

Still at risk

Internally displaced children's rights in north-west Pakistan

May 2010

Map of north-west Pakistan



Map courtesy of the University of Texas Libraries, The University of Texas at Austin.
Note: North-West Frontier Province was renamed Khyber Pakhtunkhwa in April 2010.



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Executive summary

Approximately two million children have fled their homes during the current emergency in north-west Pakistan. Starting in 2008 and continuing in mid-2010, fighting between Pakistan's armed forces and militant groups has led to the internal displacement of more than 3.3 million people. The displacement has taken place amid continuing insecurity that has prevented humanitarian access to much of the affected region. While these two million children and their families received assistance from host communities, aid organisations, and internally displaced people (IDPs) themselves, displaced children nonetheless faced difficulties in accessing basic necessities and education, and remained vulnerable to exploitation and abuse. As many as two-thirds of these children have returned to home areas, but they and their families find themselves without basic services or substantial assistance.

The speed and scale of the Pakistani displacement – the largest in the world in recent years – led to an outpouring of assistance and support. Host communities in areas of displacement took in millions of displaced people and provided some form of shelter. The Pakistani government, assisted by international organisations, NGOs, and community members, mounted a vast assistance operation, establishing hubs to distribute food and non-food items, providing shelter and sanitation, strengthening medical facilities, and protecting vulnerable IDPs.

Despite the extensive aid operation, Pakistan's internally displaced children have been subjected to many human rights violations associated with their displacement. Children were injured and killed in conflict and flight; children experienced mental trauma; children were separated from their families. While children had some access to shelter, food, and healthcare, the shelters they lived in were often overcrowded, and girls were unable to get medical treatment in areas lacking female health professionals. Millions of displaced children and others from host communities missed months of schooling. There are strong indications that rates of domestic violence and corporal punishment, child labour, and forced marriage increased during the displacement period. Yet crucially monitoring of many of these issues was insufficient, and consequently responses lagged behind or were not targeted for the specific needs of displaced children.

In this massive displacement, children were dispersed through rural areas, towns, cities, and camps, and were

frequently out of the reach of aid providers. Inadequate funding for child protection and education, as well as security limitations on humanitarian access, resulted in problems monitoring and responding to displaced children's needs. Comprehensive protection monitoring in all affected areas, including host communities and return areas, lays the foundation for the delivery of effective support and enables the community, government, and other aid providers to formulate culturally-appropriate responses to the needs of the most vulnerable internally displaced children. Both returnee and displaced children need stronger protection to ensure their well-being. Humanitarian and development actors must work together, as the situation shifts between emergency and recovery phases in various areas, to ensure appropriate responses to displaced children's needs.

Pakistan's emergency provides good lessons for responding to displaced children in other complex emergencies, especially those with sizeable populations outside camps. Internally displaced children, by virtue of their displacement and increased poverty, are often among the most vulnerable people in society. While it can be harder to monitor children's needs outside of camps, it is a crucial step to ensuring their protection. While it can be harder to provide an education outside of camps, displaced children nonetheless have the right to education at all stages of an emergency. Relying on lessons learned in Pakistan, aid providers can develop more effective ways of promoting the rights of internally displaced children in emergencies.

Key findings

Displaced children are particularly at risk of abuse, exploitation, and neglect.

In the massive, rapid displacement in north-west Pakistan, children were particularly affected by being uprooted from their homes. Displacement can have a devastating effect on childhood: Pakistan's internally displaced children became increasingly vulnerable to threats to their enjoyment of their rights, including increased risk of forced labour, forced marriage, and increased rates of domestic violence and sexual exploitation. The majority of these children came from underdeveloped areas; displacement exacerbated their families' poverty and left children further at risk.

Internally displaced children were left without comprehensive protection monitoring and effective responses to their situations in many areas of displacement.

Aid providers, including the government and community members, have lacked funding and capacity to conduct effective protection monitoring, and humanitarian access has been extremely limited in many areas affected by displacement. Consequently, there is insufficient data on many issues, including child labour, forced marriage, domestic violence, and sexual exploitation, and as a result, effective interventions have been hard to develop. Comprehensive protection monitoring in all areas affected by displacement, including host communities, camps, and return areas, is critical for developing responses to issues faced by these exceptionally vulnerable children.

Internally displaced children in host communities lived a more normal life than those in camps, but were less visible to aid providers, leaving them particularly vulnerable to protection issues.

Around 85 or 90 per cent of internally displaced children lived in host communities rather than in camps during their displacement. In host communities, children were often able to live a more normal life, interacting with the community, experiencing greater freedom of movement and access to the infrastructure of the host community. However, many of them remained out of the reach of international, national and local aid providers: monitoring and responding to the needs of children sheltered within insular communities in regions with little humanitarian access remained particularly difficult. Efforts must be increased to respond to the protection needs of these displaced children outside camps.

Children affected by displacement – both displaced children and children in host communities – lost many months of education, both damaging their development and diminishing their capacity to respond to protection crises they face.

More than 4,500 schools were closed for all or some period of the crisis, leading to the disruption in education of a million children. All children have the right to education so that they can develop their human potential. IDP children and other children affected by conflict can find a measure of normal routine in schools, rebuilding a sense of security. Yet hundreds of schools, and girls' schools in particular, were directly affected by the conflict, either by militant attacks or government use of the buildings as military bases. Thousands more schools were used as IDP shelter. Attempts to establish supplementary educational programming (such as temporary classrooms) were hampered by security concerns, funding issues, and problems recruiting female teachers. Robust and rapid educational programming is needed to protect internally displaced children and to equip them for future challenges.



Recommendations

To the Government of Pakistan

Pass legislation on children's rights that brings Pakistan's laws in line with the Convention on the Rights of the Child, and ensure that legislation adequately provides for the needs of internally displaced children. Promptly adopt all pending legislation, including the Charter of the Rights of the Child Bill, the Child Protection (Criminal Laws Amendment) Bill, and the National Commission on the Rights of Children (NCRC) Bill. Ensure that legislation covers, among other issues:

- The prohibition of violence against children;
- The prohibition of sexual exploitation;
- The prohibition of forced marriage (any marriage under the age of 18);
- The prohibition of child labour and forced and bonded labour, and the harmonisation of labour laws to establish minimum age for employment in accordance with international standards.

Ensure the existence of legislation and policies on displacement that respond effectively to internally displaced children's needs, including:

- The right to education at all stages of displacement;
- The right to documentation.

Ensure that domestic laws on children's rights are recognised and enjoyed by all children including internally displaced children, in all regions of Pakistan.

Establish an independent and effective monitoring mechanism and data collection system on children's rights that has sufficient human and financial resources to evaluate and document children's rights issues in a comprehensive manner, and to monitor children who are particularly vulnerable due to situations such as forced internal displacement.

Negotiate to ensure humanitarian access throughout conflict-affected zones. Ensure that all impartial aid providers have access to all displaced people.

Conduct effective and comprehensive campaigns to raise the awareness of displaced and host communities on children's welfare and rights; ensure that men, women, and children have the opportunity to participate.

Take all possible measures to prevent and prohibit the recruitment of children for armed conflict, including by:

- Ratifying the Rome Statute of the International Criminal Court;

- Conducting awareness campaigns among internally displaced populations to raise awareness of risks of child recruitment.

To provincial and district governments

Pass legislation on children's rights that brings provincial laws in line with the Convention on the Rights of the Child.

Ensure the existence of legislation and policies on displacement that respond effectively to displaced children's needs, including:

- The right to education in all stages of displacement, from onset to return;
- The right to documentation.

Ensure that children's rights recognised by domestic law are enjoyed by all children, including internally displaced children.

Establish an independent and effective monitoring mechanism, such as a provincial Ombudsperson, that has sufficient human and financial resources to evaluate and document children's enjoyment of rights in a comprehensive manner, and has the capacity to monitor children in particularly vulnerable situations such as displacement.

- Ensure that government agencies and personnel responding to displaced people's needs are trained in children's rights.

Ensure that children, especially orphaned children and girls, can inherit land and property from their parents and that their land and property rights are protected until they can meaningfully exercise those rights.

Conduct effective and comprehensive campaigns to raise the awareness of displaced and host communities on children's welfare and rights; ensure that men, women, and children have the opportunity to participate.

- Conduct campaigns among internally displaced populations to raise their awareness of risks of child recruitment.

To militant groups

Provide humanitarian access throughout conflict-affected zones under your control. Ensure that all impartial aid providers have access to all displaced people.

Take all possible measures to prevent and prohibit recruitment of children for armed conflict and terrorist activities, including suicide attacks, in areas under your control.

To donor governments and agencies (including development funders such as the Asian Development Bank and the World Bank)

Ensure that funding for the protection of children's rights is prioritised at every stage of an emergency, from emergency response to longer-term recovery, so that the impact of the crisis on children is minimised.

Commit to long-term funding of recovery projects in Pakistan – including in education, protection monitoring, and reduction of forced marriage, forced labour, and other forms of exploitation – so that children's potential can be realised wherever they find a durable solution to displacement.

- Fund programmes that link humanitarian assistance and development in addressing some of the most severe issues faced by displaced children and others, including provision of education and health care in return areas.

Support the establishment of an independent and effective mechanism in Pakistan to monitor and collect data on children's enjoyment of rights that has sufficient human and financial resources to evaluate and document children's rights issues in a comprehensive manner.

- Require and fund systematic, robust evaluation of programming involving children.

Prioritise funding for quality education for all, including displaced children; ensure programming to provide primary education to all boys and girls.

To the Humanitarian Country Team (including cluster leads)

Prioritise the establishment of a comprehensive, effective monitoring system to assess children's needs and enjoyment of rights in all areas of displacement including in host communities, and in areas of return.

- Consider establishing a working group on children affected by armed conflict to address more effectively the concerns of internally displaced children, and to cooperate with other agencies monitoring children affected by armed conflict, including child protection agencies working on cross-border issues between Pakistan and Afghanistan.
- Advocate for adequate security and humanitarian access to conflict-affected regions so that appropriate monitoring can be carried out.

- Ensure that protection monitoring and needs assessments are conducted in direct consultation with internally displaced women and children as well as men.

Continue and extend coordination mechanisms such as the cluster system to ensure effective monitoring of – and responses to – children's needs, including by:

- Continue support of the Child Protection Working Group, the Education Cluster, and other clusters that deal with children's concerns.
- Ensure coordination between clusters that monitor and respond to children's issues.
- Where gaps in response are identified, OCHA should lead inter-cluster monitoring and advocate for action via cluster coordinators.

Ensure that aid is extended to return areas, and that it includes the rapid rebuilding of schools and the ongoing provision of psychosocial care.

To international, national and local aid providers involved in IDP registration and distribution of assistance

Ensure that registration takes into account the particular situations of the most vulnerable, including separated children and children in child- and female-headed households.

Ensure that distributions are conducted in a manner that responds to the needs of the most vulnerable. Consult with women and girls to determine their needs, both in terms of the goods they need and the method of their distribution. Consider the use of mobile distribution units to ensure that women and children who lack freedom of movement can access the necessary goods.

