



Save the Children



# Picking up the Pieces

Caring for children affected by the tsunami

**FIRST  
RESORT  
SERIES**

Creating Positive Options for Children



# Save the Children

## Picking up the Pieces

### Caring for children affected by the tsunami

In any emergency, children are the most vulnerable, and the tsunami of 26 December 2004 was no exception. Thousands of children were killed, and thousands more were orphaned or separated from their parents and families.

*Picking up the Pieces* assesses the impact of the disaster on children in three areas: Aceh Province in Indonesia, South India and Sri Lanka. It looks at what happened to the children who survived and assesses agency and government responses to the disaster.

It draws together key learning from the three case studies and highlights ways forward to gain a fuller understanding of local and international responses to the tsunami. It suggests that humanitarian agencies need to understand how best to work with established government agencies in order to minimise disruption, deprivation and distress among surviving children, and that programmes must be developed to help children help themselves in future natural disasters.

The report is the second in the 'First Resort' series, which advocates for positive options for children at risk of separation from their families or needing substitute care.

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# Picking up the Pieces

Caring for children affected by the tsunami

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**Save the Children fights for children in the UK and around the world who suffer from poverty, disease, injustice and violence. We work with them to find lifelong answers to the problems they face.**

**Save the Children UK is a member of the International Save the Children Alliance, the world's leading independent children's rights organisation, with members in 27 countries and operational programmes in more than 100.**

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*Cover photo: Viknesb, three, plays at a centre set up by Save the Children in Karaikal Medu, Tamil Nadu. He lost his mother in the tsunami. (Photo: Dan White)*

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# Preface to the ‘First Resort’ series

The ‘First Resort’ series, of which this is the second paper, is intended as a learning series, exploring a range of options to better support the care and protection of children at risk of separation from their families or needing substitute care. It aims to move beyond the critique of residential care provided in *A Last Resort* (Save the Children UK, 2003) to advocate for a series of positive options for children, wherever possible in their own families and communities.

The series will emphasise the importance of developing strategies to enable families and communities to care for, and protect, their own children. However, the series will also explore the range of family- and community-based alternatives for children who cannot remain in their own homes for whatever reason. In this way, the ‘First Resort’ series will encourage the sharing of the growing knowledge and experience on good community-based care alternatives, as well as the importance of strategies that support families as a part of positive-care responses.

The ‘First Resort’ series will also explore the way care decisions about children are made and the importance of placing individual children at the centre of these decision-making processes, enabling their views to be heard and promoting their best interests. The series will emphasise the importance of viewing the child as an active agent, being influenced by his/her circumstances, but also influencing them.

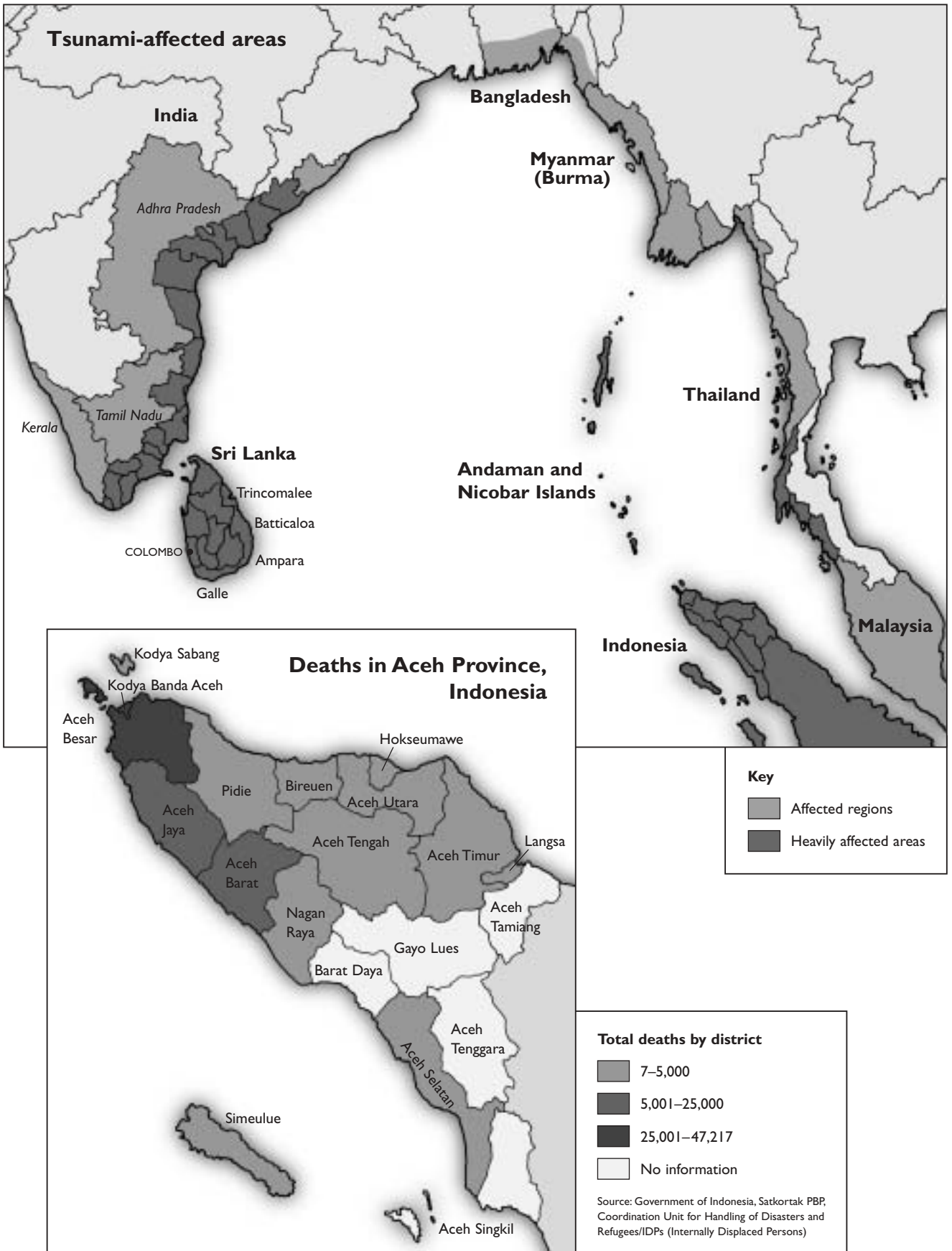
The first paper in the series, *Facing the Crisis*, looked at the need for better support for family- and community-based care. *Picking up the Pieces* looks at the responses to the care needs of children affected by the tsunami in India, Sri Lanka and Indonesia.

