The Care and Protection of Children Affected by Armed Conflict and Disasters

David K. Tolfree

1. Introduction and Overview

This presentation based on a research study commissioned by the Save the Children Alliance and entitled the "Care and Protection of Separated Children in Emergencies", though time permits me only to share a few key themes which are emerging. The book will be published by Save the Children Sweden in November and is titled "Whose Children? Separated Children's Protection and Participation".

The last 10 years have seen not just an increase in armed conflicts, but also increasingly large numbers of separated children in situations of conflict and refugee movements. The majority of children become separated accidentally, in the chaos of war and flight, but in some instances (such as El Salvador) children were abducted and forcibly separated from their families: in other situations child soldiers are forcibly, or voluntarily, recruited into armed forces, often then losing touch with their families. About 100,000 children were registered as separated and requiring work to try to trace their families following the genocide and civil war in Rwanda. Probably many other children were quietly absorbed into the extended family and never registered for family tracing. In West Africa, where conflicts in neighbouring countries were interlinked, people experienced multiple displacement and many children experienced multiple separations, first from their own families and then from substitute carers.

A great deal of work has been done on developing methods and techniques of documenting separated children, tracing their families and working towards either placing the child with his or her own parents or with other members of the extended family, but issues concerning the actual care and protection of separated children have been neglected. There has been a strong trend away from residential forms of care – for the right reasons – but this has sometimes been accompanied by a rather hasty development of fostering – sometimes without giving careful consideration to how the concept of fostering (ie. placing the child with unrelated carers) fits in with local customs and traditions regarding the care of children. Sometimes quite alien forms of child care have been introduced which replace rather than build on existing traditions.

Initially the study was concerned mainly with situations of armed conflict and refugee emergencies, but it was realised many of the issues are similar to those being faced by children, families and communities most profoundly affected by the AIDS pandemic. Although clearly children orphaned by AIDS-related diseases have experienced a different kind of separation, and in a different context, many of the issues are remarkably similar, yet the parallels are rarely drawn in research and in programming. The book will draw together some of the common themes and also highlight some of the differences.

All of us here at this conference like to think that we can speak on behalf of children and all of us are involved in developing and promoting good policies and good practice. But who determines what is "good"? Are we really mandated to speak on

behalf of children? Children, as the principal stakeholders, are rarely given a voice in these debates. With this in mind, it was decided from the outset to develop and use participatory research methods which enable children and young people to express their ideas and concerns. These will be elaborated in the book.

The CPSC study is based on a series of case studies, conducted mostly by local researchers, in many different countries – mainly in Africa. These are being published separately by Save the Children Sweden.

Research Contexts
Most of the case studies were conducted in contexts which provided many challenges for agencies concerned with the care and protection of separated children. In most cases they were characterised by:

- Large numbers of separated children
- Urgency to provide for their care and protection
- In most cases, the societies can be described as quite traditional
- Most lacked social services infrastructure. In many cases, there was no functioning ministry of social welfare, a lack of child care policy, a lack of trained people, and a lack of agreed practice and procedures.
- In many cases, communities were disrupted – by ethnic tensions, displacement and reconstitution, poverty – all serving to limit the extent to which communities were in a position to take collective action

On the one hand these factors may make it more difficult to translate the research findings to other more settled situations and in more economically developed contexts: on the other hand, the particular circumstances may force the pace of change and lead to the development of new ideas which might be applied in other more favourable circumstances. With this in mind, it is suggested that the findings of the study will have a relevance well beyond the immediate context of armed conflict and disasters.

2. Negative Experiences of Residential Care

The problems in relying on residential forms of care are well illustrated by experience I had in the refugee camps in Karagwe, Tanzania. Here there were significant numbers of children with no apparent family to care for them and an NGO with little experience of child care decided to open a residential centre. This quickly attracted more and more children, including many who were abandoned at the gate. The demands soon overwhelmed the capacity of the organisation to cope, but at the same time it attracted a great deal of media interest. The President of Tanzania visited the centre, funding was attracted, the centre continued to grow but so did the problems. The lack of experienced staff meant that the organisation was chaotic and the mortality rate started to rise. Eventually a child-serving NGO was deployed to assist, and it was quickly realised that many of the children had parents in the camp and most had relatives. Most were returned to their families and those few who had no alternative carers were placed in a fostering programme.

