Emergencies and family tracing and family reunification
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Key concepts

Emergency
Emergency is defined as an acute, difficult and often life-threatening situation involving a large number of people, such as armed conflict, displacement, natural disasters, epidemics, droughts and famines, a crisis situation that overwhelms the capacity of a society to cope using only its own resources.

Separated children
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.

Fostering
Situation where children are cared for in a household outside their family. Fostering is usually understood to be a temporary arrangement, and in most cases the birth parents retain their parental rights and responsibility. There should be a distinct difference between a foster care solution and a longterm solution for a child whose family has not been possible to trace.

Adoption
A permanent living arrangement for a child which confers full family membership in his or her adoptive family. Adoption is usually understood to be a formal judicial process, but in some situations traditional forms of adoption exist which do not confer a changed legal status.

Family tracing
Is the process of searching for family members or other primary legal or customary care-givers. The term also refers to parents’ search for their children. The objective of tracing is reunification of the child with parents or close relatives.

Family reunification
The separated child is reunited with one or both parents or with close relatives.

The vulnerability of children in emergencies and the actions to ensure their protection are closely linked with the re-establishment of the family unit for the individual child. Family tracing for separated children with the aim of achieving
family reunification is one of the most important, and should be one of the earliest, actions to take in connection with an emergency relief effort.

**Convention of the Rights of the Child (UN CRC) and family tracing and family reunification**

The right for a child to have his or her family traced and be reunited is strongly emphasized in the UN CRC. Article 5 clearly states that children have the right to a family and that families have the right to care for their children. These rights are just as applicable in emergency situations as in any other situation. Actions to support and reunite separated children may require a long-term commitment, involving not just the initial phase of an emergency or the first few months but possibly a number of years. Other articles in the UN CRC that relate to family tracing and family reunification are the following:

- Article 8 spells out the right of the child to preserve his or her identity, including nationality, name and family relations. Article 25, which often is overlooked, refers to the right of the child to periodic review as a means of ensuring ongoing planning for a child’s continuing care and protection. Article 3, states that the best interests of the child should be a primary consideration for decisions and actions aimed at supporting and helping children by national or international organisations, administrative authorities or legislative bodies. Article 12 states that children’s opinions should be heard and taken into account, in relation to their age and maturity, in any decisions affecting them. Article 2 sets out the principle of non-discrimination, which is applicable for issues related to gender, age and particularly vulnerable children, for instance, children of migrant workers caught up in an emergency situation in a country which is not their country of origin or disabled children.

**Why highlight the issue**

Children without their parents or close family members are often the most vulnerable in situations of emergency. They must be protected from further harm, including abuse and exploitation. Children looking for means of survival on their own can easily be exploited. There are well-established and documented examples of sexual exploitation by soldiers, even those deployed on peace-keeping missions. Another risk is that of exploitation through child labour or the exposure of a separated child to drug abuse, sexual abuse and other exploitative situations.

In areas where child trafficking already exists, the risk continues and is often increased in emergency situations. There are numerous examples of traffickers exploiting separated children, taking advantage of the desperate situation they are in.

**Illustration**

A man in the Mekong Delta 2001 said: “Shortly after the severe flooding, some men came to the village and offered me 50 dollars for every girl I could give him – the girls were to be sent to Taiwan as domestic workers.”
Children who have lost their immediate family need to be identified as quickly as possible and their details recorded to help reunite them with their wider family and to ensure that arrangements for their care are in their best interests and can be monitored. Emergencies often lead to difficult situations, and the longer the separation of the child from the family lasts, the more likely it is that there will be differences between what the children themselves consider to be the best care option and what adults surrounding them consider this to be. All temporary arrangements for care, fostering as well as temporary residential options, need to be closely monitored to avoid discrimination against the child and exploitation.

Children's emotional well-being is best served by remaining within the community they are familiar with and with people they know. Research has shown that this is generally what children themselves prefer in an emergency situation, for instance to stay with grandparents if they are alive. Even if this seems obvious, there is the risk that it will be overlooked in an acute emergency. The establishment of temporary residential solutions and the use of existing or new orphanages are often part of the emergency response to provide care and protection for separated children. These actions, undertaken in good-will, can actually work against family reunification. There are also examples of children's extended families coming into conflict with the administration of residential homes, with both claiming the right to provide care.

