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ABSTRACT

Introduction: It has been realized that children are being marginalized in one way or the other and it is important to call attention on the promotion and protection of the rights of children, in order to help them fit in society and for child survivors to reintegrate themselves as better individuals into societies.

Purpose: The purpose of this work is to address violations of children's rights and the need for the protection and promotion of children.

Methodology: The qualitative methodology of research was used to gather information. This work was based on professional experience in the humanitarian field using methods such as observations, unstructured interviews with children aged 12 to 18 during facilitation sessions, working with children in child-friendly spaces and safe spaces for survivors of Gender-Based Violence. Selection criteria included children who possess the knowledge, abilities and personal attributes required for them to be able understand the questions directed towards. It also included children who have been affected by the current crisis in Cameroon.

Findings: It was realized that children need to be safeguarded and protected against all forms of harm or violence. Children especially in conflict zones tend to be more exposed to violations of human rights than those children who are located in areas which are not affected by conflict. Some of the human rights violations experienced by these children include physical violence/torture, emotional/psychological violence due to traumatic experiences such as rape, and economic violence.

Unique Contribution to theory and Practice: In theory, this piece of work is useful to the academic as it contributes to the existing body of literature or knowledge. In practice, it identifies child protection concerns and addresses the need to protect them. As concerns policy recommendation, the main target was institutional frameworks such as humanitarian organizations, policymakers and the community, considering they play a vital role in contributing to children's welfare. To the institutions, collaboration is encouraged both at the national and international levels. This would make it easier for child protection concerns to be identified and addressed. Acceptance is vital in every community, especially to survivors and serves as a good breeding ground for children's welfare and wellbeing.

Keywords: *Human Rights, Children, Children's Rights, Enforcement, Child protection.*

1.0 INTRODUCTION

Children marginalization is not a new phenomenon in today's society. This is because children worldwide suffer insidious forms of violence, exploitation and abuse. Violence against children knows no boundaries.¹ It happens in most countries, and in the places children should be most protected – their homes, schools and online. It can be physical, emotional or sexual and in most cases, children experience violence at the hands of the people they trust the most.² This shows us that violations of children's rights are on the increase even in places where they are supposed to feel safe. A vivid example is the Cameroonian context. It has been realized that children's rights are often violated during the present crisis situations. Children who are survivors of rape and other forms of violence were identified during facilitation sessions³.

Children in humanitarian settings are especially vulnerable. During armed conflict, natural disasters and other emergencies, children may be forced to flee their homes, some torn from their families and exposed to exploitation and abuse or killed along the way. This was the case during the Kumba massacre⁴ in the South West region of Cameroon and the Ngarbuh massacre⁵ which in the North West region of Cameroon where children were killed in both scenarios. They may be injured or killed by explosive weapons in conflict, or recruited by armed forces and especially for girls and women, the threat of gender-based violence soars.⁶

Harmful cultural practices pose another grave risk to girls and boys worldwide. Hundreds of millions of girls have been subjected to child marriage and female genital mutilation – even though both are internationally recognized human rights violations.⁷ In Cameroon, there is a race called 'mbororo' who still practice child marriages and female genital mutilation. There is equally another tribe called Bamessing located in the North West region of Cameroon still involved with practice of child marriage.

No matter their story or circumstance, all children have the right to be protected from violence, exploitation and abuse. Child protection systems help children access vital social services and fair justice systems – starting at birth. They reach out to the most vulnerable children, including those with disabilities; girls and boys who have been placed in alternative care; children uprooted by conflict, poverty and disaster; or those who may become victims of child labour or trafficking, or recruited into armed groups. Child protection systems aim at prioritizing children's physical, mental, and psychosocial needs to safeguard their lives and futures.⁸

Although not the first legislation to address Children's rights, the Convention on the Rights of a Child (CRC) of 1989 is an explicit instrument which outlines all sorts of rights pertaining to children with the aim of promoting and enforcing the rights of this group of persons. The entry

¹Views on Child protection available at <https://www.unicef.org> (accessed on 26/01/2022)

² Child protection available at <https://www.savethechildren.net> (accessed on 27/08/2021)

³ Facilitation sessions and case management at the Buea and Douala safe spaces under the Martin Luther King Jr Memorial Foundation

⁴ 24th October 2020 where 9 children were shot by Cameroonian soldiers and 7 died

⁵ 14th February 2020 where 13 children were killed by Cameroonian soldiers and armed Fulani militia

⁶ Summary of introduction to child protection available at <https://kayaconnect.org> (accessed on 02/09/2021)

⁷ *Ibid*

⁸ Child protection and humanitarian response available at <https://www.humanitarianresponse.info> (accessed on 01/09/2021)

into force of the CRC in 1990 marked an evolutionary era in the efforts towards the promotion and protection of Children's rights worldwide and to ensure the full and equal enjoyment of these rights and freedoms by all children without any discrimination. Although children have always been entitled to the same rights as everyone else, it is the first time their rights are laid out comprehensively in an internationally recognized and binding instrument.