A similar problem, but on a huge scale, emerged in the Goma refugee camp in what was then Zaire, where eventually about 12,000 children were admitted into hastily

organised residential centres which, in turn, proved to be more of a problem than a solution to a problem.

There is now a general consensus that if the weight of numbers of separated children demands an immediate residential response, it is vital to keep a strong focus on the temporary, "transit" nature of the experience so that neither children nor staff settle into a long-term situation. Most of the many residential care centres which opened in Rwanda did succeed in maintaining such a focus, moving children on – either back to their families, or into alternative, non-institutional provision.

In other contexts – Sri Lanka and Liberia are both good examples – civil conflict has led to a massive proliferation of residential homes, mainly run by private individuals, NGOs and faith-based organisations. Usually completely unregulated by governments, frequently these homes do nothing to try to reconnect the children with their own families and do not consider alternative, family-based care arrangements.

3. Care by the Extended Family

The extended family has sometimes been described as the first ring of security for the separated child if his or her own family is unable to provide care and protection. In many societies, the boundary between the nuclear family and the extended family is a highly permeable and open one, and children are often seen as belonging to the wider family, with almost automatic responsibility accepted by relatives in the event of the parents dying or becoming separated. However, this has sometimes led to a lack of questioning on the part of agencies about the quality of care and protection these children receive – and virtually no systematic knowledge derived from children themselves.

In Malawi, participatory research work with children living within the extended family in various communities which were profoundly affected by HIV/AIDS, revealed some unexpected and quite alarming findings:

- They displayed very clear views on their preferred carers (usually grandparents) but adults tended to favour uncles and aunts. Adults and children had completely different criteria: adults were largely concerned with the material means of the family. Children, on the other hand, were much more concerned that they would receive love and fair treatment, and that their carers would "honour the memory of their families". They did not mind living with elderly and very poor grandparents, even if this meant shouldering a heavy burden of work.
- Children were never consulted. One community leader remarked that "children do not mind where they live, only what they eat" and involving them in decision-making was considered by most to be inappropriate.
- Some experienced abuse or exploitation – e.g. "We are not the ones who killed your parents so don't ask us for help" – "Go and find some soap so that you can earn your keep" (a euphemism for earning some money through paid sex)
- Most experienced considerable discrimination – burden of work, access to food and health care, opportunities to go to school.
- What emerged on closer discussion was that they were discouraged from talking about the death of their parents, and hence received no support in grieving their loss: they were expected to be grateful for being taken in,

expected to be obedient and uncomplaining if the family couldn't meet all their needs. The frustration which the children experienced led to behavioural and attitudinal problems which further reinforced guardians' perceptions that orphaned children are "difficult". This created a vicious circle of mis-communication and mis-understanding

AIDS orphans – like war-separated children – often carry a burden of past experiences – of extreme violence or the trauma of caring for sick parents and eventually seeing them die, of separation or loss, of anxiety about the future. Families who offer to care for them and agencies concerned with their care and protection should not underestimate the impact of these experiences. It is important to provide opportunities for children to work through these issues in a culturally-appropriate manner. Some excellent programme examples emerged, providing a range of supports – for children living with the extended family or in unrelated foster homes – and these are described and discussed in the book.

4. Spontaneous Fostering

In most large-scale emergencies, if communities remain intact, the majority of separated children are absorbed within the extended family, but in conflict and forced migration situations, many children who are separated from their families are taken in spontaneously by other families. In the past, these children have been defined out of sight by the term "unaccompanied children" – because they are not strictly unaccompanied, and it has often been assumed that they do not have protection needs: spontaneous fostering has been assumed to be an appropriate community coping mechanism. But evidence emerging from the study suggests that in some contexts, spontaneously fostered children are being abused and discriminated against on a huge scale.

Talking to foster carers in the refugee camps in Sinje, Liberia, a kind of "double discourse" emerged in their motivation to foster. On one level, many carers were eager to convey their religious and humanitarian reasons for taking in a foster child. But on another level, it also clearly emerged that many - probably the large majority - of foster carers were also reflecting the cultural tradition that children were often placed with either related or unrelated families for reasons which have nothing to do with the best interests of the child.