To international, national and local aid providers in the education sector (including Education Cluster members)

Prioritise the immediate re-establishment of education throughout conflict-affected areas (in displacement and return), including by:

- Rapid rebuilding of schools damaged during conflict or by use as IDP camps;
- Construction of temporary schools in areas with high IDP concentrations;
- Recruitment of sufficient teaching staff, including female teachers; use of female paraprofessionals if female teachers cannot be found;
- Training of all new and existing teachers, including in techniques for responding to children's psychosocial needs;

- Capacity building of national and local educational sector personnel on how to provide education in displacement in a timely manner;
- Establishment of community boards to oversee schools and promote primary enrolment, especially among girls;
- Use of non-formal education programs to facilitate re-entry/entry of school-age children in the formal school system;
- Establishment of safe water and sanitation facilities in schools to promote attendance by girls;
- Establishment of a monitoring system to identify and reduce risks of sexual violence or exploitation.

Advocate to ensure that children, especially orphaned children and girls, can inherit land and property from their parents and that their land and property rights are protected until they can meaningfully exercise those rights.

Continue efforts to increase rates of birth registration throughout Pakistan, and particularly in conflict-affected areas.

Continue efforts to ensure safe shelter for internally displaced children, including through culturally appropriate facilities and weather-resistant shelter.

To international, national, local aid providers in the child protection sector (including Child Protection Working Group members)

Prioritise the establishment of a comprehensive, effective monitoring system to assess internally displaced children's rights and needs in all areas of displacement, including in host communities and in areas of return.

- Consider establishing a working group on children affected by armed conflict to address more effectively the concerns of internally displaced children, and to cooperate with other agencies monitoring children affected by armed conflict, including child protection agencies working on cross-border issues between Pakistan and Afghanistan;
- Develop and support community-based child protection groups and national child protection systems, and embed child protection support within wider community development processes.

Extend the scope of protection monitoring by:

- Developing and disseminating user-friendly, child-focused tools that facilitate systematic evaluation and promote genuine child participation;
- Ensuring that protection monitors consult directly with internally displaced women and children, not just men;
- Considering expanded use of schools and child-friendly spaces to increase protection monitoring and screening;
- Ensuring that health workers in emergencies are trained to identify and respond to sensitive issues such as domestic violence, sexual exploitation, and early marriage.

Improve conditions for protection monitors by:

- Providing protection monitors with expanded training on child protection, particularly on sensitive issues such as gender-based violence and forced marriage;
- Advocating for increased security to minimise personal threats;
- Ensuring that protection monitors have relevant linguistic and cultural knowledge to communicate with affected populations.

1

Introduction

Approximately two million children were displaced by conflict in north-west Pakistan between August 2008 and May 2010.¹ Children and their families took refuge in camps and among host communities, where they found themselves in need of urgent humanitarian aid. The conflict uprooted more than 3.35 million people, in addition to those displaced previously. The speed and scale of the new displacements meant that by the end of 2009 Pakistan had the world's fourth-largest population of people internally displaced by conflict.

The displacement occurred in three main waves. Starting in August 2008, more than half a million people were displaced during conflict in Bajaur and Mohmand Agencies of the Federally Administered Tribal Agencies (FATA). Second, from late April 2009, military operations in the districts of Swat, Buner, Lower Dir and Upper Dir in Khyber Pakhtunkhwa (KP; known until April 2010 as North-West Frontier Province or NWFP) displaced approximately 1.8 million people. Third, in October 2009, fresh fighting started in South Waziristan in FATA, displacing more than 300,000 people, and in the first four months of 2010, 230,000 people fled from FATA, primarily from Bajour, Kurram, Khyber, Orzakai and South Waziristan. Substantial returns took place in late 2009 and 2010, but new displacement continues as well.

The conflict between militants and government forces in north-west Pakistan dates back many years, and caused displacement in both KP and FATA prior to the current displacement. Taliban forces took control of the Swat Valley in July 2007, leading to considerable destruction of infrastructure including girls' schools. Army operations in FATA's North and South Waziristan started in March 2004, with flare-ups in 2006 and 2008 leading to destruction of homes and considerable displacement.

1.95 million internally displaced people (IDPs) have already returned to their areas of origin. The Government of Pakistan started return operations in July 2009, starting with camp residents and moving to those living among host communities. However, some return areas may not be safe in mid-2010; many returning IDPs have moved to areas near their villages rather than to the villages themselves.²

There are few services and virtually no humanitarian access in areas of return. The conservative culture in much of the conflict-affected region restricts movement, education, and public interactions for women and girls.

1.1 Responding to IDPs' needs despite continuing insecurity

Guiding Principle 4

"Certain internally displaced persons, such as children ... shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs."

A considerable humanitarian effort was mobilised to respond to the vast movement of IDPs in north-west Pakistan in 2008 and 2009. The response was led by government, inter-governmental and international agencies, NGOs and, above all, the host communities and IDPs themselves. The vast majority of IDPs sheltered in host communities, and only between ten and 15 per cent sought refuge in camps.

Various agencies provided child-specific activities, including child-friendly spaces (CFSs), schools, and health and nutrition programmes, to help children cope with the difficulties they faced. Nonetheless, there were sizeable gaps in the overall response to children's needs. For instance, the majority of internally displaced children missed significant periods of schooling; only a small percentage of the funding sought to support their education and ensure their protection was provided; and shelters in both camps and host communities were overcrowded. Aid providers (including local community actors) were unable to monitor adequately many of the severe issues often faced by displaced children, including child labour, forced marriage, and domestic violence. Consequently, aid providers were unable to craft programming to respond to these vital issues.

National and international actors

National authorities have the primary duty and responsibility to protect and assist IDPs within their jurisdiction, and the Government of Pakistan led a massive humanitarian response to the emergency through federal, state, and district agencies. One government official noted: "We made a deliberate effort to get as many people involved as possible."³ The National Disaster Management Authority (NDMA)'s mandate includes relief to IDPs, yet the NDMA and the local counterparts (the Provincial Disaster Management Authorities) are reported to be dominated by the military,⁴ calling into question the impartiality of the humanitarian assistance.

The Ministry of Social Welfare (MSW) is mandated to respond to certain children's rights issues, and the provincial MSWs participated in the emergency response. Pakistan lacks, however, an operational commission on child welfare to coordinate and strengthen responses to children's rights.⁵

The government has worked alongside international organisations, NGOs, and community organisations in emergency response.

The cluster approach was implemented in Pakistan following the earthquake in 2005, and reinstated after the cyclone and flooding in 2007, to guide the coordination of operations. Regarding the latest emergency, UNHCR is the lead agency of the clusters for shelter, camp coordination and management, and protection. On displaced children's issues, UNICEF leads through the child protection working group (CPWG - part of the protection cluster) and the Education Cluster. The health, nutrition, WASH and food clusters, among others, also responded to children's needs.⁶

Pakistani NGOs and community organisations play a crucial role in the assistance operation, frequently functioning as the main implementers of programmes at the field level.

Some partners expressed support for the working of the cluster system with respect to children's issues. Plan Pakistan reported that coordination through the CPWG helped raise money for protection, and helped ensure that children were vaccinated and received birth registration. One child protection officer at Islamic Relief welcomed the cluster as an effective mechanism for assessment, information sharing, and obtaining security clearances.

Humanitarian access to many of the areas to which people were displaced, in particular in FATA, was extremely limited due to the volatile security situation.⁷ Most humanitarian agencies need government authorisation that an area is secure before starting activities there.

Registration of IDPs

Internally displaced families were registered and provided with documentation that would enable them to access aid. The National Database and Registration Authority (NADRA) was the main agency charged with registration, assisted by the provincial MSWs. Within camps, the Commissionerate for Afghan Refugees (CAR) also participated in registration exercises. National identity cards (NICs) were used as the basis for registration; typically, if the holder of the NIC was from an area designated as affected by the conflict, the holder was registered as an IDP.

Initially, households rather than individuals were registered, leading to the provision of assistance (including food and non-food items) to each family unit. During 2008 and most of 2009, children were registered with their families. In early 2010 aid providers started shifting from registration to vulnerability criteria as a basis for assistance, allowing for provision of aid to vulnerable children regardless of government registration status (see the section on documentation, below).

Not all displaced families were registered. If families were not from a designated conflict area, they were not registered, even though there was considerable displacement from neighbouring areas. In addition, families from some ethnic groups including members of the Mehsud tribe may not have been registered by the government, due to imputed political support of militant forces.

Some families never registered because they lacked ID cards (as with families from poorer or more remote villages), or because of the difficulties in travelling to register. Families who registered twice faced having both entries wiped, leaving the family with nothing.

Inevitably, concerns arose that the registration was incomplete, and consequently some IDPs were not receiving aid. Some emergency workers criticised the use of national identity cards as a basis for registration, arguing it excluded women, children, and rural IDPs, who may not have had NICs prior to displacement. This particularly affected women heads of households and their children, who then would not have access to aid.

A dual operation: shelter in host communities and camps

The overwhelming majority of IDPs – 85 per cent or more – sheltered in host communities, primarily in KP. IDPs in host communities sheltered with extended family members or friends, or found rooms to rent. The massive number of IDPs threatened to exhaust the host communities' resources, and rental prices soared. More than 4,500 school buildings were used to house IDPs, interrupting the education of children from those communities.⁸ As IDPs and host communities ran out of resources, some IDPs migrated to camps.

Children in camps may have fared better with respect to some issues than those in host communities: they had greater access to services including health clinics and schools, and protection monitors were better able to oversee the issues most likely to affect them. Displaced children outside of camps needed the same level of services as those in camps, but aid providers and communities and families themselves may not have been able to respond to their needs.

Without protection monitoring, and given the extent of security concerns, it was much more difficult to deliver assistance to host community areas than in camps. It was not always clear which villages, towns, or areas were hosting IDPs, and many regions were left without any monitoring at all.

The camps are under the authority of CAR; many of these camps were previously used to assist Afghan refugees who had repatriated or moved elsewhere, and they were reactivated as IDP sites. CAR's provincial commissionerates, which report vertically to the federal headquarters, worked with provincial governments, international organisations, and NGOs to manage the camps. At the height of the emergency, CAR oversaw some 30 camps, servicing approximately 280,000 people. By February 2010, there were eight camps remaining operational under CAR's supervision, serving approximately 120,000 people,⁹ including some 100,000 in the largest camp, Jalozai, around 35 kilometres from Peshawar.

The camps were extremely crowded, with as many as 280,000 people living in space meant for 100,000 people at the height of the emergency. With each new wave of displacement, the overcrowding increased. The large majority of camp-based IDPs were in the Jalozai camp. Efforts were made to try to ensure that different tribes and communities were accommodated in the various distinct areas of the camp, and in some cases villages were grouped together.

