

Consultancy: Africa Technical Workshop on the Effectiveness of the Accountability Mechanisms in Accessing Justice for Children in Armed Conflict.

Background

Save the Children is the leading global independent organisation for children committed to ensuring a world in which every child attains the right to survival, protection, development, and participation. Save the Children works to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives. Around the world, we work every day to give children a healthy start in life, the opportunity to learn, and protection from harm.

When crisis strikes, and children are most vulnerable, we are always among the first to respond and the last to leave. We ensure children's unique needs are met and their voices are heard. We deliver lasting results for millions of children, including those hardest to reach. We do whatever it takes for children – every day and in times of crisis – to transform their lives and the future we share.

The Regional Programming Unit (RPU) works to ensure regional accountability for child rights, with the aim that children in the East and Southern African Region (ESAR) are safe and protected. RPU is uniquely positioned to interface the work of actors at the regional, continental, and national levels.

Introduction

In 2019, Save the Children launched the 'Stop the War on Children' campaign to reassert the norms, standards, policies, practices, and rules relating to protecting Children Affected by Armed Conflict (CAAC). This campaign has shaped the organization's work on the subject around three pillars:

- 1) Upholding standards and norms for the protection of CAAC;
- 2) Holding perpetrators of violations and crimes to account; and
- 3) Taking practical action to protect conflict-affected children and enable their recovery.

With funding from the Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) through the Enhanced Response Capacity and the Swedish Government, Save the Children is implementing programs aimed at enhancing the protection of the rights and welfare of children in situations of armed conflict in Sub-Saharan Africa through coordinated approaches to strengthen judicial and non-judicial accountability mechanisms for children affected by armed conflict and to provide them with greater access to justice. These programs are designed to realize the ambition of the second pillar, holding perpetrators of violations and crimes to account.

Context

Children are among the principal victims of violations of international human rights law and international humanitarian law, including those amounting to core international crimes under international law such as inter alia, war crimes, crimes against humanity, and genocide. They also

constitute half of the world's forcibly displaced population. The harm inflicted on children in war and other situations of mass violence is egregious.¹ Children suffer in conflict in different ways than adults. Many are subjected to abductions, recruitment by armed forces and armed groups, killing, maiming, denial of humanitarian assistance, sexual violence against children, attacks against schools and hospitals, and other numerous forms of child exploitation. Their physical, mental, and psychosocial development is directly shaped by the conditions they experience as children.

Today, 230 million children worldwide live in high-intensity conflict zones, and 152 million African children – one in four – live in a conflict zone, this accounts for one-fifth of the world's children who live in conflict zones in Africa.² The Office of the Special Representative of the Secretary-General on Children and Armed Conflict is mandated to, *inter alia*, raise awareness and promote the collection of information about the plight of children affected by armed conflict. This has been demonstrated through the publication of an annual report comprising verified information detailing the prevalence of grave violations committed against children in situations of armed conflict. While the intention has been to foster international cooperation to improve the protection of children affected by armed conflict, the reality is that parties to conflict continue to disregard international rules and basic standards of conduct to protect civilians, disproportionately aggravating the lives of children. For instance, in 2022, the United Nations verified 27,180 grave violations, increasing from 23,982 verified in 2021.³ More than one-third of all conflicts involve sexual violence against children. The monitoring and verification of grave violations remained extremely challenging due to access constraints, leading to the underreporting of violations and increased violations verified in 2022⁴.

Despite the existence of a legal and normative framework governing child rights, particularly in conflict situations, it is evident that there is a significant gap between policy and actual implementation. Violations of international human rights and humanitarian law (IHL), international refugee law (IRL), and international criminal law (ICL) affecting children persist, mainly as a result of a crisis of compliance. Instances of impunity persist, while accountability for the violations and crimes affecting children in conflict is not considered a serious issue by states.⁵

Functional accountability mechanisms are critical to holding perpetrators accountable according to national and international legal frameworks. Calls for legal and political accountability for violations against children have, however, been fraught with inconsistencies and criticism that they have not been proportional to the gravity of the violations faced by children in conflict situations. Parties to conflict have also been noted to deny responsibility for

¹ [Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children in conflict | Save the Children's Resource Centre](#) pg. 5

² Stop the War on Children: The forgotten ones. 2022. Stop the War on Children: The forgotten ones | Save the Children's Resource Centre

³ United Nations, General Assembly, Children and Armed Conflict: report of the Secretary-General, A/77/895-S/2023/363 (05 June 2023), available from [N2314496.pdf \(un.org\)](#)

⁴ Ibid

⁵ Ashraph, Sareta, Aubert, Veronique, D'Alessandra Federica, et al. 2021. Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children in conflict. Save the Children International, University of Oxford. Available at: Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children in conflict | Save the Children's Resource Centre

violations committed, impeded investigations, or even scuttled any efforts of international accountability processes.