2.0 STATEMENT OF THE PROBLEM

Although progress or gains have been made in a bid to enforce the rights of these children, disparities and barriers still exist pertaining to the humanitarian assistance accorded to these children. This has led to grave violations of the human rights of these children such as violence in all its forms and the killing of these children. Children constitute one of the classes of vulnerable persons and so ought to be protected against all forms of violence and at all times. So the government, institutions/organizations, and the society at large owe the duty to protect these children, and promote and protect their rights. Care received by children is often of lower quality than that provided to other individuals.

3.0 Theories relevant to the Study

3.1 The Triple Pronged Theory

This theory was brought forth by Henry Shue⁹ (1986). Under this theory there is the duty to respect, to protect and to fulfil human rights principles. He originated this theory from the obligations bestowed on States under the international human rights instruments. To him, the obligation to respect, protect and fulfil human rights principles is fundamental in determining the effective implementation and application of international human rights law. This theory emphasizes the fact that States are direct duty-bearers in the protection of human rights of citizens. In other words, States are responsible for promoting and protecting the rights of every human being. The promotion, protection and fulfillment of human rights entail removing barriers which prevent the enjoyment of these rights. This theory is relevant to this work because children are entitled to the promotion, protection and respect of their rights.

3.2 The Human Rights-Based Theory

The human rights theory was developed and postulated by the United Nations agency called the United Nations Development Group (2003). It focuses on the principles that peace, justice, development and human rights are fundamental in human existence as enshrined in the Universal Declaration of Human Rights. It is centered on meeting the ends of the right holder and the duty bearer in all domains of life. This theory is further designed in order to enhance human development. It directly protects and promotes human development in accordance with the international human rights standards. This theory points out and criticizes inequality in any given society since inequality is considered as the center of human development. It specifically condemns discriminatory practices and unjust distribution of power relation that destroys human development. This theory is centered on Article 1 and 2 of the U.D.H.R. This approach is useful in achieving sustainable progress and positive result in the equal treatment of human beings. The situation of vulnerable groups in our society, the structural causes of exclusion and poverty cannot be addressed without providing vulnerables with a voice and space to participate in

⁹ Henry Shue, Basic Rights, (Vol. 9, June 2, 2008)p20.

decisions affecting them. This concept holds that those with the power to shape peoples' lives must be accountable to the most deprived groups in order to overcome discrimination in any given society. Children are a deprived/vulnerable group whose rights are often violated and it is important for their human rights to be enforced. Hence any existing discrimination must be identified, understood and challenged in order to achieve equitable development with respect to human rights in the nation.

4.0 Research Methodology

The qualitative methodology was preferred because it is more efficient since it requires less time and equally does not entail numerical data analysis as opposed to the quantitative methodology which entails statistical and numerical data analysis. It is equally preferable because it is a method of research that employs qualitative standards or techniques and its findings are not arrived at by statistical procedure. This is a form of research which is descriptive and relies on strategy which is flexible and interactive. The reason for the choice of interviews as a method of research is the fact that there was an interactive experience with the children and other persons related to this piece of work. Still regarding interviews, it was preferable because the researcher was able to obtain in depth data that would not have been effectively done with questionnaires. Another reason is because interviews will expose the difficulties or challenges faced by these children especially in conflict affected areas. Children between the ages of 12 and 18 were interviewed. As a result, any information recorded in this piece of work will be credible and equally help in proposing solutions or recommendations. The choice of observation as another method of conducting the research was to be able to assess different situations based on firsthand information.

5.0 Children, Rights and Enforcement

When the expressions 'children', 'rights of children' and the 'enforcement of rights of children' are used, so many things come to mind. Children are regarded according to international standards as persons below the age of 18¹⁰. Rights of children refer to the various human rights which everyone is entitled to¹¹. These rights are violated on a daily basis be it in institutions or in the streets¹² and it is important that their rights are recognized and enforced accordingly. These rights include equality before the law, freedom of speech, the right to education, the right to health, right to participate in social, creative and recreational activities, right to protection against exploitation, discrimination and abuse, right to qualified legal aid and much more.¹³

Children face challenges such as the poor accessibility to education, inadequate humanitarian assistance, which leads to marginalization and suffering. This is evident by the fact that children are inactive, neglected, tortured, abandoned and this has a bearing on their physical, psychological and economic wellbeing.¹⁴ This leads to a high increase in the vulnerability of children especially in conflict affected areas. Some of these children are either victims of physical violence, emotional abuse, recruited into armed groups or victims of sexual abuse.