Distribution hubs

The World Food Programme (WFP) established distribution points to distribute monthly rations and other items including blankets, quilts, sleeping mats, jerry cans, buckets, mosquito nets, and kitchen sets.¹⁰ Some separate distributions helped ensure that minority groups, including Sikh and Hindu families, received adequate assistance.¹¹ There were frequently long queues and large crowds at the distribution points, with people queuing up days in advance at times despite the heat.

There were concerns about the adequacy of distribution to particularly vulnerable children, including those in female- and child-headed households (see the chapter on access to basic necessities for more information on protection issues at distribution points).

There was also a heightened risk of insecurity at distribution points. In April 2010 a suicide bombing at the Sherkot registration point in Kohat in KP killed at least 41 IDPs.

Programming for Children

Efforts were made to establish child-centred services in camps, in addition to the provision of basic necessities such as food and shelter. By February 2010 in the eight

operational camps, there were 22 schools under the auspices of UNICEF and operated by implementing partners, and 40 CFSs to provide recreation, psychosocial support, and informal education. Over time, CAR aimed to build more of these services.

CFSs were organised in host community settings as well as camps, though more IDPs in camps had access to a CFS than did IDPs in host communities. Limited security and funding both constrained their development in host communities. The Society for the Protection of the Rights of the Child (SPARC) established some two dozen CFSs in host communities in June and July 2009, but did not have secure funding to maintain or expand them.



Internally displaced children at a child-friendly space in a host community in Khyber Pakhtunkhwa. (Photo Mohammed Imtiaz Ahmed/SPARC, October 2009)

Aid providers have expressed commitments to implementing CFSs in return areas to ensure returnee children have ongoing support, and also to extend these spaces to women as community centres. CFSs are one method of bridging the gap between humanitarian efforts and development interventions to respond to IDPs' needs in the longer term.

Several organisations – including Plan Pakistan, SPARC, Islamic Relief, and others – implemented CFSs, also known as “mercy centers”. Typically, CFSs provided safe play spaces, usually segregated by sex. The purposes of the CFSs varied by agency, but Plan Pakistan, for instance, used the spaces as one way to “provide psychosocial support to children and their families”.¹² Aid agencies provided counseling and sessions on child protection and health and hygiene. CFSs were used to facilitate birth registration and help conduct vaccination campaigns. In addition, informal education also took place in CFSs.

Organisations praised the results of functioning CFSs. One Plan Pakistan official reported satisfaction that the CFS at least provided a safe space where children could

come and have leisure time, and that the links between the CFS facilities and psychosocial support was an effective way of responding to children's needs. The official reported that she saw improvements in children's well-being over time when they attended the CFS, both in the child's demeanour and in life skills.¹³ While children were almost constantly on the move during the emergency, many of those that were able to attend CFSs regularly "got better, you could see an obvious change in them".¹⁴

Legislation protecting displaced children

Pakistan has some legislation protecting children's rights and providing for responses to displacement, but that legislation is insufficient to protect the rights of displaced children or of other children.¹⁵ The UN Convention on the Rights of the Child (CRC), to which Pakistan is party, provides all children with protection against violence and exploitation, and dictates provision of basic necessities and access to education; it also specifically requires countries to "take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of ... armed conflict." Yet Pakistani law does not yet implement the CRC. The Charter of Child Rights Bill, which would incorporate the principles and provisions of the CRC, has yet to be adopted as of mid-2010. In addition to the Charter of Child Rights, the Child Protection (Criminal Laws Amendment) Bill and the National Commission on the Rights of Children Bill are still awaiting adoption. Furthermore, provincial legislation relating to children's rights is lacking in many provinces, including those most affected by the current displacement.

Funding

In general, services in favour of internally displaced children, such as education and protection monitoring, were hard to fund in this emergency. The Pakistan Humanitarian Response Plan – which included appeals for children's issues – was 73 per cent funded by the end of 2009,¹⁶ but children's issues were less well funded: the protection sector (for adults and children) received 55 per cent of requested funds, and education sector received just 36 per cent.¹⁷

Donors may perceive education and protection as long-term or development needs, as opposed to emergency issues. Yet for children it is vital to connect emergency assistance to longer-term support, and to address protection and education at every stage of an emergency. The International Rescue Committee (IRC) reported difficulties funding their child protection programme, noting that only short-term funding seemed to be available.¹⁸ Islamic Relief reported similar concerns, observing that it had been difficult to keep donors interested in children's rights activities as the emergency phase came to an end.¹⁹

2

Monitoring children's rights

The respect and promotion of children's rights can be documented and addressed through protection monitoring and programming. Major difficulties in ensuring comprehensive protection monitoring left an incomplete picture of the problems faced by internally displaced children, such as their greater vulnerability to forced marriage and child labour. The dearth of funding for protection, as well as the wide dispersal of IDPs over a large geographic area and the security constraints faced by government actors, aid organisations and others, meant that a large number of IDP sites were not monitored or assisted. The situation was compounded by the lack of a comprehensive nationwide child rights monitoring system in Pakistan. Even where some monitoring went ahead, sensitive issues including domestic violence were not covered. Without accurate information, implementing effective and appropriate interventions is much harder.

The CRC, which applies to all children in Pakistan including displaced children, requires that states undertake all appropriate measures to realise children's rights. While Pakistan has taken steps towards establishing a National Commission on the Rights of Children, the mechanism lacks sufficient human and financial resources to monitor children's rights.²⁰ Likewise, independent monitoring, through federal or provincial Ombudspersons for Children, is underfunded.²¹ For internally displaced children, the state mechanisms fail to provide sufficient monitoring, even though they are particularly at risk of serious rights violations.

Many actors, including government agencies, UN agencies, NGOs, community groups and others, attempted to gauge the needs of children through formal or informal monitoring and assessment. Yet protection monitors in this emergency have faced capacity issues exacerbated by the security situation: there were not enough operational NGOs with sufficient capacity for effective monitoring, and some NGOs who were able to monitor, such as Handicap International, had to stop because of lack of funding.²² Many of the agencies that were able to provide services in affected regions had insufficient training on child protection issues, and were therefore not able to help fill the gap.²³ For example, district offices of the MSW tasked with child protection lacked the staff capacity to conduct comprehensive monitoring of displaced children.²⁴ Gathering of information was also hindered by lack of common dialect or language, and the closed nature of some of the displaced communities.

Incomplete access to many areas, especially outside camps, limited monitoring capacity. One of the leaders of the protection cluster observed: "In areas where protection monitoring has gone ahead, we have a good picture. But those locations are random."²⁵ The cluster leader went on to note, "We have more information about the situation in the camps; it's particularly difficult to know what's going on outside the camps." For example, there was very little access to South Waziristan, leading to a dearth of information for children displaced during that operation. Meanwhile, the capacity to gather information in areas of return was extremely limited. Furthermore, even within camps, CFSs may have been underutilised for screening for protection issues.²⁶

Two organisations with active monitoring programmes were the IRC and the development NGO FIDA. The IRC has operated a protection monitoring programme in camps and also in host communities including some areas of Peshawar, Mardan, Charsadda, and Swabi. One protection team has worked specifically at distribution points, as many protection issues occurred there. Other teams have met with community leaders and elders to determine where IDPs were; next, the teams have attempted to visit the IDPs and conduct focus groups and follow up conversations in order to understand protection challenges in that particular area. They may have then gone on to form IDP committees (separate committees for men and women) and train those committees to conduct awareness-raising sessions and collect referrals. The committees have then referred extremely vulnerable IDPs back to the IRC monitoring teams.



Internally displaced children receiving snacks at a camp in KP. (Photo: Mohammed Imtiaz Ahmed/SPARC, October 2009)

Even in areas where there is the structural capacity to conduct monitoring (in this model or others), some issues such as gender-based violence, sexual violence, domestic violence, and corporal punishment are not routinely addressed. Many of the IDPs come from insular communities; outside monitors have found it hard to get information. As one Pakistani Save the Children staff member observed: "If you don't know traditions, language, culture... well, they'll never share information with you if something happened within the family. They'll never tell you."²⁷ Save the Children has pushed for implementing partners from KP to be used in protection monitoring, and some local groups have organised protection committees in different villages, but more training and capacity is urgently needed.

Monitors have faced physical security risks due to the ongoing conflict, and additional personal risks if they monitor sensitive issues. One observed that monitoring in food hubs or markets put staff at risk of bomb blasts there.²⁸ One of the leaders of the protection cluster observed in February 2010 that attacks had been directed at social workers and legal aid staff in Swat who started asking questions about these issues; men approached community centres and threatened staff, or attacked the centres at night.²⁹ The cluster leader speculated that such attacks might make people more afraid to talk, and added that while these events happened in Swat, he perceived this as a general issue throughout the displacement region.

The resulting inadequacy of information is especially troubling as displaced children were vulnerable to particular problems during the crisis. One UNIFEM staffer noted that the tendency of government officials and aid providers to talk with male IDPs about their problems meant much of the debate about rehabilitation now focuses on agriculture, land, and livelihoods; yet the difficulties of more vulnerable groups continue to be exacerbated as a consequence of their displacement.³⁰ Comprehensive monitoring that documents some of the most difficult issues internally displaced children face – including forced marriage, child labour, and domestic violence – is a crucial part of developing effective responses in emergencies such as this.

3

Children's rights prior to displacement, in flight, and in initial stages of displacement

3.1 Family unity

There were a very limited number of cases of family separation in this emergency: there were estimates of around 1,000 children separated from their families, a tiny fraction of the two million children displaced. Children were occasionally separated from their families during flight, or when male family members stayed behind to protect farms, leaving children with mothers and extended family members. It seems there were fewer separation cases in this emergency than in others, perhaps because entire communities were displaced together, often with at least a few hours of notice.

Children have a right to family unity, and the Convention on the Rights of the Child, to which Pakistan is party, states that children temporarily deprived of a family environment are entitled to special protection and assistance.³¹ In Pakistan and elsewhere, children who are separated from their family face grave threats: separated children are particularly vulnerable to many forms of exploitation, including recruitment by armed groups, trafficking, forced labour, and forced marriage.³²

Children were occasionally separated from their families during flight, particularly during the largest wave of displacement from Swat, Buner, and Dir in May 2009. Families sometimes had to move fast, with little notice, and without motorised transport. Many families had to make journeys as long as 24 hours on foot. Children also got lost and separated from their families within the large camp structures. The separation cases were, for the most part, resolved quickly by the Pakistani Red Crescent and ICRC.³³ Establishing family links in host communities was harder than in camps, but where assistance teams were performing other activities, reunions could go ahead more easily.

3.2 Documentation

In Pakistan, internally displaced children did not always have personal documentation – in the form of birth certificates or IDP registration – before flight or in displacement. Personal documentation is a vital tool for protecting children in displacement from abuses such as trafficking and early marriage, is helpful in reuniting separated children with their families, and was crucial for IDP registration. In this displacement, children without documentation were more at risk of exploitation such as

forced marriage. In addition, children in families without documentation faced problems securing assistance, as food and non-food distributions typically required proof of IDP registration.

Birth certificates

Universal Declaration of Human Rights, Article 6

“Every human being has the right to recognition everywhere as a person before the law.”