It explores the responses in all three countries, considers the lessons to be learned, and highlights some ways forwards.

The next paper will offer a detailed discussion of family support strategies and alternative approaches to care, with case study illustrations. Subsequent papers in the series will provide more elaborate and illustrated discussion of specific topics. Many alternative care options are complex, none risk-free and some difficult to introduce in contexts where they are unfamiliar. Yet the need for alternatives to institutional care responses and support for de-institutionalisation processes remains.

The ‘First Resort’ series aims to be global in scope, recognising that the approaches needed, and what is possible, will vary from one context to another. A wide range of factors, including HIV, conflict, poverty, discrimination and violence, affect children’s care and protection needs. Different cultures will have different norms about what forms of childcare are considered acceptable and, in turn, this will reflect different ideas about the nature of childhood and the ‘proper’ way of caring for and protecting girls and boys. What is realistic, achievable, affordable and culturally appropriate in one context may not be so in another. The ‘First Resort’ series needs to be read with these crucial variables in mind.

Ultimately, these complexities do not undermine the central message that governments and donors need to ensure that their policies and resource allocations support community-based prevention, care and protection initiatives. Not only is this where the vast majority of care is already occurring, it is also where long-term outcomes are likely to be most successful and where children most often choose to be.



# I Introduction: the emergency response to the care and protection of children affected by the tsunami

In any emergency children are among the most vulnerable, and the tsunami of 26 December 2004 was no exception. The chaos that follows the destruction of homes and schools, and the shortage of food, water and health services is, in many cases, compounded by the loss of parents, siblings and close family members. A breakdown in the normal structures of family life can be as harmful as the lack of safe water, shelter and adequate nutrition.

Understanding among humanitarian agencies of the nature of children's vulnerability in emergencies, and particularly the impact of the loss of parental care, has grown significantly in recent years. This is based mainly on the experience of conflict and genocide in Africa, but also on problems arising from natural disasters in other parts of the world. The tsunami response drew on this body of knowledge and well-qualified practitioners were available to implement programmes. In all three countries covered in this report, most interventions by local and international agencies were based on international standards and principles of best practice, which were agreed by an inter-agency working group on separated children. This group, made up of the International Committee of the Red Cross (ICRC), the United Nations Children's Fund (UNICEF), the United Nations Refugee Agency (UNHCR), and leading international agencies working with separated children,<sup>1</sup> has produced guidelines on work with unaccompanied and separated children.<sup>2</sup> These include prevention of institutionalisation, promotion of family-based care, and prompt identification, documentation, tracing and reunification of children.

However, it would be wrong to assume that the tsunami protection response was only influenced by

earlier, conflict-related emergencies. There was also an acute awareness of existing protection issues facing children in the countries affected, which added to the sense of urgency that shaped a very rapid protection response. There is a general view among practitioners that the emphasis on child protection was greater in this emergency than in any previous disaster. One of the aims of this report is to comment on the lessons that can be learned from this unprecedented protection response.

## Introduction and main findings

It is now known that the tsunami resulted in a smaller number of separated children and orphans than had originally been anticipated by humanitarian agencies, the UN and the governments of affected countries. However, Save the Children UK considered it important to review what had happened to the children who had been affected and to see what lessons could be learned from the child protection response to the disaster.

First, had children been protected in accordance with the internationally agreed inter-agency guidelines on separated and unaccompanied children, and the laws of their country?

Second, what was the situation of these children now? The tsunami might have left surviving separated and unaccompanied children in precarious care arrangements, at risk of further separation.

There was concern about children who were now living with a single parent: either fathers who were unprepared to take on childcare roles, or mothers

who had lost their husbands and the main provider of income. Would children be placed in unsatisfactory conditions and marginalised, abused or neglected within the care of the extended family? This was linked to wider concerns about the capacity of households to access basic needs and rebuild livelihoods: would families struggling to cope financially resort to placing children in institutions?

