

Tool 4 Example Emergency Response Interagency Statement

UNACCOMPANIED AND SEPARATED CHILDREN FOLLOWING THE HAITI EARTHQUAKE JANUARY 2010

CHILD PROTECTION WORKING GROUP GUIDING PRINCIPLES

The January 12 earthquake and multiple aftershocks created enormous devastation and loss of life in the heavily populated city of Port-au-Prince, and outlying areas. Devastation on this scale is likely to lead to the separation of large numbers of children from their families. The following guidelines should be applied to their care and protection.

Separated children are among the most vulnerable; however separation should not be considered as the only risk to children, and programming should address the wider range of child protection risks facing children within this context.

Even during 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, with the aim of building back a stronger child protection system.

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:

Key Message: It is always preferable for children to be cared for by their parents or other usual caregivers. Separating children from their parents or usual caregivers increases the likelihood of emotional and developmental problems.

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 that 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, enticing families to leave their children in care facilities.

Deliberate separations can be prevented by:

- Providing the necessary support for basic services and ensuring that all households have access to basic relief supplies, including family kits, health services, education, and psycho-social support as quickly as possible.
- Putting resources into supporting and managing family based care options for separated children and orphans, rather than institutions.
- Limiting the development of residential care options, and restricting its use to those situations where it is absolutely necessary.
- Providing material and financial support to vulnerable families (including those struggling to continue to care for separated children or orphans) to avoid having to send them away to access services or for emotional or financial reasons.
- Organising humanitarian assistance such as distributions in such a way that they do not cause separation e.g. registration of beneficiaries, organised distribution sites and beneficiary queuing, having protection staff on hand at distribution points.
- Avoiding moving children to other countries without their parents or legal guardians for any reason. If children need to be removed for critical medical care, they should be accompanied by their parents or legal guardian wherever possible, and this care should be provided as close as possible to their home. In case of evacuation for medical reasons, the child must if possible be accompanied by a caretaker or relative. The details about the child must be registered and the family/relatives must if possible be informed about where the child is evacuated to.

Tracing and family reunification:

Key message: If separation occurs, the Government and mandated agencies have the responsibility to provide special protection and care for children. They should register all unaccompanied, separated and orphaned children and make sure that they are provided with their essential basic needs as quickly as possible. Every effort should be made to trace a child's family and to reunite the child with his or her family, when it is in the best interest of the child.

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 in coordination with the 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 storage and exchange 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;
- Children who have been separated from their parents or primary care-givers are among the most vulnerable and must be provided with the necessary care and attention in a child-friendly manner throughout this process, including being kept informed about the progress of a tracing request.
- 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 change of name, or movement to places far from the family's likely location until all tracing efforts have been exhausted.
- Children will not be considered for adoption during the emergency phase, and until every opportunity to locate family members is exhausted. Adoption is a lengthy process and takes months under the leadership of the relevant Government authority.

Care arrangements

Interim care:

Key message: Interim care must be provided for children separated from their families. This interim care should be provided by the child's extended family or others close to the child where they can provide appropriate care. Where this option is not in the best interests of the child, children may be placed with known and trusted families from the child's community or within foster families. Efforts need to be made to, as quickly as possible, trace children's families and find durable solutions for children in interim care that are in their best interests.

Care for separated children should be provided in a way that preserves family unity, including of siblings, strengthens 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.
- Children not in the care of their parents or customary caregivers may be at heightened risk of abuse and exploitation. The most appropriate carers and extended family may need extra assistance to assure children's protection and material needs are met. Provision must be made therefore for monitoring and support to families caring for separated children.
- Unaccompanied and very young children are particularly vulnerable and should be prioritised for placement in interim care
- Care arrangements of children who are being spontaneously cared for by members of their family or the community should be assessed. Provided these interim care

arrangements are in the best interests of the children, they should be maintained until children can be reunified with their families or in placed in alternative care.

Alternative care:

Key message: The institutionalization of children should be avoided and taking into account the best interests of the child. Removal of children from familiar surroundings will increase their distress and hinder their recovery. The provision of care within foster families is preferable to institutional care, as it provides continuity in socialization and development.

- Alternative care is provided for a child temporarily or permanently deprived of her/his family environment. Its objective is to care for the child until a permanent solution in the best interests of the child is identified.
- Alternative care includes kinship care (family-based care within the child's extended family); foster care (placement by competent authority for purposes of alternative care in a domestic environment); other forms of family-based or family-like care placements; residential care (non-family-based groups setting); and supervised independent living arrangements for children. Alternative care may take the form of:
 - A. Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority.
 - B. Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.
- For those children for whom institutional care is the only solution, centres should be small, temporary and organized around the needs of the child.
- Rigorous screening procedures should be in place to ensure only appropriate processing of children at all stages of alternative and permanent care so as to be able to follow the development of the child.
- A system should be established for processing children who have been placed in institutions so as to allow for continued follow-up on possible family reunification, or placement in other forms of family-based care.
- 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.
- 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.
- Many of the children affected by the disaster were in institutions, which have been destroyed. Some of those children were known to have family members while others did

not. For children who have family it may be possible to seek family reunification and to provide support to those families.

Durable arrangements – Preventing the institutionalisation of children:

During the emergency period permanent care arrangements other than family 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.

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

Adoption:

Key Message: Children who have become separated from their parents in an emergency situation cannot be assumed to be orphans and are not available for adoption. However well intentioned, it is difficult to determine the status of separated and unaccompanied children following a disaster. As long as the fate of a child's parents and/or other close relatives cannot be verified, each separated child must be considered as still having close relatives who are alive.

Adoption, and particularly inter-country adoption, should not take place during the emergency phase, unless appropriate recognized legal documentation is already available and in line with applicable national, international and customary law.

Any adoption must be determined as being in the child's best interests. If the parents or relatives cannot be traced, it is best for the child to be with a foster care family or adopted 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. Only if this is not possible should adoption by a family from another culture or country be considered.

Adoption by relatives should be prioritized regardless of their location in situations where adoption has been considered in the child's best interests.

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.

These principles represent the views of the following agencies: the International Committee of the Red Cross (ICRC), the International Rescue Committee (IRC), Save the Children, Terre des Hommes (TdH), the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR) and World Vision International (WVI), Plan International, War Child UK.

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