While the primary responsibility to investigate and prosecute violations and crimes affecting children lies with States, in situations of armed conflict or other volatile environments experiencing protracted armed violence, national authorities struggle to prevent and remedy violations and crimes affecting children and to hold perpetrators to account. This lack of accountability perpetuates impunity, weakens the rule of law, and undermines the prospects of long-term peace and stability. Impunity negatively affects children's right to development and the well-being and stability of the communities they live in, and risks negatively influencing the adults they will become. It further affects children's right to a judicial remedy and reparations and strips them of an opportunity to participate in the judicial process.⁶

As explored in detail within the report, *'Advancing Justice for Children: Innovations to strengthen accountability for Violations and crimes affecting children in Conflict'*, there is an accountability gap regarding children in armed conflict and compliance with IHL and IHRL. Due to political, structural, and financial barriers, judicial and non-judicial mechanisms are unwilling and/or unable to prioritize the documentation, investigation, and, where relevant, the prosecution of crimes affecting children in armed conflict. As a result, children are denied justice, perpetrators are emboldened, and impunity for grave violations of children's rights is incentivized. Several overarching barriers affect the ability and likelihood of international accountability mechanisms to pursue accountability for children affected by armed conflict (CAAC).

Moreover, the continued invisibility of children in our communities and societies as rights holders further contributes to their limited access to judicial and nonjudicial accountability mechanisms. Acknowledging that children are not a homogenous group is key to developing appropriate and safe avenues of engagement with them and ensuring that they can access these mechanisms.⁷

However, despite the push for investigation, prosecution, and holding perpetrators to account, it is important to recognize that investigating and prosecuting international crimes is an exceptionally challenging task, regardless of the age of the victim. Some obstacles are due to a lack of personal or territorial jurisdiction while others arise out of structural conditions on the ground and cannot be solely remedied by adopting a child-competent approach.⁸

Further, investigating violations and crimes affecting children is generally conflated with interviewing children. The discussion revolving around whether it is appropriate to interview children remains a divisive question in the judicial and non-judicial community of experts working on international accountability issues. Among the challenges often cited are the ethical dilemmas posed by the risk of re-traumatizing a child witness and concerns that children may not be seen as sufficiently reliable witnesses.

Objective

Save the Children is committed to ensuring we achieve our collective responsibility to protect children from harm caused by violating their rights. The organization has worked to strengthen

⁶ [Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children in conflict | Save the Children's Resource Centre](#) pg. 29

⁷ *Ibid* p.37

⁸ *Ibid* 37

collective accountability to prevent and respond to violations of IHL, IHRL, IRL, and ICL by prioritizing a focus on their impact on children.

Save the Children intends to convene a workshop to identify and address gaps in expertise, tools, procedures, and structures for accountability mechanisms for Children Affected by Armed Conflict (CAAC). A comprehensive and participatory approach to reinforce child-focused monitoring, investigation, and prosecution of crimes and violations will be deployed through the collaborative improvement of methodologies used by existing judicial and non-judicial accountability mechanisms and tailored capacity building of their human resources.

In light of the above and through this workshop Save the Children will invite experts, including academics, investigators, and prosecutors, who are familiar with the workings of fact-finding and investigative entities and international/regional criminal courts and tribunals, as well as representatives from international and national CSOs (i.e. NHRIs) engaged in the investigation and documentation of crimes affecting children.

The workshop objectives are as follows:

1. To interrogate the findings of the 'Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children' report to allow participants to further explore how accountability mechanisms are being – or should be – used to address violations against children in conflict situations;
2. To consolidate lessons learned and good practice from the documentation, reporting, and investigation of crimes and violations against children in armed conflicts.

To build a community of practice where experts will share knowledge and good practices within the continent to influence accountability mechanisms' mandates and resolutions and encourage the adoption of deliberate strategies and policies supported by dedicated child rights capacity.

Expected outcomes:

- a. Dissemination of information to promote further investment in closing the accountability gap and ensuring access to justice for children in situations of conflict.
- b. Build an understanding of the cooperation between the international and regional frameworks around reporting, documenting, investigating, and prosecuting crimes affecting children in situations of conflict.
- c. Develop a comprehensive and participatory road map on how to approach and reinforce child-focused monitoring, investigation, and prosecution of crimes and violations.
- d. Have a community of practice that will further build investigative and prosecutorial capacities and promote peer support.