International Covenant on Civil and Political Rights, Article 24(2)

“Every child shall be registered immediately after birth and shall have a name.”

Convention on the Rights of the Child, Article 7

All children have the right “to be registered immediately after birth and ... the right from birth to a name.”

There are significant problems with birth registration in most parts of Pakistan, including in areas of displacement. Only 20 per cent of children in KP, and one per cent in FATA, are registered at birth.³⁴

Ensuring that all internally displaced children have documentation is vital to ensuring that they can effectively access their rights. During this emergency, for instance, rates of forced early marriage were thought to be high. Pakistani law asserts that girls need only be 16 to be able to marry (boys need to be 18).³⁵ Many marriages were thought to take place with displaced children below these ages, as well as with girls between 16–18. Without birth certificates for the displaced girls that established their age below the legal criteria for marriage, it was hard to prevent these marriages.

IDP documentation

Internally displaced children need documentation to ensure that they are visible to authorities and can enjoy their rights. In this operation, IDP cards were used to access many forms of assistance at distribution hubs, including food and non-food items such as jerry cans, hygiene kits, blankets, and other necessities. During this initial period, most children were registered with their families, under the male head of household.

Some women and children were displaced without an adult male member of their close family. Then a woman or child would be registered as the head of the household. Child-headed households were registered with either a boy or a girl as the head of the household, and then aid agencies made attempts to link the household with the closest available adult member of the extended family. Typically, the child was around 15 or 16, but still close to extended family.

Households headed by women or children often faced obstacles to registration, as these women and children frequently lacked the personal documentation (typically National Identity Cards, or NICs), basic literacy and access to the necessary information. However, a positive outcome of the registration operation was the number of women who obtained NIC cards in the process.

Even where women or children were able to register as a head of family, they were reportedly unable to go to distribution points because cultural traditions prohibited them from being in public without a male family member (see Basic Necessities chapter). Consequently, children in the poorest, most vulnerable families – often those without an adult male – were less likely to receive the assistance they needed.

In early 2010 aid providers started providing assistance based on vulnerability criteria rather than registered IDP status.³⁶ The criteria included as vulnerable: those in single-adult households, including female-headed households; children at risk, especially those who were separated, unaccompanied, or at risk of violence, abuse or exploitation; and food-insecure vulnerable households, including those with no income-earning man. Everyone identified as vulnerable would qualify for assistance from humanitarian country team members, regardless of government registration.³⁷

3.3 Rights to life, dignity, and physical, mental, and moral integrity

Children were killed in conflict and died during displacement; others were injured in conflict and in displacement. Displaced children, like all people, have the “inherent right to life,”³⁸ as well as the right to dignity. These fundamental principles of international human rights law, in combination, encompass an array of rights, including protection from physical attack and violence. Nonetheless, children were at great risk, both in conflict and displacement, and there were reports of children, particularly infants, dying in transit.

Children’s schools were attacked, particularly girls’ schools, and children were otherwise caught in the conflict that caused many to flee. Guiding Principle 10 prohibits attacks and acts of violence against civilians, including

attacks on IDP camps or settlements. Attacks on schools or other facilities ordinarily used by children are also prohibited.³⁹ Yet in Pakistan, militants attacked more than 200 schools in the areas of conflict, contributing to an environment of insecurity (see Education Chapter).

Those who have returned also face threats to their physical security. The ongoing risk of violence and concerns over the presence of mines and other unexploded ordnance (UXO) in many areas of return has led some families to remain in displacement. A protection monitor noted that Bunir, Upper Dir, and Lower Dir are among the areas which could be contaminated by mines.

3.4 Psychosocial impact of trauma on children

Convention on the Rights of the Child, Article 39

“States Parties shall take all appropriate measures to promote ... psychological recovery and social reintegration of a child victim of ... armed conflicts.”

Guiding Principle 19.1

“ [...] When necessary, internally displaced persons shall have access to psychological and social services.”

Guiding Principle 4.2

“Certain internally displaced persons, such as children, ... shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.”

Children experienced considerable trauma by experiencing conflict and displacement, and by witnessing the impact of those events on their families and communities. Such trauma can have profound, lasting impacts on children. Some children were traumatised by the fighting, shelling, and injuries or death they saw in their villages leading up to their displacement. Some saw people killed in the fighting, and others woke to witness the bodies in their villages of people who had been killed overnight. Some children lost relatives during flight or displacement.

Some children were traumatised by not knowing the fate of family members left behind. Plan Pakistan, which ran focus groups in the camps with children of various ages, reported that children did not always know whether family members were dead or missing, and that they worried about uncles, brothers, or other elder family members who had stayed behind to look after villages. One girl reported, “we left my elder brother behind, we haven’t had contact in a few weeks, we are very much worried about him.”⁴⁰

Displaced children who were traumatised by their experiences frequently reflected that trauma in their behaviour or play. Throughout the emergency children remained afraid of helicopter flights over the camps, or other evidence of militarisation in the areas. Protection monitoring teams in January and February 2010 found that boys and girls were still afraid of helicopters and guns. A SPARC staff member who had been working in CFSs reported that if helicopters went overhead, children would freeze, run inside, or turn to an adult for comfort.⁴¹ The pictures they drew at the CFS included pictures of their villages that depicted blood and men with guns.⁴² Boys in particular would play games of helicopters shelling or people shooting at each other.

Plan Pakistan reported that the trauma of conflict had varied impacts on different children. Some children were very quiet, others became more hyperactive. In focus groups with children aged from 14 to 16, Plan Pakistan found that children were frightened of both the militants and the army. However, some children reported greater fear and resentment of the army because they had made them leave their home, whereas the militants did not do so.

The need to promote psychological recovery continues throughout displacement and into return. CFSs are useful facilities for helping children recover from trauma; plans to extend CFSs to return areas should be supported. Ultimately, many of these children need continuing, specialist care to help them recover, and finding that care in displacement or return remains a challenge. Some children have been identified through schools or CFSs as particularly traumatised and referred to health services if available. However, increased training on psychosocial issues is needed for teachers and CFS staff, both to increase their capacity to help traumatised children, and to help them identify serious cases for referral. Even if children were identified, however, there was also a lack of suitable health care providers or counsellors in areas of displacement and return who were able to help children recover from the trauma.

3.5 Recruitment

Additional Protocol II to the Geneva Conventions (relating to the protection of victims of non-international armed conflicts), Article 4.3(c)

“Children who have not attained the age of 15 years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”

Convention on the Rights of the Child, Article 38

“States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities ... States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces.”

Guiding Principle 13

“In no circumstances shall displaced children be recruited [...]”

For several years, there have been reports of recruitment of children in north-west Pakistan into militant groups,⁴³ including reports that boys were recruited in South Waziristan and in Dera Ismail Khan for armed attacks.⁴⁴ Nonetheless, in the Pakistan context, recruitment can be difficult to identify, especially where there is a lack of a clear distinction between civilian and militant. Where families were allied with the Taliban, sometimes their children were perceived as being involved as well.

Some child protection practitioners raised concerns that boys aged between 11 and 15 were vulnerable to recruitment from militant forces, in part because of increased poverty connected to displacement. In areas where schools were not operational, militants may have had greater access for recruitment, perhaps because displaced children might then attend madrassas. Some madrassas have been linked to abuses including recruitment,⁴⁵ and have been used for military training.⁴⁶

There were reports of children associated with the Taliban among the displaced population, perhaps because the distinction between militant and civilian among the displaced population was not always clear. As one CAR official noted, camp management instituted checks, particularly with new inflows of IDPs, but with a high population living in camps, criminality could be a problem. One emergency worker noted that it “can be risky to probe into these cases,” as it could put aid providers at risk.⁴⁷ Despite the psychological harm to the child of military recruitment or involvement, there were few counselling resources in host communities or camps.

4

Children's rights to basic necessities in displacement

Guiding Principle 18

IDPs, including children, have the right to an adequate standard of living, including, "at the minimum and regardless of circumstances," essential food, potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.

While the government, international and non-governmental partners and communities themselves mobilised significant assistance rapidly, the sheer number of people displaced and the rapid pace of the displacement meant that children still encountered problems with overcrowding, inadequate shelter and sanitation, excessive heat, and access to health care.

Poverty was a contributing factor to the problems faced by displaced children. Many of the children came from and fled to very poor areas, and displacement exacerbated their poverty. As a human rights worker in FATA noted: "the displaced children's biggest problem is poverty. They have no schools, no health facilities, no safe drinking water."

Security concerns also hampered effective provision of basic necessities to the vast majority of areas affected by displacement. In many host communities, and particularly in areas such as South Waziristan, DI Khan, and Tank, humanitarian access was extremely limited.

4.1 Shelter

Displaced children faced significant overcrowding in places of refuge, both in host communities and in camps. Aid providers reported that the relative wealth of IDPs dictated to some extent their choice of refuge; consequently the poorest children often had the worst shelter. As in many displacement situations, the wealthiest IDPs fled to major cities, including cities outside the conflict area; the more vulnerable were displaced within their districts of origin or to neighbouring rural areas; and the most vulnerable went to camps. More than 4,500 school buildings were used as camps to shelter IDPs.⁴⁸

IDPs moved between various accommodations, sometimes because they were displaced again by ongoing conflict, and sometimes because of changing financial or personal circumstances. Many aid providers reported

that IDPs outside the camps were better off than those in camps. Typically, IDPs in host communities had more stable shelter, access to markets and health facilities, and they were living in a community together with non-displaced people.

Weather constraints

Many of the IDPs migrated from mountainous areas with colder climates to camps and host community shelters located in the plains, where the heat was sometimes extreme. Neither boys nor girls had appropriate clothing for the hot weather in the summer of 2009, at the peak of the displacement. The heat – exacerbated by the tent structure and the crowding – caused skin diseases for some children as well as heightening the discomfort and suffering of all of them.

As winter approached in 2009, and millions were still displaced, aid providers were again faced with the difficulty of ensuring adequate shelter against the heavy rains in areas of displacement and the cold of return areas.

Children sheltering in camps

The vast majority of children in camps were sheltered in tents with their families. The quality of camp facilities varied, in part based on the local level of humanitarian access and activity. Jalozei, the camp that housed by far the largest number of IDPs, had relatively strong facilities, but local community camps (for instance, in Swabi) were not as well supported. Both camps and tents themselves were crowded; one CAR official observed, that the tents were "neither strong enough nor sufficiently large for these huge families."⁴⁹

There was insufficient recreational space in the camps, despite efforts made through CFSs. Boys were given less freedom of movement than they were used to: one protection monitor noted that whereas children used to have the ability to roam around, they "are now kept in," and consequently get frustrated and violent with each other.

The lack of recreational space particularly affected girls, who were often kept in tents all day so they would not be seen by unrelated males. When male family members returned at the end of the day, they would then accompany the girls to toilets and wash facilities. Girls who were kept inside all day suffered in the extreme heat at the peak of the displacement.