### Summary of main findings

1. Children who lost their parents were mainly placed in the care of relatives by the extended family before they were identified and registered by agencies carrying out identification, documentation, tracing and reunification (IDTR). The vast majority of children registered in all affected countries were thus classified as separated, (ie, they were living with close family members) rather than unaccompanied, (ie, living in families where there were no kinship ties).<sup>3</sup>
2. Almost all the separated children in India and Sri Lanka have been identified and registered; the only possible exception may be those living in unregistered non-governmental organisation (NGO) homes. In Aceh, it is more difficult to be certain whether all children have been identified and registered, particularly those living in displaced people's camps who may have moved several times, or in boarding schools/hostels (*pesantrens* and *pantis*<sup>4</sup>). Some of the uncertainty may simply be because the numbers of separated children are smaller than expected: more children may have died than was originally estimated.
3. In India and Sri Lanka, the separated children have been identified, registered and followed up by government social work agencies, which have also distributed allowances. In Indonesia, there has been follow-up but this has been carried out by NGOs. Displaced people in Aceh's camps have received allowances, but these have not been specifically targeted at families hosting separated children, and care arrangements have not been validated through court procedures.
4. The initial advocacy work by UNICEF and international NGOs resulted in the governments of all three countries adopting the principles set out

in the inter-agency guidelines on separated and unaccompanied children. In India and Sri Lanka, government agencies have, with support, managed the documentation and follow-up of these children. This has not happened in Aceh, where there is virtually no social work system at sub-district level. Where the basic infrastructure for social work is in place, it seems that government agencies can, with better disaster preparation and mitigation plans, cope with separated children's issues in emergencies. It is important that they receive support to develop their capacity for this work.

5. There is little evidence of any major difficulties linked to care by relatives, although a small number of children have been placed in institutions. There have been no substantiated reports of direct trafficking, adoptions or exploitation. (However, there were examples of indirect trafficking from Nias.<sup>5</sup>)

### Questions arising

Despite this generally positive picture, this review has highlighted a number of wider issues that would benefit from further analysis, understanding and discussion. We have not attempted to answer these questions, as they require further discussion and debate in appropriate fora:

- The protection response was based on what proved to be a significant overestimate of the number of children without parental care. What was the origin of the estimates of the numbers of separated and orphaned children? What impact did this have on staff in the field and on programme strategies?
- Were the fears of trafficking, adoption and exploitation of separated children exaggerated, or did the fact that governments were alerted to these concerns prevent them from happening?
- Why is it that orphans and separated children living with relatives are seen as the key protection issue? In the affected countries, the status 'orphaned' or 'living with relatives' would not normally be a criterion for receiving material help. While this may be a reasonable indicator for follow-up in a protection assessment, income,

shelter and security may be more valid criteria for assessing the need for material assistance.

- The boundaries between IDTR work and wider issues of children's vulnerability became blurred in both Indonesia and Sri Lanka. Follow-up activities and benefits normally limited to children who are no longer living with either parent were extended to children living with one parent. This could be because not enough separated children could be found, or because the livelihoods sector was seeking a legitimate 'target' population. The rationale was that these children might be 'economically vulnerable'. However, this assumption was not properly tested. Rather than stretch the IDTR mandate, should child protection in future be approached through a more inclusive analysis of poverty and livelihoods in the affected communities? Or should it re-focus on children who meet established IDTR criteria? What further research is needed to inform prioritisation of separated children in natural disasters in the future?
  - The emergence of a form of 'tsunami exceptionalism' has also resulted in a series of separate policies, laws and services for tsunami-affected children that are not extended to children whose parents died at other times or of other causes. In some aspects of policy this is positive; in others, it is potentially damaging, eg, the practice in Sri Lanka of assessing single mothers as 'fit persons'. What measures are needed to promote a less fragmented approach to protection?
  - Most of the care arrangements for separated children were made spontaneously, very shortly after the disaster, without any outside intervention. Might not a broader approach to protection, based on assessment of needs and priorities in the economic and social spheres, have resulted in greater protection for more children?
  - Due to the wide dispersal of children who lost parents in the coastal hinterland, it is difficult for agencies to make follow-up visits for social work support or social welfare payments. Orphanhood or separation from parent/parents appears to be the sole criterion for support. As a priority, the following questions should be resolved:
    - For how long should these children be followed up?
    - What kind of support is needed, eg, social work or livelihoods/poverty alleviation, or both?
    - What criteria should be used to determine when support should end?
    - Finally, play and activity centres have provided support to children and families in the wider community. As these are winding down, thought should be given to ongoing systems for social support, based on community systems.
  - Were procedures and approaches developed in conflict situations too readily applied in tsunami-affected populations? An initial assessment would have indicated that standard registration procedures, including 'tracing requests' used in conflict environments, were not appropriate in the wake of the tsunami. While there is a reasonable chance that children who become separated from their parents in the chaos of mass population movements may be found and reunited, it was unlikely that children who were still missing even days after the tsunami had survived. This led to the problem of unrealistically raising expectations of reunification.
  - The question 'when can the "missing" be declared dead?' is a matter for governments to decide. However, there has been no clarity on this issue. It is of considerable concern to the child protection sector, as formal decisions on long-term placements for children who have lost their parents cannot be made while there is still uncertainty about their status.
  - Natural disasters like the tsunami, earthquakes and storms are quick onset. When they directly affect communities that have not experienced the tensions, loss of livelihoods and insecurity that occur in conflict situations, and where people are not subjected to frequent or lengthy population movements, can we say that separation and protection issues will have a lower frequency? If this is the case, what are the implications for the overall planning and management of the relief response? What is the most useful role for a 'child protection' component?
- Finally, in terms of the tsunami, it was already too late for the relief effort to influence the main protection

issue, which was survival. Surviving children are still frightened by the sea and still unprepared for natural disasters that can be predicted along the coastline. Anecdotally, it seems that fewer older children died and more boys seem to have survived than girls; however, there are no definitive mortality figures so we cannot be sure. But it is certain that very large numbers of children did not survive, and work with children on confidence-building and disaster preparedness is only just beginning.