¹⁰ UNICEF on children available at <https://www.unicef.org>

¹¹ *Ibid*

¹² Based on observations and interviews during facilitation sessions with children

¹³ *Ibid*

¹⁴ Child Protection: the basics and protection mechanisms available at <https://www.sfcg.org> (accessed on 02/09.2021)

According to Joerg Fegert and Manuela Stotzel, the societal cause and consequences of child abuse are very high¹⁵. As earlier mentioned, children tend to be maltreated or violated by those whom they place their trust in. Society has a high influence on children and with their help and collaboration, the protection of children's right can be guaranteed to a certain extent.

5.1 Child Rights

The expression 'child rights' is used to denote a broad spectrum of rights ranging from the right to life to the right to a cultural identity. They involve all elementary preconditions for a dignified human existence. These rights can be ordered and specified in different ways. At the international level, a distinction has sometimes been made between civil and political rights, on the one hand, and economic, social and cultural rights on the other hand. Although child rights have been classified in a number of different categories, it is important to note that international human rights law stresses that all human rights are universal, indivisible and interrelated. These child rights are rights inherent to all children, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Every child is entitled to these rights without discrimination. The indivisibility of rights implies that the fulfillment of one right often depends, wholly or in part, upon fulfillment of others. The concept of these rights is based on the belief that every child is entitled to enjoy her/his rights without discrimination. Rights differ from other rights in two respects. Firstly, they are characterized by being:¹⁶

- Inherent in all human beings by virtue of their humanity alone (they do not have to be purchased or granted), Inalienable (within qualified legal boundaries), and equally applicable to all.
- Secondly, the main duties deriving from human rights fall on states and their authorities or agents, not on individuals. One important implication of these characteristics is that human rights must themselves be protected by law (the rule of law).¹⁷

5.2 Child Protection

Child protection has to do with all actions that aim at preventing and responding to all violence, exploitation, neglect and abuse against a child¹⁸. Child safeguarding refers policies/ laws, procedures and principles put in place to ensure that a child is safe in an organization or institution from all forms of violence¹⁹. It guarantees that children receive the necessary humanitarian assistance that is required for their wellbeing. Some of the key things to consider when it comes to the protection of children's rights include;

- Best interest of the child
- Non-discrimination in any action taken concerning the child
- The right to life, survival, wellbeing and development
- The right to protection and participation in decision making

¹⁵ J.M. Fegert & M, Stotzel on Child Protection: a universal concern (June 2016) P5

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ Child Protection available at <https://www.sfcg.org>

¹⁹ *Ibid*

5.3 Child Protection concerns in Humanitarian settings

During conflicts, crisis or natural disasters, one of the classes of persons that suffer the most are children based on their vulnerable nature. They tend to face several risks such as violence. It could be physical, emotional, sexual or economic as the case may be. Girl child tend to be more susceptible to physical and sexual abuse as opposed to the boy child. Children who go through or experience violence usually become emotionally or mentally perturbed and it takes several measures to rehabilitate them based on their ages. Some of the measures include the provision of Psychological First Aid, Psychosocial Support, Play Therapy and Talk Therapy.

Another protection concern is the fact that children are usually unaccompanied or separated from families and guardians during displacements which leaves them hungry, unsheltered and in some cases maltreated based on the societies where they find themselves. In such situations, assistance is always required. Institutions and the community can play a great role here in relieving or liberating these children from harm's way. The main purpose of addressing child protection concerns is to safeguard and guarantee the welfare and wellbeing of the children. This is because everything about this is centered on the protection of children's right.

6.0 SOME LEGAL INSTRUMENTS ON CHILD PROTECTION

6.1 The Convention on the Rights of the Child [CRC]

It was adopted by the United Nations in 1989 by the UN Convention on the Rights of the Child which covers the basic human rights belonging to all children. This includes the right to survival; to develop to the fullest; to protection from harm, abuse and exploitation; and to participate fully in family, cultural, and social life. The CRC articulates children's human rights and provides a set of guiding principles that fundamentally shapes the way in which we view children²⁰. It provides a framework to help us shift from thinking of children as passive objects at the whim of parent's, communities', or government's ill treatment, behaviour, or decision-making to children as rights holders²¹. The articles in the Convention reflect key issues that are relevant to the lived experience of many children around the world and implicitly relate to the distinct developmental stages of a child. The Convention provides key principles from which all rights must be achieved. The Convention also places a positive obligation on governments as duty bearers to provide specific resources, skills and contributions to "ensure the survival and development of children to their maximum capability."²² The Convention also recognizes that children have to protect the rights of others and not infringe on another person's rights, and that parents have an important role to play in bringing up children²³.