Culturally appropriate solutions

The Emergency Shelter and Non-Food Items Cluster found ways to address some of the shelter issues in camps. Agencies used netting to provide shade above tents, replaced ordinary tents with all-weather tents, and reinforced existing tents with additional insulation. Agencies worked to create culturally-appropriate, restricted spaces outside for males and females, and to build external walls with sheeting to increase privacy in keeping with cultural traditions. These measures helped ameliorate the conditions in the tents and provide children with increased freedom of movement.



Internally displaced girls playing in a fenced-off recreation area outside a child-friendly space at a camp in KP. (Photo: Mohammed Imtiaz Ahmed/ SPARC, October 2009)

4.2 Distribution of essential food

Displaced children generally had at least some access to food during the emergency, though some problems arose with distribution. The government worked with aid agencies to establish hubs both inside and outside camps to distribute food and non-food rations to IDPs. Given the scale and speed of the displacement, and the operational security concerns, the distribution hubs worked well; nonetheless problems remained for vulnerable groups including certain groups of children.

Hubs would frequently be crowded with up to 4,000 people seeking aid. Some IDPs would come from far away and might sleep at the hubs for two or three nights, maintaining their places in the queues. Children were not typically allowed to receive rations, but boys frequently waited in the queues in adults' places, sometimes for hours or days. Some children were taken out of school to do this.

Distribution was based on IDP registration, which was conducted by family. Correspondingly, there were concerns about adequate distribution to particularly vulnerable women and children, including those in female- and

child-headed households. For female- and child-headed households, male relatives might take cards to the distribution points and get the rations, but aid agencies did not know whether the distributed goods got back to the cardholders. The lack of effective monitoring, particularly in many of the host community areas, meant there was not sufficient information to know whether vulnerable children received enough food.

Girls and women would rarely stand in the distribution queues. As one NGO noted, "you'd go there, and all you would see was men."⁵⁰ Women and girls were not always allowed outside alone, and many faced transportation issues in accessing more distant distribution points. UNIFEM advocated for bringing distribution points closer to communities, or using mobile distributions, to overcome these issues.⁵¹

Aid providers attempted to address this problem by establishing women-only distribution days, for female-headed households but also for women in male-headed households. Implementing partners in some cases were able to run sessions, working alongside people from internally displaced communities, to provide information to women on their right to food aid and cash grants. Nonetheless, this approach did not target child-headed households.⁵²

In early 2010 the shift by aid providers to distribute assistance on the basis of vulnerability helped to ensure that children, especially the most needy among them, had better access to assistance.

4.3 Access to health services

Guiding Principle 19.1

"All wounded and sick internally displaced persons ... shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. [...]"

Guiding Principle 4.2

"Certain internally displaced persons, such as children, ... shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs."

Health services were not adequate, but there were some positive health outcomes for IDPs, particularly those in camps. Yet many internally displaced children in host communities and in areas of return had very limited access to health care because of limited infrastructure and security concerns.

Displacement had some positive impact for IDPs' health. Health workers had better access to some displacement regions than they did in some areas of conflict. In displacement, some IDPs had increased access to clinics, and CFS facilities provided opportunities for large-scale vaccination campaigns for children. Prior to the emergency, militants had opposed polio vaccinations in many of the IDPs' areas of origin in FATA and KP.⁵³

The Guiding Principles indicate that special attention should be paid to the health needs of women and girls, including access to female health care providers and services.⁵⁴



A session on nutrition and sanitation for internally displaced women and girls, in Swabi District of KP. (Photo: Mohammed Imtiaz Ahmed/SPARC, August 2009)

The severe shortage of female health care providers left many displaced girls without health care, while some women and girls may have stayed away from health facilities because no male family member could accompany them. Likewise, many displaced women and adolescent girls were faced with insufficient reproductive health care services, despite the Guiding Principles calling for special attention to this issue. One IRC monitoring team reported that families were reluctant to ask for assistance with sensitive matters such as health care in areas where they did not know anyone.⁵⁵

Adolescent girls had difficulty with sanitary needs, finding themselves without rags or places to wash. In a focus group with girls aged from 13 to 15 in camps, Plan Pakistan found that girls reported concerns that they had no sanitary towels;⁵⁶ ICRC protection monitors reported similar problems in the host communities.⁵⁷ Whereas at home, girls might have used rags or old clothes, in the overcrowded conditions in displacement they had fewer ways to wash rags and often didn't have rags available. The problem was addressed through NFI distribution.

4.4 Sanitation and girls' safety

There were insufficient numbers of sanitation facilities – and insufficient privacy around those facilities – in many host communities and camps. Overcrowding (and lack of privacy in camps) caused women and girls difficulties in accessing bathrooms, especially during the day. Girls in the camps reported that, without proper arrangements, there was no way for them to go to the toilet or wash undergarments. Girls and women would often wait until night, when male family members had returned and could accompany them to the toilets and wash facilities.

Girls reported that some young boys would sit around with mobile phones, taking pictures of the girls at the facilities, and that they would be taunted with singing and vulgar comments. They noted that the problem seemed to be more severe in camps which lacked purdah arrangements and adequate fencing. Aid providers attempted to address the problem by adjusting the sanitation facilities so that they were more in keeping with traditional arrangements.

Similar problems existed in host communities, where overcrowding limited safe spaces for women and girls. In some sites in Mardan, for example, boys could wash in a nearby river, but girls could not. Islamic Relief and other agencies attempted to extend aid to these areas by building communal latrines and hand pumps, and distributing hygiene kits, in order to boost local resources.⁵⁸

5

Violence and exploitation during displacement

5.1 Forced marriage

Forced marriages occurred in the region before the crisis, particularly in rural areas such as those from which the IDPs originated. However there is anecdotal evidence of a steady increase in forced marriage of internally displaced girls.⁵⁹ Inadequate protection monitoring hampered the collection of information on this issue; a lot of the existing information comes from word-of-mouth, from small community service organisations, media, or volunteers within communities.

Regardless of whether the girls themselves see this as a coercive situation, child marriage is considered forced under international law, as children are unable to give legal consent.⁶⁰ Forced marriage violates children's rights law,⁶¹ and has been recognised as a form of contemporary slavery, trafficking and sexual exploitation.⁶² International law recommends that children do not marry before the age of 18;⁶³ however Pakistani law permits marriage at 16 for girls.⁶⁴ According to reports by aid providers, most IDP girls entering forced marriages have been between the ages of 13 and 17, but there may be cases of girls as young as nine or ten. According to anecdotal sources, some of these girls may be married to men who already have wives.

The uncertainty of displacement and perceived accompanying risk to girls may have contributed to the reported rise in early marriage. Displaced families may be more willing to have girls married early as a protection mechanism. Within this region, there can be a great fear of girls being alone without brothers or fathers present. Both in areas of displacement and in the host communities, fathers and sons were killed or displaced, and families scattered and fragmented. Some families reportedly feared that their daughters would be taken away by militants if they were not married.

Rates of forced marriage may also have risen from a sense of obligation to host families. Presentation of a young girl in marriage may be seen as a token of gratitude when a displaced family has been staying with a host family for several months, often in cramped quarters with limited access to food and other resources. There may also have been exchange marriages between host community families and internally displaced families.⁶⁵ Being within the host community may increase the impetus for such arrangements.

Increased poverty in the displaced community may have contributed to increased rates of forced marriage. Dowry is

traditionally paid by the groom and his family to the bride's family. Internally displaced families may have had stronger financial incentives for early marriage during the displacement, as a way to reduce the burden of poverty. Experts on issues faced by internally displaced children globally have noted that early marriage is more common when resources are scarce, with dowries used for family survival.

Preventing forced marriage is complicated by low rates of birth registration.⁶⁶ When children are deprived of this document which legally establishes their ages, it is much more difficult to safeguard them against early marriage.⁶⁷ A UNIFEM official reported that without birth registration establishing that the child is underage, "we can't legally intervene."⁶⁸ Additionally, early marriage can be a controversial issue, as some mullahs preach that girls can be married upon reaching puberty; consequently aid organisations may be more reluctant to tackle the issue in different forums.

Forced or early marriage has a negative impact on children long beyond displacement. The bride will remain with her new family after the period of displacement has ended. Child marriage and usually leads to the termination of any formal education. Early marriage heightens risks associated with childbirth; Pakistan in general and the KP region already have significant rates of maternal mortality.

While the government has taken some steps to address forced marriage nationwide, the Committee on the Rights of the Child remains concerned that existing mechanisms are inadequate to protect all girls, and recommends that the government implement stronger legislation, provide sensitisation programmes, punish perpetrators, and address poverty-related causes of early marriage.⁶⁹

Activities related to this issue were lacking from the humanitarian response. Better protection monitoring is needed in order to understand the situation, and preventive programming is needed to raise the awareness of IDPs, non-displaced communities, and aid providers of the risks associated with early marriage.

5.2 Domestic violence and corporal punishment

There is some evidence that rates of domestic violence and corporal punishment in the home have gone up during the displacement, yet this is an issue that is exceptionally hard to monitor. Children have the right to freedom from

violence.⁷⁰ Domestic violence, where children are beaten at home (a particular problem for girls), and corporal punishment, where children receive physical punishment as a corrective measure, are prohibited by international law. In displacement, when families face overcrowding, trauma, and loss of income, children are more at risk of domestic violence and corporal punishment; yet in the Pakistan emergency, inadequate protection monitoring diminished the capacity to understand the depth of the problem and respond appropriately.

Save the Children and Islamic Relief reported increases in domestic violence and corporal punishment against boys and girls, potentially as a result of trauma during displacement, or sharing crowded living spaces shared with two or three families or with distant relatives. Likewise, UNIFEM reported that internally displaced girls have said “they are getting pushed around more than before” perhaps because their parents were “very stressed.”⁷¹ Islamic Relief observed that where children are left with extended family members – if parents are missing, killed, or if they have returned to assess conditions at home, for instance – the risk of violence may increase.

Information on this sensitive issue can be elusive, and there are no hard figures. People are not likely to talk about this issue or raise complaints. One aid agency, Trocaire, which has been working to establish women’s committees as forums for women to share problems, argued that the evidence for an increase in domestic violence is not strong. In fact, the lack of private space in camps and in crowded sites may have created a situation in which violence against women and children was more difficult to carry out.⁷²

Children in Pakistan are accustomed both to violence within the home and to remaining silent about that violence. One UNIFEM official noted that reporting violence in the home is not seen as permissible, while talking about distress arising from witnessing conflict or from displacement is more accepted. Reporting rates are particularly low for gender-based violence against women and adolescent girls. Teenage girls are particularly at risk, but also particularly hidden; for these girls in particular it is especially difficult to conduct monitoring or needs assessments. One protection monitor observed: “To tell the truth, we cannot ask questions directly – about husband beatings, sexual abuse, or domestic violence.”⁷³

Counselors and protection monitors reported difficulties in approaching women and girls within homes, due to the perceived violation of privacy. Counselors themselves may be at risk of violence or other retribution from the family members of a girl who has confided in them; the family members may perceive that they have “polluted the mind” of the girl.