The next section looks in more detail at the context in which child protection work was carried out after the tsunami, and the assumptions and approaches that informed the response to the disaster.

## **Pre-existing child protection issues in tsunami-affected countries**

Before the tsunami, children in all the affected countries already faced substantial risks of exploitation, abuse and neglect; these are symptoms of the chronic poverty that characterises the region. In the wake of the chaos and disruption caused by the tsunami, governments, UN agencies and NGOs were concerned that existing problems might be exacerbated.

- In India, Sri Lanka and Indonesia, government and child protection agencies had voiced concerns about the trafficking of children for commercial sex, labour and other forms of exploitation. In Sri Lanka, UNICEF had recently launched a campaign to prevent children being used for sex in the growing tourist industry. The illegal removal of children for international adoption is a recognised problem across the region.
- In Sri Lanka and in Aceh, Indonesia, a long-running internal conflict had already had a major effect on child protection (with children recruited as combatants, especially from areas where secessionist troops operated); and in Aceh, martial law had been imposed over the whole province.

Coupled with this knowledge was the experience and learning gained over several decades from armed

conflicts and natural disasters. By 2004, this had produced a body of technical expertise in the area of IDTR and good inter-agency co-operation among the larger actors.

## **Conflict emergencies and their influence on the tsunami protection response**

### **IDTR**

Since the 1980s, Save the Children and other agencies have developed a practical methodology to prevent separation in emergencies and to identify and document unaccompanied minors and separated children, with the aim of quickly tracing their families and relatives. Much of this experience is derived from conflict emergencies in Africa. For example, in the Great Lakes after the 1994 genocide in Rwanda, large population movements and conflict led to thousands of children being separated. Governments, UN and humanitarian agencies – faced with over 100,000<sup>6</sup> children identified as separated – discovered the need to co-operate, share information and work together. As a measure of the success of this work, at the end of the IDTR programme in the Great Lakes, very few children remained in permanent residential care. Best practice in IDTR was developed and, by 2004, the major international agencies working for the protection of children had agreed to promote and implement the *Inter-agency Guiding Principles on Unaccompanied and Separated Children* (International Committee of the Red Cross, 2004).

In addition to problems of physical separation and the need for tracing and reunification, a range of other protection problems were anticipated after the tsunami, based on earlier, conflict-related disasters. These included:

### **The establishment of residential care centres**

In the aftermath of emergencies, governments and voluntary agencies often see residential care as the solution to caring for children who are not with their

parents. Children are put in care homes without documentation, social work assessments, legal safeguards or assessments of the homes' ability to meet quality care standards. In some cases, these centres are used to 'recruit' children for religious schools and other institutions, which may be in other provinces or abroad. Frequently, children in care homes have parents and relatives who are willing to provide care if they can only be traced.

In Africa, it had been assumed that orphanages were necessary to provide care and protection for children during and after conflicts. However, on closer examination, it was found that a significant number of children in Ugandan orphanages were not, in fact, orphans, but had been admitted for other socio-economic reasons. A policy shift towards community care, legal regulation, monitoring and a family reunification programme reduced the number of children's homes and the number of children in care.<sup>7</sup>

### **Transit centres, camps and gender-based violence**

All agencies are now aware of the increased risks to children, especially girls, when they are housed in transit centres, barracks or other forms of encampment. The massive destruction of homes during the tsunami meant that some form of encampment would be needed for survivors. In Sri Lanka and Indonesia, this added to an existing population of internally displaced persons (IDPs) who had been forced to leave their homes due to conflict.

Specific protection problems in camps had been highlighted in recent years in West Africa. During the mass population movements in the region, which were conflict related, researchers who talked to children and their families uncovered sexual abuse of children on a significant scale. A joint Save the Children/UNHCR assessment mission looking at refugee and IDP communities in West Africa in 2001<sup>8</sup> found that a large number of refugee and displaced children, mainly girls, were victims of sexual violence and many more were forced into exploitative relationships in order to obtain food, shelter, healthcare and

education. Worse, some of the exploitation was perpetrated by agency staff who should have been providing protection.

Other contributing factors to gender-based violence include economic desperation, poor camp security and lack of opportunities to earn an income with dignity. The combination of these factors often leads to an increase in exploitation, child trafficking and forced conscription as children are forced to fend for themselves, or families face few options for their own survival.<sup>9</sup> Most of the tsunami response teams were well aware of the problems experienced in West Africa, and were keen to see sound IDTR systems in place in the camps to avoid this.

### **Children associated with armed forces and groups**

During the 1990s, agencies began to notice that children were being forced, abducted or persuaded to join fighting forces. These children were only given real visibility when Graça Machel published her study<sup>10</sup> on children in armed conflict. Intensive lobbying by child rights agencies led to the adoption of the Optional Protocol to the UN Convention on the Rights of the Child (UNCRC) on the Involvement of Children in Armed Conflict, and efforts are now being made towards a global ban. At the time of the tsunami, special programmes for the release of under-age recruits were in operation in Aceh and in Sri Lanka. However, there were concerns that, with the disruption to families caused by the tsunami, more children (especially separated children) might be recruited or re-recruited.