Illustration

One of the major difficulties for families in a refugee camp in Psololtega in Nicaragua set up after the hurricane Mitch in 1998, was to be reunited with the children who early on during the emergency situation had been taken to an orphanage in the capital Managua as a gesture of good-will by the Mayor of Managua. The children were all orphans, but had close relatives that were able to care for them.

In emergency situations there is a risk of families abandoning children in desperation due to their inadequate capacity to provide support, especially if other alternatives for care are offered.

Long-term fostering arrangements due to inefficient family tracing can lead to difficulties for both the children and the foster carers, since close emotional links are established and memories of the original family might be lost. This could create very sensitive situations in which difficult decisions might have to be made to serve the children’s best interests, and with respect for the decisions of the children themselves. After some time, especially with younger children, they might prefer to stay with the foster parents, even if their family was traced. It could even lead to foster parents working against family tracing and reunification, and influencing the child in order to achieve this. On the other hand, foster carers also may expect to establish a relationship with the child’s family, and ongoing contact between the foster family and the reunified family could have benefits for the child in providing a sense of continuity.

Gender awareness, for instance regarding the increased vulnerability of girls to sexual exploitation and trafficking, must be taken into account when tracing and reunification efforts are made. In some situations, the boys registered as separated
outnumber the girls. This could reflect the fact that boys are seen as more valuable for their family and that greater efforts are made to support their right to an identity. Girls may also be more readily perceived as a commodity for work or exploitation. In other instances, adolescent boys have experienced difficulties in finding foster families, since there are worries about behavioural problems related to the traumatic experiences they have had. An awareness of these gender-related problems must therefore be part of any family tracing and family reunification effort. Activities to protect and support children while in foster care or temporary refugee camps must also take gender, age and other issues that could lead to discrimination into account.

Registration is also a key to avoiding the possibility that family tracing will be undermined in cases of spontaneous fostering in emergency situations. In addition, many fostered children themselves have claimed that they are discriminated against and exploited in spontaneous fostering arrangements. Girls are more likely to be exploited in these situations, since they will sometimes be fostered on the expectation that they will do domestic work. Informal fostering could also lead to greater insecurity for a child, as well as for foster parents, since they will not be updated on the progress made on family tracing.

According to international agreements, children in emergency situations are not available for adoption. Most separated children do have parents or other family members willing and able to care for them, and with effective tracing they can be found. It is therefore of utmost importance that separated children not be adopted during the emergency situation itself and not until all tracing efforts have been exhausted, a process which could take many years. In addition, any adoption must be determined as being in the individual child’s best interests and must be carried out in keeping with applicable national and international laws.

What is important for children?

- To be reunited with their parents as soon as possible, or with immediate family or at least within a community they are familiar with.
- To be loved and have a strong sense of belonging in connection with any care arrangement.
- To be respected for their resilience and capacity to cope.
- To have an influence on the decisions taken related to their immediate and long-term care.
- To have secure and structured fostering arrangements if the family can not be traced immediately, close monitoring of the fostering situation and regular information on how family tracing efforts are proceeding. Residential care should be avoided until all other options of care have been exhausted.
- Coherent planning for separated children and co-ordination between agencies to minimise the confusion for the child and avoid fragmentation of effort.
- Support from siblings or peer groups consisting of other children.
In order to safeguard children’s right to be reunited with its family in emergencies, actions on various levels are needed

- Early assessment procedures in order to establish the extent of family separation and the situation.
- Identification to establish which children that have been separated from their families and where their families may be found
- Registering all available data and documenting separated children as soon as possible, including taking photographs especially of younger children and their possessions.
- Urgent and assertive family tracing and reuniting separated children and infants with their families by using family tracing kits, databases and other methods.
- Preventing children and young people from coming to further harm, through child protection activities.
- Providing support to family members so that they can continue to care for the children
- Supporting and monitoring children in foster care within the community, preventing the institutionalisation of children. Residential care is always a last resort when all attempts to other solutions for care have been exhausted
- Plan for and develop long-term solutions for children whose families will not be able to be traced.
- Support overall co-ordination and implementation of appropriate procedures and policies
- Working with the UN, other international non-governmental organisations, local authorities and the civil society to ensure procedures and guidelines are in place to make sure that children are safe
- Follow-up issues of reintegrated children.
References

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ARC updated resource pack on Separated Children 2004., UNHCR and Save the Children Sweden

Separated children in Europe Programme, Statement of good practice, International Save the Children Alliance and UNHCR 2004. rb@redbarnet.dk