Protection monitoring on domestic violence was further hampered by security concerns for counselors and monitors working in the affected areas. Essentially, the lack of ability to speak confidentially with children and adolescents impedes effective collection of information or delivery of aid, and puts monitors at risk. Some protection monitors work with a very low profile, to try and minimise the threat to the monitors and to IDPs. Some agencies attempted to rely on community-based committees to report information. Increased access to child-friendly and woman-friendly spaces in camps also helped the gathering of information about domestic violence, as the counselors and monitors were then harder to identify.⁷⁴ UNIFEM worked with five local NGOs to provide life-skills training and other rudimentary skills for women and girls. One UNIFEM official noted that this was a more effective method of reaching girls in camp settings than in host community settings, where girls may find it harder to leave the home and access women-friendly spaces.

5.3 Child labour

Convention on the Rights of the Child, Article 32.1

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

Child labour – a significant issue in Pakistan generally – seems to have gone up considerably among displaced children, which may be attributed to the increased poverty and lack of educational opportunities for many of them.

There is a lack of hard data on child labour in Pakistan in general, in part because of insufficient surveying and monitoring systems to identify victims of forced labour; the lack of monitoring is likewise an issue in the IDP community. Child labour, including bonded labour in which a child works to repay debt, is a problem beyond the IDP community. Nonetheless, aid providers and observers report that rates of child labour have increased among the displaced population, perhaps due to increased poverty.

Observers report that some displaced boys and girls, for instance, are labouring as domestic workers for host families. Girls in particular may then remain with the host family even after their own families have returned.

The increase in child labour outside of the domestic context is mostly among boys, especially displaced boys in child-headed or female-headed households.⁷⁵ One of the

IRC protection teams found a case in which the father sent his eldest son to the brick kilns for bonded labour, because “the family couldn’t accommodate him; they were already poor.”



Internally displaced boys playing in a fenced-off recreation area in a camp in Swabi District, KP. (Photo: Mohammed Imtiaz Ahmed/SPARC, August 2009)

Typical work for displaced children varied, but corresponds with forms of labour by non-displaced children in the area. Internally displaced boys from the age of around seven may be working in factories (in Swat and Bunir), in fruit processing or other agriculture, or as rag pickers. Save the Children noted cases of boys aged between approximately three and ten years old begging. Local organisations in FATA reported that internally displaced boys were working in hotels and restaurants, in marble quarries and mining facilities, in agriculture, and in smuggling operations, and that boys between six and ten years old were frequently begging. Some boys found temporary labour at food hubs or distribution points, carrying food or waiting in queues.

Save the Children notes that the government debit card programme for IDPs has helped address the child labour issue, perhaps because it has helped to address the underlying poverty of displaced families. However, families who remain unregistered do not receive this assistance and children in those families consequently remain particularly vulnerable.⁷⁶

5.4 Sexual exploitation

There are some indicators that sexual exploitation of children – particularly boys – has increased during the displacement. Firm data, however, does not exist. As one UNIFEM official reported, sexual exploitation is probably a major issue in the Pakistan displacement, but because

of significant issues with reporting and undercounting, there are no effective ways to verify this.⁷⁷ The cluster approach can be a useful forum for identifying issues of exploitation, as it provides a forum for partner NGOs to share information and craft responses.

Sexual exploitation of boys

While girls also face sexual exploitation, more incidents are thought to happen to boys.⁷⁸ Boys’ risk of sexual exploitation increased when they were apart from their families, whether temporarily for work, or in separation cases. With increased rates of poverty among IDP families, more boys were sent to work, increasing the risk that they are subjected to sexual exploitation by employers. Culturally, “sexual harassment of boys can be seen as part of growing up”, and that boys at roadside motels and catering institutions might routinely be subjected to this kind of exploitation.⁷⁹ One local aid organisation noted that sexual exploitation might be a condition of finding work for some boys.

Boys may be subjected to sexual abuse and exploitation more than girls because they are less protected; girls are typically kept closer to home. As with other sensitive issues, there has been an absence of protection monitoring on this topic.

5.5 Trafficking

Trafficking and abduction was thought to be much lower in this crisis than after the earthquake in 2006,⁸⁰ perhaps because families were, for the most part, able to move together in this crisis. However, as with many sensitive topics, there is no concrete data, and people are reportedly reluctant to speak up about sensitive issues like trafficking. A limited number of internally displaced girls who were sent to family members or friends in Karachi, Lahore, Faisalabad and other places, may have been trafficked into prostitution, according to local NGOs in those cities who report finding girls in this situation.

One UNIFEM official noted that it was extremely difficult to monitor and respond to this issue.⁸¹ While the government is now registering internally displaced children, it does not follow up with tracking three months or six months later, and without such information little can be done. Save the Children confirms that the lack of information is troubling, particularly with respect to abductions or trafficking: “We can’t say they’ve stopped. Nobody knows.”⁸² As with many rights issues that affect vulnerable internally displaced children, a more comprehensive monitoring and protection system is needed.

Convention on the Rights of the Child, Article 28
 "States Parties recognize the right of the child to education and ... they shall, in particular: (a) make primary education compulsory and available free to all [...]"

Geneva Convention IV Article 24(1)
 Parties to the conflict shall take the necessary measures to ensure that the education of children under fifteen is "facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition."

Guiding Principle 23.2
 "...the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. [...]"

Guiding Principle 23.4
 "Education and training facilities shall be made available ... as soon as conditions permit."

Displaced children in Pakistan in 2009 – in host communities and camps – lost many months of education. Both girls' schools and boys' schools were attacked in conflict areas. In some areas of displacement, there was no access to education, and in other areas, that access was extremely limited. In camps, a strong effort was made to provide primary education, but this did not cover all students. Meanwhile, there was only limited access to secondary facilities in camp settings.



Internally displaced boys in a child-friendly space in a camp in Swabi District, KP. (Photo: Mohammed Imtiaz Ahmed/SPARC, August 2009)

The situation in host communities was generally worse: internally displaced children had very limited access to primary facilities, and secondary education was generally lacking. For displaced and non-displaced children, access to education was hampered by the extensive use of school buildings as shelter for IDPs.

Responsibility for education in Pakistan rests largely with the provincial and district governments: the KP government in particular took steps to address IDP education, but it was overwhelmed by the scale of the challenge at the height of the displacement.

Education is critical to any child's development, and crucial internally displaced children in an emergency such as Pakistan's: school also provides the stability and psychosocial support needed to counter the upheaval and insecurity of displacement. Education protects children from exploitation and can provide life-saving information. One emergency worker noted that schools are safe spaces for children: "If they're not there, they're on the streets, they're at risk. And we can provide life-saving skills, including mine risk education and other things."⁸³ And yet, at primary and secondary level, in host communities and in camps, for boys and girls, displaced children in Pakistan were not able to access quality education during the crisis, and many remain unable to access education in areas of return.

6.1 Attacks on schools prior to displacement

Education – for both boys and girls – suffered when both the army and non-state armed groups targeted schools in different manners. Militants targeted girls' schools in certain areas. In addition, the army used some boys' schools as bases, leading to further attacks from militants. The climate of insecurity built up in part from these attacks may have contributed to the scale of the resulting displacement.

In Swat, for example, attacks on schools were prevalent in the years leading up to the crisis. SPARC estimates that militants had destroyed over 200 schools in Swat by the end of 2008, of which 95 per cent were girls' schools. SPARC collected data indicating that attacks on schools took place in much of the conflict region, including in FATA, and they estimate that 50,000 students, the vast majority of whom were girls, were deprived of education as a consequence. Other students were unable to continue their education when the army occupied their school premises.

Some areas of Pakistan – including many of the IDPs' areas of origin – score poorly on education indicators. In KP in 2009, only 22 per cent of girls over 14 are literate, and in FATA, only seven per cent of girls over ten were literate.⁸⁴ The gross enrolment rate in primary schools was 74 per cent for boys, but only 57 per cent for girls. Displacement was in some cases an opportunity for children to access schools for the first time in their lives.

6.2 Education in displacement: host communities

There were serious issues with access to education for internally displaced children in host communities, where demand vastly exceeded availability, particularly during the largest wave of displacement from Swat and Bunir from April to June 2009. Guiding Principle 23 specifically notes that “education and training facilities shall be made available to all internally displaced persons... whether or not they are living in camps[...].” Ultimately, however, very few displaced children in host communities received any formal schooling, either through host community schools or through programmes established for internally displaced children.



Internally displaced girls at a gathering for Eid in a camp in KP. (Photo: Mohammed Imtiaz Ahmed/SPARC, September 2009)

Host community schools

Displaced children were generally not able to access schools in host communities, in part because the scale of the displacement overwhelmed local systems. Some efforts were made to overcome the problems faced by displaced children attempting to register in host community schools: the KP Ministry of Education issued a directive instructing principals to admit students regardless of documentation.⁸⁵ In some areas this was successful; in Mardan and Charsadda, for example, some

displaced children were admitted to schools following aid providers' advocacy on this directive.⁸⁶ However, there were some reports of internally displaced children being refused admission to host community schools, because the displaced child was only expected to be in the area for a short period.⁸⁷ Other schools reported they did not have the resources to provide for displaced children.⁸⁸ Even where there were schools, some parents were also reluctant to allow their children to travel significant distances to attend, or held them back for other reasons discussed below.

The school calendar in the host community area differs from the calendar in the primary regions of displacement: whereas the longest break in the low-lying host community region is over the summer months (when the temperature is high enough to prevent effective learning), that same break occurs in the winter months in the mountainous areas of origin, when it is too cold and heating the schools becomes difficult. Consequently, when internally displaced students from the mountainous regions were displaced to plains areas, schooling was not in session. This calendar, in addition to the displacement situation, meant that internally displaced children missed several months of education.

New school programming

There were a limited number of interventions by community organisations or local NGOs to establish new school programmes that could accommodate the large influx of internally displaced children;⁸⁹ however, they by no means provided the necessary amount of coverage. Some areas, particularly those that were particularly rural or insecure, had very little assistance: displaced children in DI Khan and South Waziristan, for instance, had very little access to education.

Many factors impeded the establishment of new educational programming in the host communities. First, it was difficult to provide educational assistance to vast numbers of IDPs in host communities because they were scattered over a large number of districts. Second, IDPs were in insecure areas, and aid workers faced adverse security conditions in many of the affected areas. Third, it was difficult to track the numbers of IDPs in each sub-region accurately enough to understand the educational needs of that area. Fourth, the government perceived the displacement as temporary, and perhaps for this reason did not focus on addressing educational needs.⁹⁰

Over 4,500 schools were used as shelters for IDPs in the hosting areas,⁹¹ particularly during the largest wave of displacement starting in May 2009. They were rendered unusable as schools for displaced and non-displaced children alike during the peak period of displacement.

Case study: Providing education in the Bajaur displacement

In the Bajaur displacement which started in August 2008, significant steps were taken to provide education for displaced children, though the response was not without problems. Some teachers from government schools were available to assist, and volunteered to start schooling. There were identifiable pockets of IDPs, and their number was less overwhelming than in later waves of displacement.