### **Summary: assumptions, past experience and the tsunami response to protection**

There is no doubt that the experience of conflict-related emergencies in the 1980s and 1990s played a role in shaping the international response to the tsunami disaster. Following the tsunami, international child protection agencies made the correct assumption that IDTR experts would be needed: a) to set up

systems for identifying and documenting children without family care; and b) to quickly reunify them with family members. Rapid response teams were assembled by agencies such as Save the Children and the IRC, and by early January 2005, inter-agency co-ordinating groups were in place in Indonesia and Sri Lanka. However, it soon became clear that there were fewer separated children than originally anticipated (early press reports spoke of over 100,000 children orphaned in Indonesia). In fact, all the statistics show that many more children died than were orphaned. While the tsunami did separate large numbers of children from their families in India, Sri Lanka and Indonesia, most separated children were quickly found and taken in by relatives.

The main focus after the very first days of the tsunami was not on searching for parents or close family members willing to take in unaccompanied children, but on identifying and tracking children who were already living with kin. The rationale was that these children had special protection needs, as they were at risk of 'secondary separation', ie, abandonment by current care-givers. Secondary separations may occur after an emergency, when household income declines or other changes take place, (eg, men and women remarry); this has happened in camps in the Great Lakes and Angola. However, the evidence for secondary separation does not come from natural disasters, where the vast majority of children are taken in by close relatives. It comes primarily from conflict emergencies such as Rwanda, where international agencies placed unaccompanied children in households that may previously have had little or no contact with the child. Few of the placements in Rwanda received follow-up support, and such evidence as exists suggests that many rapidly broke down.<sup>11</sup> Other evidence comes from research on foster-care placements in

Western countries, where breakdown is common.<sup>12</sup> However, many of the children in Western foster-care systems have experienced severe abuse and neglect over long periods, and cannot be compared with the cross-section of children who survive natural disasters.

In the absence of evidence to the contrary, the focus on IDTR work among children living with close kin is understandable. However, to ensure the best use of resources in future natural disasters, there is a need for longitudinal research among a representative sample of households caring for separated children in all three countries affected by the tsunami. The purpose would be to track placements over time, and to identify the circumstances under which placements tend to fail.<sup>13</sup> Without this kind of analysis, it is very difficult to prioritise and take rational, evidence-based decisions on the allocation of resources.

## Structure of the report

The following chapters describe how the protection response was implemented in Sri Lanka, Aceh (Indonesia) and South India. A common structure has been adopted. This includes an overview of the child protection situation before the tsunami and existing systems for responding to children's care and protection needs; an analysis of the demographic impact of the tsunami; an account of the immediate child protection response and of programmes that emerged during 2005, and changes in government policy and legislation; and finally, a review of current issues and priorities for child protection in natural disasters.<sup>14</sup> Drawing on all three case studies, conclusions and further questions are set out in the final chapter.

## 2 Aceh Province, Indonesia

### Context

Indonesia has the fourth largest population in the world, with 217.6 million people (World Bank, 2004) spread over 17,000 islands (about 6,000 of which are inhabited). It ranks 112 of 175 countries in the 2003 UN Development Programme (UNDP) Human Development Index. Aceh is one of 34 provinces and has a population of 4.2 million. At the time of the tsunami, Aceh's people were already suffering disruption and dislocation in an ongoing separatist conflict, which had led to the internal displacement of more than 100,000 people.

### The impact of the tsunami

The epicentre of the earthquake that created the tsunami on 26 December 2004 was just off the coast of the province of Aceh, in western Sumatra. The wave rose from 20 to perhaps 40 metres in height, and the strength of this wall of water is illustrated by the fact that it lifted a 10,000-ton boat from Banda Aceh harbour over rooftops and dropped it 3km into the town.

The destruction wrought by the tsunami was primarily coastal, although it reached up to 8km inland. Over the next few months there were over 4,000 measurable tremors, one of which (on 28 March 2005) caused significant damage and loss of life, especially on the island of Nias. The data in this report combine the effect of these two disasters, although in terms of loss of life and destruction, the tsunami was far more significant. It is estimated that:

- 166,564 people are dead or missing
- 1,488 schools were destroyed
- 49 primary healthcare centres and two hospitals were lost
- 9 seaports were devastated

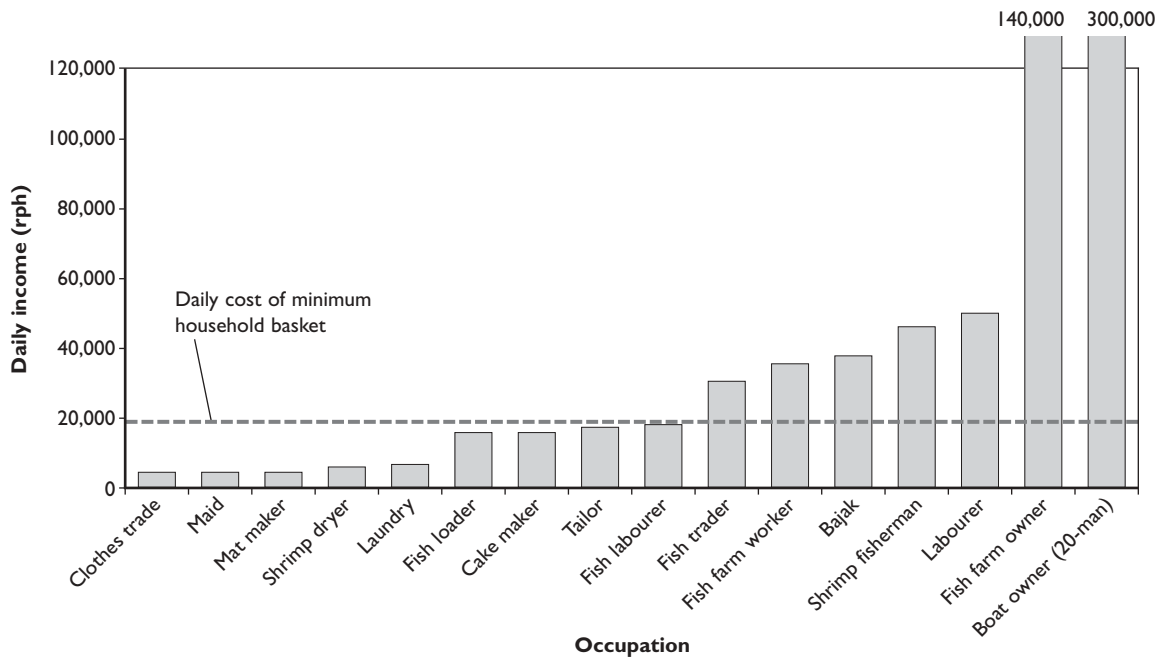
- approximately 270,000 of Aceh's 820,000 homes were flattened or badly damaged
- 11,000 hectares of land were damaged
- 230km of roads were rendered impassable and large areas of mangroves destroyed<sup>15</sup>
- government and business premises were flooded and many records and databases were lost.