To this end Save the Children seeks to commission a consultant with proven expertise and experience to deliver the following:

- a. In collaboration with Save the Children Staff, develop tools, design workshop methodology as per the expected outcomes, and facilitate/moderate the ***Africa Technical Expert Workshop on the Effectiveness of Accountability Mechanisms in Accessing Justice for Children in Armed Conflict*** to be held on 30th October – 3rd November 2023 in Nairobi, Kenya.

- b. In collaboration with Save the Children Staff coordinate and moderate a virtual Learning Event on 4th October 2023 that aims to generate practical knowledge on various aspects of the implementation of IHL and child justice standards for girls and boys affected by armed conflict.
- c. Develop a comprehensive and participatory road map on how to approach and reinforce child-focused monitoring, investigation, and prosecution of crimes and violations.
- d. Draw the final report with recommendations highlighting key results, the complete workshop contents, and lessons learned concisely. It is intended that this document should form reference material for future engagements in the investigation, documentation, and prosecution of crimes affecting children.

Location and official travel involved

The Consultant will work remotely with travel to Nairobi for the workshop period. Save the Children will cover all associated travel and logistics costs as agreed prior and in accordance to Save the Children Policies and Procedures.

Timeline

Estimated Commencement Date: 1st September 2023

Estimated End Date: 21st November 2023

Status updates/reporting

The Consultant shall provide status updates for the duration of the services as shall be agreed upon at the inception phase:

Payment information

30% of the total cost payable within the delivery of deliverable 1

70% of the total cost payable within the delivery of deliverable 4

The Fees are inclusive of all costs, overheads, and expenses, excluding travel, subsistence, and accommodation.

Experience and skill set required

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

- Advanced degree (Doctorate) in Law with a preference for Human Rights from a recognized university
- Professional training in legislative drafting is an added advantage;
- Minimum of 15 years of relevant professional experience in Human Rights
- Experience working with accountability mechanisms (judicial and non-judicial) within Africa;
- Experience in legal and policy development for civilians and child protection in conflict-related situations.

- Strong knowledge and working experience of the African Union (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;
- 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: 15th August 2023

Expected Deliverables					
	Deliverable	Description	Format and style	Submit to	Delivery date
1	Inception report/ design	The report is to define the project's exact work plan and scope for the rest of the duration. The report should be supported by quantitative/qualitative evidence from internal and external analysis	Report	SCI Thematic Lead and Programs Lead	8 th September 2023
	Workshop tools & methodology	Develop workshop methodology and tools	Report	SCI Thematic Lead and Programs Lead	29 th September 2023
	Participants Mobilization for the technical workshop	Formulate a list of experts and mobilization	Letters of invitations were sent.	SCI Thematic Lead and Programs Lead	6 th October 2023.
	Mobilization of the session	Formulate a list of experts and mobilization	Letters of invitations& posters sent.	SCI Thematic Lead and Programs Lead	6 th October 2023.

	speakers for the learning event				
	Final List of Participants for the technical workshop	Confirmation of participants	List of participants	SCI Thematic Lead and Programs Lead	13 th October 2023.
	Final List of Speakers for the learning event.	Confirmation of session speakers	List of speakers.	SCI Thematic Lead and Programs Lead	13 th October 2023.
	Coordinate & Facilitate a Technical Workshop	Coordinate and facilitate a workshop on the Effectiveness of Accountability Mechanisms in Accessing Justice for Children in Armed Conflict to be held on 29 th October – 4 th November 2023.	Technical Workshop	Technical Workshop	29 th October to 4 th November 2023.
2.	Coordinate and facilitate a virtual Learning event	A Learning Event in the form of a webinar that will bring together academic institutions with programs on child rights, such as the University of Pretoria, University of Western Cape, TCCs, AU Commission and its Departments, ACERWC, NHRIs, the African Commission (ACHPR) and Court (ACTHPR) on Human and Peoples' Rights, the International Committee of the Red Cross (ICRC), the African Child Policy Forum	Webinar	SCI Thematic Lead and Programs Lead	7 th November 2023.

		(ACPF), ISS, (Institute of Security Studies), ACCORD, and the Institute for Human Rights and Development in Africa (IHRDA).			
4.	Final Workshop Report and Road Map	The report will have the final outcomes of the workshop, recommendations, and way forward. There will be an annexure of the road map developed during the workshop.	Report	SCI Thematic Lead and Programs Lead	21 st November 2023