International Community Must Immediately Find Way to Halt Killing in Darfur, Sudan, Secretary-General Tells Security Council'. Press Release. SG/SM/9722. 16 February. <http://www.un.org/News/Press/docs/2005/sgsm9722.doc.htm>.
- UN (2005b) *Inter-Agency Evaluation of the Humanitarian Response to the Darfur Crisis: Observations and Recommendations Following Third Visit*. July. UN, New York, NY.
- UN (2005c) *Report to the United Nations Secretary-General*. January. International Commission of Inquiry on Darfur, UN, New York, NY.
- UN (2006) *Darfur Humanitarian Profile No. 25*. October. Office of the UN Deputy Special Representative of the UN Secretary-General for Sudan/UN Resident and Humanitarian Co-ordinator. <http://www.unsudanig.org/docs/Darfur%20Humanitarian%20Profile%2025%20Narrative%201%20October%202006.pdf>.
- UNICEF (United Nations Children's Fund) (2006a) *UNICEF: The Protective Environment*. UNICEF, New York, NY. http://www.unicef.org/protection/index_action.html.
- UNICEF (2006b) *Improving Child Protection Data Collection In Complex Emergencies*. Inter-Agency Work Planning Consultations on Child Protection in Emergencies, Geneva, 13–14 December.
- UNICEF (2007) *Using the Framework of the 'Protective Environment' to Promote Systemic Protection Responses for Children in Wars, Natural Disasters and Mass Population Movements*. Technical paper prepared by the Program on Forced Migration and Health, Columbia University, October. UNICEF, New York, NY.
- UNICEF Sudan (2005a) *Child Protection Assessment: Nertiti, West Darfur*. November. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2005b) *Children Associated with Armed Forces and Groups in the Darfur Region of Sudan: Preliminary Analysis with a Special Focus on Protection Issues for Adolescents*. April. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2005c) *Child Protection Assessment: Zam Zam, North Darfur*. 11 September. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2005d) *Protecting Children Against Violence, Exploitation, Abuse and Deprivation of Family Environment in Sudanese Legislations (Draft)*. May. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2005e) *Annual Report*. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2005f) *Improving the Quality of Children's Spaces and Youth Participation in Darfur: Recommendations from the First Assessment of Psychosocial Support Arrangements Supported by UNICEF in Darfur*. March. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2005g) *Trip Report in Zalingei and Garsila, West Darfur*. August.
- UNICEF Sudan (2006a) *Situation analysis of child protection in Darfur*. UNICEF Sudan, Khartoum.
- UNICEF Sudan (2006b) *UNICEF Khartoum/Amman, 'Commitment to Protecting the Children of Darfur'*. Press Release. 12 June.
- UNICEF and UNFPA (United Nations Population Fund) (2005) *The Effects of Conflict on Health and Well-Being of Women and Girls in Darfur*. UNICEF and UNFPA, New York, NY.
- UNMIS (United Nations Mission in Sudan) (2005) *SRSG Report for September 2005*. UNMIS, Khartoum.
- UNMIS (2006a) *Darfur Humanitarian Profile*. No. 25. 1 October.

- UNMIS (2006b) *The Darfur Peace Agreement*. http://www.unmis.org/english/2006Docs/DPA_ABUJA-5-05-06-withSignatures.pdf.
- UN OHCHR (UN Office of the High Commissioner for Human Rights) (2005) *Access to Justice for Victims of Sexual Violence, Report of the United Nations High Commissioner for Human Rights*. 29 July. <http://www.unhcr.org/refworld/docid/46cc4a65o.html>.
- UN Security Council (2005) *Monthly Report of the Secretary-General on Darfur*. S/2005/240. 12 April. <http://www.issafrica.org/AF/profiles/sudan/darfur/unrep120405.pdf>.
- War Child (2005) *Assessment Report: Youth Based Programs, Geneina, West Darfur*. February. War Child Holland, Amsterdam, and War Child Canada, Toronto.
- Young, H. (2005). *Darfur – Livelihoods Under Siege*. June. Feinstein International Famine Center, Medford, MA.
- Young, H. et al. (2007) *Sharpening the Strategic Focus of Livelihoods Programming in the Darfur Region*. September. Feinstein International Famine Center, Medford, MA.