In this phase of the crisis, it was possible to find sufficient teachers for displaced children. First, displaced teachers were asked to teach displaced children; second, the government asked to deputise host community teachers; and third, “paraprofessionals” without formal teaching qualifications but with a range of other qualifications were hired. This approach was not without problems. For instance, some host community teachers were overburdened, even with top-ups to their salaries, and the qualifications of paraprofessionals varied widely.

Schools ran in double shifts, educating different groups of children in each shift. Internally displaced

children were usually segregated from host community children. According to one of the leaders of the Education Cluster, this decision to segregate children was taken rapidly because of the temporary nature of the situation, and in order to minimise disruption to the host community children. The schools used the same government curriculum; this minimised the interruption to education for those displaced children who did have access to schools.

When the larger displacement from Swat and Bunir took place in summer 2009, many of the same techniques were put into place in order to cater for displaced children in host community settings. However, the vast numbers of people involved in this displacement overwhelmed the limited resources available. As an emergency education official for UNICEF noted: “You can’t cater to such a large number of people in such a short time.”

(from IDMC interviews with an Education Cluster lead in Islamabad, February 2010 and UNICEF staff in New York, January 2010)

During the summer, children were out of school in any case, but many schools were still being used as IDP shelters, and many more were vacant but unusable, when the school year began again. Ultimately, children missed many months of school, and many remain out of school in mid-2010.

A human rights activist in FATA noted that madrassas are a popular option among the displaced; he observed that both boys and girls could attend their facilities, eat there, and sometimes live there, without being charged fees. However, among those newly displaced since the South Waziristan operation of autumn 2009 began, many internally displaced families have not found their ways to new schools.

6.2 Education in displacement: camps

Displaced children in camps had better access to education than children in host communities, and in some cases, they had better access than in their places of origin. In camps, facilities were made available through members of the Education Cluster, and teachers were found among the camp populations, within the local community, and by hiring paraprofessionals without formal teaching qualifications. Schools in camps typically followed the curriculum set down by the regional authorities.

Despite the fact that schooling was more available than in host communities, schooling in camps was by no means comprehensive. Educational opportunities existed in all camps, but not for all children: between ten and 15 per cent had no access.⁹² Approximately 28,000 children in camps were enrolled in school in 2009, mainly at the primary school level.⁹³ However, coverage for secondary education was much lower. Schools lacked physical and human resources: in Jalozaï camp, for example, more teachers, textbooks and other supplies were needed to reach all the children in the camp.

Both boys and girls benefited from camp schools. Among the almost 6,000 students in IRC schools in Jalozaï camp, for example, slightly more than half were boys. Many girls enrolled in play group, nursery, and first grade, but there were fewer girls at higher levels, perhaps because girls had had less access to school in home areas and so were less prepared.

School management committees were established at the beginning of many school programmes in the camps, often consisting of interested parents and other community members. Girls’ schools had female committees; boys’ schools male committees. The committees established terms of reference for the schools, detailing what was expected, even during the emergency phase. Committees

were particularly useful for reaching out to families and encouraging school attendance.

UNICEF provided school materials through the school-in-a-box (SIB) programme. SIB kits provide educational materials for 80 children for three months, including stationery, log books, recreation kits and other materials. Steps were taken to ensure that the SIBs were tailored to the Pakistan curriculum and to the cultural needs of the region by including, for example, activities that girls could use such as indoor games.

6.4 Education in return areas

Around two million displaced people have returned to areas of origin, but children in return areas lack access to working schools. A UNICEF official estimated that 600 schools were partly or fully damaged during the conflict.⁹⁴ Many of these were girls' schools or boys' schools used by the army. The rebuilding of those schools, especially of those that were completely destroyed, has not progressed very quickly, due to lack of funding and because security concerns prevent government agencies and NGOs from operating. In addition, recruiting adequate numbers of female teachers is particularly difficult in return areas.

A UNICEF programme has aimed to increase the registration of girls in primary school in selected districts all over the country. A UNICEF official asserted that it is a "myth that people do not want to send girls to school." He noted, however, that there are supply issues: insufficient numbers of female teachers; inadequate water and sanitation facilities appropriate for girls' needs; and school buildings too distant from girls' residences. UNICEF hopes to address some of these issues by creating community feeder schools and opening schools closer to villages. In Upper Dir, a significant return area, the programme is reportedly having a beneficial impact for returnees and those who stayed behind alike.⁹⁵

Similarly, Plan Pakistan has operated a School Improvement Plan (SIP) in Bunir. According to one Plan official, the programme uses interactive teaching methodologies to combat child protection issues, address fears of militancy, and encourage children to rejoin school.⁹⁶ Plan Pakistan has focused on primary schools, and even at that level, reports that an insufficient number of teachers have been hired to staff schools in Bunir. Furthermore, the teachers that are there have not received sufficient training to help children deal with the trauma of conflict and displacement. Plan Pakistan aims to combat these issues with teacher training programmes, focusing on interactive teaching methods and psychosocial training.

6.5 Obstacles to education for displaced children

Barriers to school attendance

After the trauma of conflict and flight, many displaced families had reservations about sending children to school. Parents feared that their children would be exposed to ongoing conflict or that the trauma of their earlier experiences would be exacerbated outside the home. IDPs in host communities were sometimes scattered far from schools, and families perceived the travel to be a considerable risk, especially for girls.

Uncertainty played a role in lower school attendance: some parents refrained from sending their children to school because they perceived the displacement as temporary. Secondary displacements within host communities, from host communities to camps or vice versa, or from camp to camp following consolidation or closure, also contributed to lower enrolment.

The increased poverty that frequently accompanies internal displacement also impacted school attendance. Boys in particular were taken out of school to stand in distribution lines, to collect wood, and to perform other tasks for the family, and also to labour outside the home. By the age of seven or eight years old, boys are considered old enough for these tasks. In both host communities and in camps, men frequently left for work, and so family responsibilities fell to boys.

Documentation and curriculums

Displaced children without personal documentation may have struggled to access school. Although the KP Ministry of Education relaxed registration requirements for displaced children, and parents were able to dictate which class their child should be placed in based on his or her prior schooling, registration remained difficult, in part because local schools lacked the infrastructure to absorb thousands of new students.

Some students missed their matriculation exams, which are to be taken in the district of residence. The KP provincial government made arrangements allowing displaced students to take the exam elsewhere, but this was not always communicated within the displaced community.

Schools in camps typically followed the curriculum set down by the regional authorities. Implementing partners running the schools attempted to facilitate certification with district authorities so that students could receive credit for the time spent in these schools when they returned home. However, in some cases, families were unable to obtain these certifications, due to the sudden nature of returns in some instances.

Recruiting teachers

Guiding Principle 23.3

“Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.”

Finding sufficient teachers – particularly female teachers and in rural areas – has remained a challenge in areas of displacement and return. The long-term lack of female teachers in the region has been exacerbated by displacement and conflict and the remaining Taliban presence in north-western areas. According to one UNIFEM official, there are no longer sufficient numbers of female teachers “who are willing to step out of their houses and provide support for young girls.”⁹⁷ Various initiatives undertaken by members of the Education Cluster – including job searches within the local community and offers of top up salaries – have not yielded sufficient numbers of female teachers.

The IRC aimed to staff their camp schools to the extent possible with teachers from the displaced community, and were able to find 50 per cent of male teachers from these communities. This group included qualified teachers, as well as men within the displaced population who had bachelors degrees or matriculation certificates. However, the IRC found it much harder to find female teachers within the IDP population; one IRC coordinator reported that they found only one woman with a matriculation certificate when searching for teachers for schools in Jalojai camp.⁹⁸ Some success was had recruiting male and female teachers from the host population, but often these teachers had to travel a long way (Jalojai is 35 kilometres from Peshawar and 30 kilometres from Nowshera, the two closest cities), and so it was hard to retain these teachers over time.

Rebuilding schools used to shelter IDPs

In the Pakistan Humanitarian Response Plan (PHRP), UNICEF estimated – prior to the May 2009 wave of displacement – that 400 schools would need rehabilitation after being used as IDP camps.⁹⁹ Ultimately, however, more than 4,500 schools were used and needed partial or complete rehabilitation.¹⁰⁰ This led to significant disruption of education once the school year recommenced in September 2009.

After returns started, UNICEF started a rehabilitation operation to wash and paint some schools and to rebuild others, mostly in host community areas. However, plans were blocked by political disagreements about the design and sustainability of the buildings to be reconstructed.

UNICEF favoured pre-fabricated school buildings, which had the advantage of shorter building time, but which last for approximately 15 years. The government favored construction of bricks-and-mortar buildings with longer life expectancy, but also longer construction times that would keep children out of school for a longer period, and argued for the use of tents in the meantime. Further difficulties arose because insecurity made it difficult to access sites for evaluation or construction.¹⁰¹

Funding education in emergencies

There was a significant shortfall in funding for education during the emergency. In the PHRP for 2009, only 29 per cent of the requested moneys for education were received, even though the PHRP was published before the May 2009 wave of displacement, and the final level of need was far greater.¹⁰² The situation for 2010 looks no better: as of mid-April 2010, UNICEF has received only six per cent of the \$1.4 it requested for educating children in camps.¹⁰³

The lack of funding for emergency education compounds a general lack of funding for education in Pakistan: domestic spending on education is between 2.7 and 2.9 per cent of GDP, placing Pakistan 119th out of 127 countries in terms of public expenditure on education,¹⁰⁴ and far below the five per cent benchmark set in the National Plan of Action on Education for All.¹⁰⁵ Displaced children, who are particularly in need of stability, have particularly suffered from this under-investment.

Among the Education Cluster members, only a few received specific funding for education for displaced children from humanitarian appeals. Some organisations had no funding at all. One of the leaders of the Education Cluster expressed hope that they will get more funding during the early recovery stage.¹⁰⁶ However, he noted that it is hard to restart education if it is interrupted: “If a child is out of formal education, there’s more chance that he will go to the madrassas.”¹⁰⁷

Implementing partners operating schools in affected areas were often without sufficient funding. One of the coordinators at the IRC in Islamabad, for example, noted that he spent much of the 2009 year approaching donors for education, with little success.¹⁰⁸ Some donors expressed more interest in “life-saving” functions, while the government viewed the displacement as temporary and was therefore less interested in investing in education.