Fosterage, as it is referred to in the anthropological literature, is extremely common in West Africa: children are placed with other carers for a wide variety of reasons. A family may place a baby with an older woman (a "granny") so that the mother can return to productive work in the high-dependency years of the child's infancy, and this may facilitate the mother's resumption of post-natal fertility by the cessation of breast-feeding. Older children may be placed with higher-status families so that the child can be educated and that he/she (and possibly the family) can benefit from a form of patronage. There are even examples of children being used as "pawns" – as security against a loan. In all these situations there is an element of *exchange*: the "granny" will expect that the child, when older, will have obligations towards her in her old age. The child placed primarily for the benefit of receiving an education will be expected to contribute to the household economy. Usually there is no expectation that the child will be treated the same as others in terms of access to food, health-care, burden of work, educational opportunities etc.. The main consideration is not the best

interests of the child but the interests of the family as a whole. However, the presence of parents, albeit at a distance, is probably protective, in that they will keep a wary eye on how the child is being treated.

In Sinje beneath the humanitarian and religions reasons for taking in the child which many carers were keen to express, were clear reflections of these cultural traditions in which there was an expectation of "something in return". This was most clearly evidenced by one foster carer who, in a focus group discussion about foster carer motivation talked about taking in the child "out of sympathy", but later let slip that he needed a child to work in the home and help with the younger children. It was also quite striking that when foster carers talked about the motivation of other foster carers, they often emphasised the more selfish reasons for taking in a child, but when they talked about their own motivation, there was a strong emphasis on sympathy or pity for the child, or religious or humanitarian reasons for wanting to provide care.

What emerges overall from the case studies is the very diverse nature of spontaneous fostering. Some carers clearly provide excellent care – some eager to reunite the child with his or her own family, others wanting to "claim" the child, even by changing the name – a form of quasi-adoption which is generally associated with a good quality of care. In El Salvador it was common for families to take in a child and then register him or her as their own child and changing the name to their own. At the other end of the spectrum, spontaneous fostering can involved overt exploitation and abuse, with discrimination very widespread, and this was borne out by what children themselves told us.

Some cases of serious abuse and exploitation emerged. In a small assessment of 20 foster families who remained in Cote d'Ivoire after most of the refugees had been repatriated, all 20 children were being sexually abused in some way. Elsewhere the incidence of abuse and exploitation is difficult to quantify, but cases emerged in all contexts. It seems highly likely that there will be a general under-reporting of abuse and exploitation. The following are two examples of more extreme abuse:

> *After these men killed my mother, one of them (members of a government sponsored paramilitary group) took my sister and me to his house. But he didn't treat us like the rest of his children. Oh no. It was only work and work. Then he sold my sister to another family in a nearby village. She was to do the household chores for this family. And the man kept me to work the fields, with the animals, everything. I was forced to work from dawn to dusk, and was hardly given any food. This went on for years. When I was twelve years old I managed to escape and I joined the guerrillas. This was a huge improvement*

> *I was living with a foster carer, the man he gave me L$85* (equivalent to a little more than US$2) *to sleep with him but I refused the sin: at the time he was encouraging me to get married to another man. I refused both so he decided to put me out*

In all the case study countries it was found that discrimination is extremely widespread**:**

> *When I am working I do the work alone while my foster mother's daughter is sitting doing nothing*

> *Whenever things go wrong in the house I am blamed for it, while the biological children go free*

> *I do the work but I don't go to school. I want to go to school so that I can be happy*

Some of the strongest evidence for discrimination came from a workshop group with the biological children of foster carers. We convened a group of children who were the birth children of foster carers: after explaining that we were interested to know what it is like to live in a family in which there is a foster child, we invited them to prepare a drama depicting this. What emerged was an extraordinary level of quite unashamed discrimination and marginalisation of the foster child, in which they took an active part. In the discussion which followed, we asked them whether they would prefer the foster child to be older or younger than they are. Here are two of their replies:

> *I would like my foster brother or sister to be older because the person will help to buy me clothes*

> *I would like the foster child to be small because when they are small I can have control and beat them*

What many spontaneously fostered children resented was not having to work hard, but being treated differently from other children. This led them to feel that they lacked a sense of belonging in the family on equal terms with other children.

Gender issues emerge as significant: girls are probably more exploited than boys. It was notable that in the Sinje refugee camps, spontaneously fostered boys and girls aged up to 12 were in almost exactly proportions, but among those aged over 13, girls were outnumbered by boys by 2:1. This might suggest that a large percentage of older girls were in unidentified foster families, for reasons which can be guessed at.

It is a firm conclusion of the study that spontaneously fostered children should be regarded as a category of children with potential protection needs, which currently often go unrecognised by governments and the international community.