### Livelihoods and poverty

Before the tsunami, development was already limited and poverty was widespread: it is estimated that 1.2 million people (nearly one in four of Aceh's population) fell below the poverty line.<sup>16</sup> Unemployment levels were high, particularly among the displaced.<sup>17</sup> However, a basic system of social protection was in place. This included price stabilisation covering basic foods, and many communities were able to access subsidised rice (at 1,000 rupiah per kg (\$0.10) compared to around 3,000 rupiah) through the government's Badan Urusan Logistik (BULOG) system.<sup>18</sup> Livelihood support was available to fishermen (a revolving fund for boats), farmers (support for production inputs), and rice factories (credit to enable them to trade *padi*). The rice production system is supported through inputs to farmers and access to credit for farmers' associations.

Fishing is the mainstay of Aceh's coastal economy. Figure 1 shows average daily incomes for different occupational groups in fishing communities at the time of the tsunami, and the daily cost of a basic household food basket (20,000 rupiah – around \$2). While fishing villages were hardest hit by the tsunami, inland farmers and urban centres were also affected by the collapse of fishing, as the demand for goods and services plummeted. Moreover, the focus on tsunami victims from fishing communities meant that many farming communities were no longer able to access subsidised rice through the BULOG system, "which

**Figure 1: Daily incomes according to occupation in fishing communities – pre-tsunami**



Source: L Adams, *Livelihoods assessment NE Coast, Aceh Province, Indonesia*, Save the Children, February 2005 (internal version)

ceased to operate while the food was being distributed to those directly affected by the tsunami”.<sup>19</sup> The same report points to the problem facing displaced fishing communities:

*“Fishing communities need proximity to the sea. Relocation sites are unlikely to be found close to the sea, and are likely to be behind the padi farmland belt. Thus rapid basic shelter provision is a pre-requisite to establishing livelihoods in the long term (fishermen need to be near their boats; domestic industry workers need houses) and will set a precedent for return to communities that may deter attempts to relocate households at a later date. Title to land is an issue that we should negotiate under a shelter programme for those who go back to their villages and who didn’t have the documents before.”*

A year on, these issues have not been resolved. While shelter and livelihoods are beyond the scope of this report, their impact on child protection is a key concern. Problems associated with prolonged unemployment and temporary collective accommodation in barracks are discussed below.

## Basic services

### Shelter

The result of the 2005 census in Aceh reveals that 4.8 per cent of the population lost their homes in the tsunami and 9.8 per cent had their homes damaged. In Aceh Jaya, the figures were much higher, with 40.4 per cent losing their homes while 35.5 per cent were damaged. In Banda Aceh, 13 per cent lost their homes while 25.7 per cent were damaged.

### Health

The conflict had already had a major effect on the provision of local healthcare in the conflict zone (the ‘black areas’).<sup>20</sup> The tsunami compounded this, with the death of many health workers and the destruction of 49 health centres. Although health services seem to be provided free to IDPs in the barracks, they are not free to any IDPs outside the barracks. Temporary collective accommodation in barracks was seen as an important interim solution.

### Social assistance

All internally displaced adults and children in barracks and camps are supposed to receive the basic ‘jadup’<sup>21</sup>

of 90,000 rupiah per person per month to cover their basic necessities. They also receive a food allowance. However, many families have not received it and the *jadup* programme is only six-months long. If an internally displaced child leaves the barracks or camp and is reintegrated in a host family in the community, he/she is not entitled to *jadup* anymore.

## Education

Tuition fees in schools up to junior secondary level are meant to be free but the government has not, as yet, provided the necessary subsidies, so most schools are still charging fees. Carers also have to pay for uniforms, shoes, books and transport, making it difficult for poor people (both before and after the tsunami) to access education. For children living in *pantis* (residential homes) there may be allowances to cover these costs and occasionally children living in barracks receive support, such as the school kits given out by the National Department of Social Affairs (DEPSOS), UNICEF and Save the Children. Many poorer children drop out of the education system between the ages of 10 and 12, when boys and girls traditionally start work. Post-tsunami, over 11 per cent of the 13–18-year-old population were no longer attending school.<sup>22</sup>

Education in Aceh is provided by both government and religious bodies. There are three main types of secondary school: government schools, modern *pesantrens* and traditional *pesantrens*. *Pesantrens* are religious boarding schools, attended by over three million children across Indonesia. According to the Ministry of Religious Affairs (MORA), there are at least 852 *pesantrens* in Aceh with around 244,000 students aged from 12 to about 20 years. All the *pesantrens* are privately run. Of these, 98 are classified as modern *pesantrens*, as they have a large component of secular school subjects. The remaining 754 are traditional and concentrate primarily on Islamic studies. MORA's role is to register them and provide assistance to some of them.

