

UNACCOMPANIED AND SEPARATED CHILDREN IN THE TSUNAMI-AFFECTED COUNTRIES

Guiding Principles

The earthquake and the tsunami of 26 December 2004, like many other natural disasters and displacements of population, led to the separation of large numbers of children from their parents and families. The following guiding principles should apply to their care and protection.

Even during these emergencies, all children have a right to a family and families have a right to care for their children. Unaccompanied and separated children should be provided with services aimed at reuniting them with their parents or customary care-givers as quickly as possible. Interim care should be consistent with the aim of family reunification, and should ensure children's protection and well-being.

Experience has shown that most separated children have parents or other family members willing and able to care for them. Long-term care arrangements, including adoption, should therefore not be made during the emergency phase.

However, action to help separated children does require a long-term perspective and long-term commitment on the part of the organisations involved. These organisations must also seek strong cooperation and coordination, and aim to speak with one voice. All actions should be properly coordinated with the government authorities.

The following key definitions, principles and good practices form an agreed platform for partner organisations.

Definitions:

- **Separated children** are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.
- **Unaccompanied children** are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.
- **Orphans** are children both of whose parents are known to be dead. In some countries, however, a child who has lost one parent is called an orphan.

Preventing separation:

Organizations and authorities must ensure that their actions do not inadvertently encourage family separation. Separation can be provoked when families lack the services they need to care for their children and believe such services would be available elsewhere, or when residential child care facilities are created which may provide better services than the family is able to access.

Deliberate separations can be prevented by:

- ensuring that all households have access to basic relief supplies and other services, including education;
- limiting the development of residential care options, and restricting its use to those situations where it is absolutely necessary;
- avoiding the removal of children to other countries for any reason unless critical medical care cannot be provided. This should be provided as close as possible to their home.

Tracing and family reunification:

Identifying, registering and documenting unaccompanied and separated children are priorities in any emergency and should be carried out as quickly as possible.

- Registration activities should be conducted only by or under the direct supervision of Government authorities and mandated agencies with responsibility for and experience in this task;
- The confidential nature of the information collected must be respected and systems put in place for safe forwarding and storage of information. Information must only be shared among duly mandated agencies, for the purpose of tracing, reunification and care;
- Tracing is the process of searching for family members or primary legal or customary care-givers. All those engaged in tracing should use the same approach, with standardized forms and mutually compatible systems;
- The validity of relationships and the confirmation of the willingness of the child and family member to be reunited must be verified for every child;
- No action should be taken that may hinder eventual family reunification such as adoption, change of name, or movement to places far from the family's likely location until all tracing efforts have been exhausted.

Care arrangements

Emergency care

Care for separated children should be provided in a way that preserves family unity, including of siblings, ensures their protection and facilitates reunification. Children's security should be ensured, their basic needs adequately met, and assistance provided for their emotional support.

- Community care, including fostering, is preferable to institutional care, as it provides continuity in socialization and development.
- However, children not in the care of their parents or customary caregivers may be at heightened risk of abuse and exploitation. The most appropriate carers may need extra

assistance to assure children's protection and material needs are met. Provision must therefore be made therefore for monitoring and support to foster families.

- For those children for whom institutional care is the only solution, centres should be small, temporary and organized around the needs of the child. It should be made very clear that the objective of residential care is reunification or placement in the community and rigorous screening procedures should be in place to ensure only appropriate admissions.
- Removing children from familiar surroundings will increase their distress and can hinder their recovery. Children should not be removed to other countries for any reason unless critical medical care cannot be provided and then, this should be as close as possible to their home and they should be accompanied by a care-giver known to the child.

Durable arrangements

During the emergency period permanent care arrangements other than reunification should be avoided.

- Efforts to develop, and to place children in, long-term residential facilities should be discouraged
- Adoption must be avoided so long as there is reasonable hope of successful tracing and reunification.

Should reunification not be possible within an appropriate period, or found not to be in the child's best interests, other medium and long-term options such as foster care, group homes or adoption will need to be arranged.

- Decisions about long term placements must be considered and decided individually for each child, in the context of national child welfare policy, legislation and practice, and corresponding to the child's best interests and his/her developmental needs.
- At all times, children must be kept informed of the plans being made for them and their opinion taken into consideration.
- In any form of care siblings must be kept together.
- The provision of care should be based on the best interests of the child and should not be used to promote political, religious or other agenda.
- Communities should be supported to play an active role in monitoring and responding to care and protection issues facing girls and boys in their local context.

These provisions apply to both short and long term care arrangements.

Adoption

Adoption, and particularly inter-country adoption, should not take place during the emergency phase.

Any adoption must be determined as being in the child's best interests and carried out in keeping with applicable national, international and customary law.

When adoption is deemed in the child's best interest, priority must be given to adoption by relatives, wherever they live. If this is not an option, preference will be given to adoption within the community from which the child comes, or at least within his or her own culture.

Adoption should not be considered:

- If there is a reasonable hope of successful tracing and reunification;
- If it is against the expressed wishes of the child or the parents;
- Unless a reasonable time has passed during which all feasible steps to trace the parents or other surviving family member have been carried out.

Organizations wishing to work on behalf of separated children are expected to endorse these principles.

January 2005