5. Agency Fostering

So far I have talked mainly about spontaneously fostered children. What are the challenges and opportunities faced by agencies wanting to develop alternatives to residential care? We came across two different scenarios: on the one hand, as we have seen, in areas like West Africa, the idea of fostering is well established but often it is not protective of children. In other areas, it is not at all common – indeed there is a deep suspicion in many parts of the globe towards the idea of being cared for by someone outside of the extended family and community networks, and widespread beliefs that such children would be badly treated. Introducing fostering into either context is obviously difficult, yet in some contexts there is urgency about placing children in a family situation if early attempts to trace the child's own family are not

successful. The only alternative may be large scale and potentially long term residential care.

Experience in Rwanda, where the idea of fostering was not very familiar and aroused deep suspicions, shows that fostering could be introduced successfully under very difficult circumstances. A number of key factors seem to be associated with the successful introduction of fostering programmes:

- A clear understanding of and respect for cultural norms
- Government support – publicity through radio etc.
- Embedding fostering in the local community
- Careful selection and preparation of carers – including the children and the extended family
- Effective monitoring and support

The big question is how these can be achieved. Some agencies started work in Rwanda with a western model of fostering in mind – with the agency accepting the principal responsibility for selecting and preparing foster carers, matching them with children, making the placement and providing long-term monitoring and support. However, it was quickly realised that this was neither realistic nor sustainable in the long term in this particular context. The need to work with and through community structures was recognised – not just in the selection and preparation of foster carers, and in the placement event (often involving a public ceremony in the community) but also in monitoring and supporting the placement.

It is suggested that the most effective strategy for providing protection not only for fostered children (both spontaneous and agency) but also for those placed within the extended family, is by embedding fostering within the local community, for example by identifying local leaders/committees to oversee fostering, by linking the foster family with organisations of foster carers and by mobilising and supporting young people's organisations may be the most effective protective strategy. But in situations of armed conflict and refugee movements there is sometimes a danger of basing the work on an idealised picture of "community": ethnic tensions and violence, community fragmentation, disruption, upheaval and reconstitution may limit the extent to which a community is able, or willing, to exercise collective responsibility for people in a potentially vulnerable situation. In each situation, there is a balance to be found, between, on the one hand, recognising and respecting the protective endeavours of the community, and on the other hand identifying the need for external monitoring and support: hence the need to devise and develop new models based on the specific context.

In the refugee camps in Sinje, children were supported by a range of community structures which, in turn, were supported Save the Children UK. The refugees themselves formed a Child Welfare Committee which was mandated by the Camp Management Committee to visit children in a variety of care situations to provide monitoring and support. Foster carers formed themselves into an Association of Concerned Carers, and SC UK mobilised young people to be actively involved in a range of issues, including promoting children's rights. SC UK played a key role in providing training and capacity-building work with all of these community structures, and the result was a range of networks with a concern for child protection.

Long-term Issues
Agencies working in an "emergency mode" – tend not to think about long-term issues. The study revealed that foster care is often labelled as "interim care" even though, in a significant percentage of cases, the child's family is unlikely to be traced and that the child will need permanent substitute care. It was rare to find any system of planning or reviewing which potentially could help to define the threshold at a point where it might not be in the child's best interests to return to his or her own family if it is traced. This left children and their carers in an insecure position which militates against giving the child a real sense of belonging. Moreover, fostered children and their carers were often left in an uncertain situation in the event of things going wrong: it is well known that tensions can be experienced in adolescence but when the agency had withdrawn, and if the Government ministry was not playing an active role, who would intervene?

In El Salvador, many children were "adopted" by means of registering in the name of the family. This, however, unlike legal adoption, did not always provide a real sense of security, but imposed a certain ambiguity on young people.

6. Adoption
The circumstances of conflict and forced migration usually make it extremely difficult to ascertain whether a separated child is legally available for adoption: establishing that the child has really been orphaned or abandoned, or obtaining informed consent of parents is usually extremely difficult. In any case, many countries disrupted by war lack the infrastructure necessary for adoption to be carried out in a competent and professional manner.

The case study undertaken in El Salvador documents evidence of widespread abuses of children's rights in inter-country adoption. Children were literally being bought and sold by unscrupulous middle-men (usually lawyers) who were also forging and falsifying documentation. In this context, it was driven by the interests of adopters in the west, not of children in a vulnerable situation.