The estimated relative costs of government schools and *pesantrens*, which vary according to location, quality and other factors, are:

- government schools: 20,000–50,000 rupiah (\$2–5) per month plus 600,000 to 1.5 million rupiah (\$60–150) registration per year
- modern *pesantren* 300,000 rupiah (\$30) per month plus 1m rupiah (\$100) for registration
- traditional *pesantren* 5,000 rupiah (50 US cents) per month.

Traditional *pesantrens* therefore offer the cheapest form of education, and provide a means of advancement for poor children, with a route to Islamic universities for the most able boys and girls. In addition, *pesantrens* are also seen as providing crucial religious guidance and moral teaching, and confer an important social status on the students and their families. During the conflict, and after the tsunami, these boarding establishments were also considered to be safe places and may have attracted additional students because of this.

## The situation before the tsunami

### Children and conflict

It is estimated that over 3,000 women were widowed and 16,735 children orphaned as a result of the conflict<sup>23</sup> that had been ongoing for over 30 years, but which flared up violently in 2003. More than 100,000 people were displaced between May and December 2003.<sup>24</sup> Temporary camps were set up for IDPs but these were usually transient, and there do not seem to have been any official camps as a result of the conflict at the time of the tsunami.<sup>25</sup>

As well as causing death, orphanhood and displacement, the conflict had a major effect on education. From 1998 to 2003, it is reported that 1,811 schools were burned down<sup>26</sup> and movement to and from school was often unsafe. In 2002, the primary school enrolment rates in Aceh were low at 72 per cent in comparison to the national average of 92 per cent. Completion rates were even lower at 50 per cent in comparison to the national average of 82 per cent.<sup>27, 28</sup>

Children have been used by both government and GAM (Free Aceh Movement) forces in non-combatant roles during the conflict.<sup>29</sup> Since the tsunami, it has been difficult to gain information on children

associated with armed groups. However, the provincial Department of Social Affairs (DINSOS) and the Ministry of Social Affairs have registered 177 under 18s who were connected with GAM.

Although a ceasefire was declared by both the government and GAM after the tsunami, sporadic fighting continued. Military control over the province led to various restrictions on movement, especially into the so-called 'black areas' where GAM was supposed to be strong. On 15 August 2005, the Helsinki Peace Treaty was signed between the government and the Free Aceh Movement. Over 250 peacekeepers from the EU and South-East Asia were sent in. The peace treaty has held, the 'black areas' have become accessible and government personnel and aid workers can move about much more freely.

### **The role of extended families**

The extended family is still strong and acts as the major safety net in Aceh. The incidence of child abuse is thought to be low, partly due to the support that children can access through the extended family.<sup>30</sup> The community and extended family are also said to intervene if families are not sending children to school or are involving them in child labour (rather than domestic work).

Children's welfare is seen as the responsibility of the whole extended family. Thus, responsibility for orphaned children is traditionally taken on by members of the extended family. This system also extends to poor parents who may send some of their children to wealthier relatives for sustenance, an education and better prospects, although in some cases this may lead to children being exploited, for example, as domestic servants. There is no formal foster care programme with financial incentives.

### **Early marriage**

Although the law states that the minimum age for marriage is 16 years for females and 19 years for males,<sup>31</sup> poor families in rural areas, often with little education, allow girls to marry from 15 years. There may be both economic and social incentives, as

educational and employment opportunities in these areas are limited.<sup>32</sup>

### **Child labour**

It is estimated that in 2004, about 7,000 children aged 10–14 years were involved primarily in unpaid agricultural work, which directly contributed to family income. This involved more boys than girls and was predominately rural (over 90 per cent).<sup>33</sup> In the period before the tsunami, the most vulnerable children were probably those from families in conflict areas.<sup>34</sup> Conflict and poverty drove many families to towns to seek shelter near mosques and stores. The provincial DINSOS estimates the total number of 'neglected' children before the tsunami at between 53,000–63,000, and the number of street children at 680.<sup>35</sup>

### **Government systems for care and protection**

When the tsunami struck, there was no effective social welfare presence at sub-district level or below. This major weakness stemmed from changes that had taken place since decentralisation in 2000, when the management and financing of social affairs was devolved to district level and had to compete for funding with education, health, farming, transport and other services. Decentralisation limited the role of the central Ministry of Social Affairs (MOSA) to setting standards and monitoring.

By 2004, the cadre of sub-district social workers who were previously paid by central government had virtually disappeared. It is not known how many of the 8,000-strong trained village volunteer community social workers (PSMs) who were supervised by sub-district social workers remain active, due both to the withdrawing of this supervision and because many died in the tsunami. An up-to-date understanding of the situation is complicated by the fact that the PSM secretariat is run by volunteers on a part-time basis and all their records were lost in the tsunami. However, DINSOS continues to train about 300 PSMs per year. They could have played a vital role in tracing, reunifying and supporting children who had lost parents or were separated from them.