6.2 The African Charter on the Rights and Welfare of yhe Child

The African Charter on the Rights and Welfare of the Child (ACRWC) is a regional human rights treaty that was adopted by the African Union in 1990. It builds on the same principles as the UN Convention on the Rights of the Child but focuses on issues of importance specific to the African context²⁴. For example, certain issues relevant to the context of Africa were not fully

²⁰ *Ibid*

²¹ Views based on perusal of the CRC

²² *Ibid*

²³ *Ibid*

²⁴ *Ibid*

reflected in the CRC such as the context of community responsibility and duty, specific issues related to the lived reality of girls, the issue of displacement through conflict and the very challenging socio-economic status of the continent. The African Charter defines anybody under the age of 18 years old as a child²⁵, and includes a range of civil, political, economic, political, and social rights as expressed in other international human rights conventions but with a special focus on the needs of children or particular groups of children who are more likely to face human rights abuses²⁶. For example, the convention includes protection around: The right to non-discrimination, the right to life, the right to religion, freedom of expression, the right to privacy, the right to education, the right of every mentally or physically disabled child to receive special measures of protection, the right to health, freedom from torture²⁷. The convention also provides articles that focus on ensuring the 'best interest' of the child is met and that children's participation is facilitated. For example, it specifies that the 'best interests of the child shall be the primary consideration of all actions concerning the child'²⁸.

6.3 The Child Rights Act and Violence against Children

The Child Rights Act 2007 provides many of the rights found in the Convention on the rights of the Child and the African Charter of Child Welfare and Rights. It includes information detailing, the setup of a National Children's Commission Specific rights provided, the specific child welfare functions of local committees and District Councils. It states that parents have a duty and responsibility to NOT deprive a child of their welfare, regardless of the status of their relationship. This includes protecting the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression; providing good guidance, care, assistance and maintenance for the child and assurance of the child's survival and development; ensuring that in the temporary absence of a parent, the child shall be cared for by a competent person and that a child under eighteen months of age shall only be cared for by a person of fifteen years and above²⁹.

7.0 CONCLUSION

7.1 Summary of Findings

This paper has examined what children's rights are and the need for their protection in conflict or disaster situations. Methods such as observation, unstructured interviews and content analysis were used to obtain information. Children between the ages of 12 and 18 were interviewed during facilitation sessions. Themes such as best interest of the child, non-discrimination, humanitarian assistance, child safeguarding were developed. Children are considered as a vulnerable class of persons especially in emergency settings and it is important that attention should be directed towards them. This will help in contributing to the protection of these children as stated in this paper. It was realized that these children experience traumatic events, various forms of violence and most of the time are survivors of negative circumstances and therefore need to be assisted in one way or the other. This cannot be done individually but through collaboration between the bodies charged with the duty to do so.

²⁵ Article 2 of the ACRC

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ Article 4 (1) of the ACRWC

²⁹ Article 26 of the CRA

The enactment of legal instruments explicitly outlining children's rights with the aim of protecting and the signing and ratification of such instruments by various countries is a great move towards the promotion of these rights and subsequently their enforcement. This shows how concerned countries are when it comes to the rights of children.

7.2 Relevance of Study

This study is relevant as it raises the awareness on the existence of children's rights and the need to protect them. The Convention on the Rights of a child is an explicit example on the promotion of the rights of a child.

This work equally proposes possible recommendations which can go a long way to contribute to the effective enforcement of children's rights or in other words, child protection. This can lead to the amendment of policies or laws and the creation of more institutions both at the national and international levels purposefully aimed at protecting children.

The work identifies child protection concerns, especially during conflict situations, crisis and natural disasters while pointing out how the humanitarian sectors can help in such circumstances.

8.0 RECOMMENDATIONS

8.1 Institutional Frameworks

Several institutions are involved when it comes to the protection of right of children such as the United Nations, Norwegian Refugee Council, Danish Refugee Council, Street Child and the International Rescue Committee just to name a few. These Organizations have contributed a great deal to the protection of Children's rights. Pertaining to recommendations;

- They should collaborate with the international and national legal framework in raising more awareness on the vulnerable nature of children especially in emergencies and the need for the rights of these children to be safeguarded.
- Incorporate more scholarship sponsorship in the education sector for children as this is usually one of the primary risks and protection concerns during displacements. This will help contribute to the level education of children and consequently a higher level of literacy.
- Increase the high level of one-on-one contact with children. This will make it easier for needs and challenges to be identified and addressed. This also gives an opportunity for child protection concerns to be handled effectively, thereby contributing to the safety of these children.

8.2 The Community

Acceptance is vital in every community and thereby provides a serene atmosphere for individuals to cohabitate peacefully. If the community accepts these children, especially affected by conflicts and disasters such as survivors of Gender-Based Violence, this would be a good rehabilitative ground for these children. If parents within the community have children's interest at heart, it would be easier for them to work hand-on-glove with institutions meant to protect them. Permitting their children to participate in safe and child-friendly spaces would also help identify risks faced by the children through activities carried out and subsequently addressed.

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