Notes

- 1 IDMC estimates that 3.35 million people were displaced between 2008 and May 2010. UNICEF reports that more than 60% of the displaced population in Pakistan was under the age of 18. UNICEF, Internally Displaced People in Pakistan, December 2009, p.2.
- 2 International Committee of the Red Cross, Pakistan Newsletter, June - July 2009, p.4.
- 3 IDMC interview with Pervaiz Junejo, Commissioner, Chief Commissionerate for Afghan Refugees, Islamabad, February 24, 2010.
- 4 International Crisis Group, Pakistan's IDP Crisis: Challenges and Opportunities, 3 June 2009, p.3.
- 5 Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4, 2 October 2009, para.12-13.
- 6 Office for the Coordination of Humanitarian Affairs, Humanitarian End of Year Review: Pakistan 2009, 13 January 2010, pp.3-7.
- 7 International Committee of the Red Cross, Pakistan Newsletter, November – December 2009.
- 8 Office for the Coordination of Humanitarian Affairs, Humanitarian End of Year Review: Pakistan 2009, 13 January 2010, p.5.
- 9 IDMC interview with Pervaiz Junejo, Commissioner, Chief Commissionerate for Afghan Refugees, Islamabad, February 24, 2010.
- 10 Office for the Coordination of Humanitarian Affairs, Humanitarian End of Year Review: Pakistan 2009, 13 January 2010, p.4.
- 11 Pakistani Red Crescent Society Magazine, PCRS Distributes Relief Items Among 500 Displaced Sikh Families of Swat, July-December 2009.
- 12 IDMC interview with Saadia Yaqoob, Emergency Relief Coordinator, Plan Pakistan, Islamabad, 24 February 2010.
- 13 Ibid.
- 14 IDMC interview with Arshad Mahmood, Executive Director, and Mohammad Imtiaz Ahmed, National Manager (Violence Against Children), Society for the Protection of the Rights of the Child (SPARC), Islamabad, 19 February 2010.
- 15 Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4, 2 October 2009, para.8-10.
- 16 Office for the Coordination of Humanitarian Affairs, Consolidated Appeal: Pakistan Humanitarian Response Plan (Revised) 2008-2009, Table D: Requirements, Commitments/Contributions and Pledges per Cluster, 1 June 2010.
- 17 Ibid.
- 18 IDMC interview with Jumma Khan, International Rescue Committee coordinator for child and youth protection, Islamabad, February 22, 2010.
- 19 IDMC interview with Islamic Relief, Islamabad, 15 February, 2010.
- 20 Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4, 2 October 2009, para.12-13.
- 21 CRC, Ibid, para.16-17.
- 22 IDMC interview with UNHCR, Islamabad, 19 February 2010.
- 23 IDMC interview with Saadia Yaqoob, Emergency Relief Coordinator, Plan Pakistan, Islamabad, 24 February 2010.
- 24 IDMC interview with UNICEF emergency specialist, New York, 4 February 2010.
- 25 IDMC interview with UNHCR, Islamabad, 19 February 2010.
- 26 IDMC interview with Nadia Noor, Child Protection Advisor, Save the Children (Sweden), Islamabad, 17 February 2010.
- 27 Ibid.
- 28 IDMC interview with International Rescue Committee protection coordinator, Islamabad, 26 February 2010.
- 29 IDMC interview with UNHCR, Islamabad, 19 February 2010.
- 30 IDMC interview with staff from UNIFEM's Women, Peace, and Security programme, Islamabad, 26 February 2010.
- 31 Convention on the Rights of the Child, Article 20.
- 32 IDMC, Training on the Protection of IDPs: Internally Displaced Children and Adolescents.
- 33 International Committee of the Red Cross, Pakistan Newsletter, June - July 2009.
- 34 UNICEF, Internally Displaced People in Pakistan, December 2009, p.10.
- 35 Pakistan's national laws are not fully harmonised to define a child as every being below the age of 18 years; in particular, the Child Marriages Restraint Act (1929) asserts that girls need only be 16 to marry (boys need to be 18), and is inadequately enforced for children who marry before attaining those ages, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Con-

- vention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4, 2 October 2009, paras.27 and 70.
- 36 IDMC interview with UNHCR, Islamabad, 19 February 2010.
- 37 Inter-Cluster Working Group (IDP Protection Cluster), Registration Criteria for Internally Displaced Populations and Criteria and Procedures for Provision of Assistance Based on Vulnerability Grounds, adopted at Inter-Cluster Coordination Meeting in Islamabad, November 2009, p.1.
- 38 Convention on the Rights of the Child, Article 7.
- 39 Additional Protocol I to the Geneva Conventions, Article 48.
- 40 IDMC interview with Saadia Yaqoob, Emergency Relief Coordinator, Plan Pakistan, Islamabad, 24 February 2010.
- 41 IDMC interview with Arshad Mahmood, Executive Director, and Mohammad Imtiaz Ahmed, National Manager (Violence Against Children), Society for the Protection of the Rights of the Child (SPARC), Islamabad, 19 February 2010.
- 42 IDMC interview with Saadia Yaqoob, Emergency Relief Coordinator, Plan Pakistan, Islamabad, 24 February 2010.
- 43 The Society for the Protection of the Rights of the Child, *The State of Pakistan's Children 2008*, May 2009, p.46-48; Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4*, 2 October 2009, para.86. See also Karin Brulliard, *the Washington Post*, *In Pakistan, Reform School Attempts to Offer Child Fighters a Chance at a New Life*, 28 March 2010; Kasloom Lakhani, *Foreign Policy*, *Pakistan's Child Soldiers*, 29 March 2010.
- 44 *Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008*, 2009, p.267.
- 45 Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4*, 2 October 2009, para.80.
- 46 *Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008*, 2009, p.267 (the Global Report observes that in 2004 – 2008, “some madrasas reportedly continued to promote religious radicalism and violence, and were used for military training,” but notes that madrasas were not the sole recruiting grounds for insurgents and the majority were not involved in militancy).
- 47 IDMC interview with Jumma Khan, International Rescue Committee coordinator for child and youth protection, Islamabad, February 22, 2010.
- 48 Office for the Coordination of Humanitarian Affairs, *Humanitarian End of Year Review: Pakistan 2009*, 13 January 2010, p.5.
- 49 IDMC interview with Pervaiz Junejo, Commissioner, Chief Commissionerate for Afghan Refugees, Islamabad, 24 February 2010.
- 50 IDMC interview with Trocaire staffers, Islamabad, 18 February 2010.
- 51 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 52 IDMC interview with Trocaire staffers, Islamabad, 18 February 2010.
- 53 *The Society for the Protection of the Rights of the Child, The State of Pakistan's Children 2008*, May 2009, pp.112-113).
- 54 Guiding Principle 19.2.
- 55 IDMC interview with International Rescue Committee gender focal person, Islamabad, 24 February 2010.
- 56 IDMC interview with Saadia Yaqoob, Emergency Relief Coordinator, Plan Pakistan, Islamabad, 24 February 2010.
- 57 IDMC interview with International Rescue Committee gender focal person, Islamabad, 24 February 2010.
- 58 IDMC interview with Islamic Relief, Islamabad, 15 February, 2010.
- 59 IDMC interviews with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010; Nadia Noor, Child Protection Advisor, Save the Children (Sweden), Islamabad, 17 February 2010; staff from UNIFEM's Women, Peace, and Security programme, Islamabad, 26 February 2010; Arshad Mahmood, Executive Director, and Mohammad Imtiaz Ahmed, National Manager (Violence Against Children), Society for the Protection of the Rights of the Child (SPARC), Islamabad, 19 February 2010; IDMC telephone interview and email correspondence with Noor Education Trust, Peshawar, 22 February 2010; IDMC telephone interview with Pakistan Village Development Programme, 24 February 2010.
- 60 UNHCR, *Handbook for the Protection of Women and Girls*, 2008, pp.191-192.
- 61 Convention on the Rights of the Child, Article 28.
- 62 Report of the Working Group on Contemporary Forms of Slavery on its 28th Session, 27 June 2003, E/CN.4/sub.2/2003/31; Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, Sigma Huda, “Implementation of General Assembly Resolution 60/251 of March 2006,” A/HRC/4/23, 24 January 2007, para. 21.
- 63 Committee on the Rights of the Child, General Comment No. 4, 2003, para.20 (“The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys”).
- 64 Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article*

- cle 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4, 2 October 2009, para.26-27
- 65 The Society for the Protection of the Rights of the Child, *The State of Pakistan's Children 2008*, May 2009, p.36-37.
- 66 UNICEF, *Internally Displaced People in Pakistan*, December 2009, p.10 (Only 20 per cent of children in KP, and 1 per cent in FATA, are registered at birth).
- 67 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 68 Ibid.
- 69 Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan, CRC/C/PAK/CO/3-4*, 2 October 2009, para.70-71.
- 70 Committee on the Rights of the Child, *General Comment No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)*, 2006.
- 71 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 72 IDMC interview with Trocaire staffers, Islamabad, 18 February 2010.
- 73 IDMC interview with International Rescue Committee gender focal person, Islamabad, 24 February 2010.
- 74 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 75 IDMC interview with Nadia Noor, Child Protection Advisor, Save the Children (Sweden), Islamabad, 17 February 2010.
- 76 Ibid.
- 77 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 78 IDMC interview with staff from UNIFEM's Women, Peace, and Security programme, Islamabad, 26 February 2010.
- 79 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 80 IDMC interview with staff from UNIFEM's Women, Peace, and Security programme, Islamabad, 26 February 2010.
- 81 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 82 IDMC interview with Nadia Noor, Child Protection Advisor, Save the Children (Sweden), Islamabad, 17 February 2010.
- 83 IDMC interview with Jumma Khan, International Rescue Committee coordinator for child and youth protection, Islamabad, 22 February, 2010.
- 84 UNICEF, *Internally Displaced People in Pakistan*, December 2009, p.8.
- 85 IDMC interview with International Rescue Committee protection coordinator, Islamabad, 26 February 2010.
- 86 Ibid.
- 87 IDMC interview with International Rescue Committee gender focal person, Islamabad, February 24, 2010.
- 88 Ibid.
- 89 For instance, the Community Motivation and Development Organization (CMDO, of Peshawar) was managing 5 schools in Kyhber Agency and 12 schools in Lakki Marwat and Bannu Districts of KP as of early 2010. IDMC email correspondence with Humayun Gul, Programme Manager, CMDO, 9 March 2010.
- 90 IDMC interview with Syed Fawad Ali Shah, Education Officer (Emergency), UNICEF, and Education Cluster Coordinator, Islamabad, 11 February 2010.
- 91 Office for the Coordination of Humanitarian Affairs, *Humanitarian End of Year Review: Pakistan 2009*, 13 January 2010, p.5.
- 92 IDMC interview with Syed Fawad Ali Shah, Education Officer (Emergency), UNICEF, and Education Cluster Coordinator, Islamabad, 11 February 2010.
- 93 UNICEF, *Internally Displaced People in Pakistan*, December 2009, p.3.
- 94 IDMC interview with Syed Fawad Ali Shah, Education Officer (Emergency), UNICEF, and Education Cluster Coordinator, Islamabad, 11 February 2010.
- 95 Ibid.
- 96 IDMC interview with Saadia Yaqoob, Emergency Relief Coordinator, Plan Pakistan, Islamabad, 24 February 2010.
- 97 IDMC interview with Salman Asif, UNIFEM gender specialist, Islamabad, 22 February 2010.
- 98 IDMC interview with Jumma Khan, International Rescue Committee coordinator for child and youth protection, Islamabad, 22 February, 2010.
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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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