Perhaps the only place for legal adoption in emergency situations is for it to be available for foster carers after a period of, say, 5 years of successful foster care, to legally establish the child's position in the family and give both child and family the security of permanence. Unfortunately, legal adoption is either unavailable, or very difficult to access, in many of the research contexts

7. Alternative Placements for Adolescents
What about the situation of older children who become separated? Some may be young enough to require a measure of care or protection, but, for various reasons, do not want to be integrated into a new family? The study has attempted to access a range of programme examples which will be documented in the book. These include:

- Family attachment programme for Sudanese refugees
- Apprenticeship schemes in Sierra Leone
- Group living – staffed and unstaffed in various contexts
- House-building project in Angola

- Supporting "self-care" (Sinje) and supporting children living in child headed households in various different contexts

Gender-based vulnerability needs to be especially acknowledged.

8. Conclusions

There is nothing entirely straightforward in providing care and protection for separated children in large-scale emergencies. A key principle, however, is the need to facilitate and support families to care for separated and orphaned children. Some conclusions do emerge clearly from the study:

- There is a broad consensus that residential centres should be avoided as far as possible, and should be used only as a strictly short-term measure
- The extended family is the most important front-line resource for separated and orphaned children, but children living within the extended family can and do sometimes experience high levels of discrimination which they resent and find hurtful. Children who have had painful and difficult experiences may benefit from external help to deal in a culturally appropriate manner with their pain, loss and grief. Psycho-social intervention to help children to grieve, and support to carers may help integrate the child into the family and enhance the child's sense of belonging
- Fostering programmes can be successfully established in challenging circumstances, but
  - Cultural familiarity with the idea of fostering is no guarantee that it will be protective of children, and
  - Lack of cultural familiarity with the idea of fostering is not necessarily a barrier to its successful implementation

  The importance of cultural understandings needs to be emphasised – respect and build on what is already there and avoid imposing alien structures.
- New models of agency fostering are needed to suit local circumstances: in particular, it may be necessary to emphasise the role of community structures in selecting foster carers and in monitoring and supporting foster placements. However, this needs to be based on a realistic and contextualised assessment of what "community" actually means. Faith-based organisations may have an important role to play.
- It should not be assumed that spontaneously fostered children are being adequately cared for and protected. There is a balance to be found between recognising the protective endeavours of the community, and the need for external monitoring and support. The protection needs of this group of children often go unrecognised.
- Both agency and spontaneously fostered children will benefit from continuing monitoring and support. Embedding fostering within the local community, for example by linking the foster family with organisations of foster carers and young people's organisations may be the most effective protective strategy
- The issue of what happens when "interim" care becomes permanent seems to be largely ignored by agencies, leaving fostered children and their carers in a state of limbo. Care planning and reviewing may facilitate the recognition and formalisation of such arrangements, possibly through legal means such as adoption or guardianship

- Except as a means of formalising long-term fostering, adoption should be approached with caution, especially when the situation of the birth parents is unknown and where there is a lack of professional adoption agencies.
- Separated adolescents may need special provision and/or support, for example in the form of peer-group living, supported child headed households, apprenticeship schemes etc.. Gender-based vulnerability needs to be especially acknowledged.
- We do separated children a great dis-service by labelling them as a category of vulnerable children. The research suggests that separated children's resilience and capacity to cope is often more striking than their vulnerability. There is huge scope for work to mobilise and empower young people to take an active part in a range of issues, including child protection
- Separated children frequently reveal clear and well-considered views about their needs, problems and capacities, and about their preferred options for care. Child participation should be embedded in all programmes concerned with their protection and care

This is a challenging and difficult area to work in. The results of the study are both heartening and discouraging. Some of the lessons learned in these most difficult of circumstances can be applied to other, possibly more straightforward, contexts.

In this presentation I have only been able to share a selection of the issues to emerge from the study. In choosing as the title of the book "Whose Children", we are drawing attention to two key themes. First, who are the duty bearers whose role it is to uphold the rights of this group of children? In situations where governments are in a weak position to take on this responsibility, who else might do so – their care-givers, community leaders, local volunteers, child protection agencies and even children themselves? Second, from the viewpoint of children themselves, whose children are we? To whom do we belong? The study challenges us to develop ways of supporting communities and families to enhance the well-being and sense of belonging of children who are unable to live with their own families.