### Hostels and institutions for neglected children and other children 'at risk'

The overwhelming majority of these institutions are privately run. There are 168 institutions for 'neglected' children, of which 10 are government-owned and the rest are private. Financial support from the government to destitute children, orphans, disabled and street children is provided primarily through the hostels/ orphanages (*pantis*). The government contributes to the support of about 5,000 children through the *pantis* (this is about half the total number of children in these institutions). DINSOS also gives grants to 3,000–5,000 families per year. Individual charitable donations provide the remaining support.

Payments to *pantis* from central government and from district DINSOS are as follows:

- 2,250 rupiah per day for each child from district DINSOS for transport to school, etc
- 8,500 rupiah per child per day for food from district DINSOS
- 50,000 rupiah per child per month from central government to the home for its upkeep

- 100,000 rupiah per year for each child's school fees as children go out to school in the community; (however, about 500,000 rupiah is needed to cover these fees)
- a variable contribution from oil revenues.

### Demographic impact of the tsunami

One-quarter of Banda Aceh's population were either killed by the tsunami or are missing. The majority of those who died in the tsunami came from the municipality of Banda Aceh and the surrounding district of Aceh Besar (92,166 people died in these two districts out of the total 129,498 deaths in Aceh Province).<sup>36</sup> The two western coastal provinces of Aceh Jaya and Aceh Barat also took the direct brunt of the tsunami and suffered very high death tolls. Eighteen of the 21 districts recorded deaths from the tsunami and 15 districts have people recorded as missing.

Many men from the fishing villages were at sea at the time of the tsunami, so women and children comprise

**Table 1: Impact of the tsunami on selected districts of Aceh province**

Districts <sup>1</sup>	Population	People missing, and as % of its population	People who died, and as % of its population	Total of those who died or are missing
Banda Aceh	260,478	15,394 (5.9%)	Banda Aceh (BA) and Aceh Besar (AB) together 92,166 (16.4%)	BA and AB together 122,736 (21.8%)
Aceh Besar	302,405	15,176 (5.02%)		
Aceh Jaya	98,796	77 (0.08%)	16,797 (17%)	16,874 (17.08%)
Aceh Barat	195,000	2,911 (1.49%)	10,874 (5.58%)	13,785 (7.07%)
Pidie	517,898	877 (0.17%)	4,401 (0.85%)	5,278 (0.95%)
Nagan Raya	143,985	865 (0.60%)	1,077 (0.75%)	3,743 (1.35%)
Aceh Selatan	192,947	1,086 (0.56%)	1,566 (0.81%)	2,652 (1.37%)
Aceh Utara	523,717	218 (0.04%)	1,583 (0.30%)	1,801 (0.34%)
<b>Totals for all 21 districts</b>	<b>4,297,485</b>	<b>37,066</b>	<b>129,498</b>	<b>166,564</b>

NB: The above figure includes 66 who died in the earthquake on 28 March 2005.

Source: UNIMS, Temporary Data of Tsunami and Earthquake Victims, Nanggröe, Aceh Darussalam, May 2005

**Table 2: Age profile of separated or unaccompanied children in Aceh**

Children's ages	Numbers reported as separated, unaccompanied, or with one parent	Percentage of total
0–5 years	166	7.1%
6–12 years	874	37.3%
13–18 years	1,253	53.5%
>18 years	50	2.1%
<b>Total</b>	<b>2,343</b>	<b>100%</b>

Source: DINAS and inter-agency joint registered children database analysis, 13 October 2005

the highest number of casualties (although there is no overall disaggregated data). From the data of registered children who lost parents, there is disaggregated data which seems to indicate that fewer young children, especially the under 5s, survived the tsunami.<sup>37</sup> However, there could be other explanations, eg, that very young children were immediately taken in by families, as otherwise they would not have survived.

The number of boys registered (1,424, or 60.8 per cent) was significantly greater than the number of girls (919, or 39.2 per cent), which suggests that more girls died in the tsunami than boys,<sup>38</sup> or fewer girls have come forward or been identified as separated by host families.

There is no accurate figure for the number of children who died or are missing. Save the Children estimates that about one-third of the dead and missing were children (55,521). More specifically, it is estimated that 38,644 students and 2,500 teachers died or are missing.<sup>39</sup> In 26 of the hostels/orphanages, 83 children and 12 carers were lost.<sup>40</sup> In the 160 Islamic boarding schools destroyed or severely damaged, the Ministry of Religious Affairs estimates that 4,219 children and 294 teachers died.

## What happened to the children who survived?

### The impact of the tsunami on the care and protection of children

With over 100,000 adults killed in the tsunami or still missing, it is assumed that many children lost one or both parents. According to DEPSOS, the number of children orphaned by the tsunami in Aceh was 5,270.<sup>41</sup> This was lower than earlier estimates, yet is still twice the number registered, a contradiction explored below. The majority (about 90 per cent) of the children who lost both parents have probably found extended family members or other members of their community to live with.<sup>42</sup> The number of unaccompanied children who have no contact with their parents or extended family appears to be small. However, these figures are estimates.<sup>43</sup>

### The disaster response

The international and local relief effort to provide water, shelter and medical supplies started within hours of the tsunami. Child protection was already established as an integral part of any disaster response, partly due to experience in conflict zones. By early January, UNICEF, Save the Children and other agencies had sent child protection experts to Aceh. Their immediate concern was to identify children who

were lost or had become separated in the disaster, and to reunify them with family members.

### Identification, documentation, tracing and reunification (IDTR)

UNICEF was quick to set up a child protection network of ten agencies and an IDTR sub-group met from early January, with UNICEF and Save the Children playing prominent roles. IDTR protocols were agreed and, by October, 2,343 children were registered on the inter-agency family tracing database,<sup>44</sup> identified as either separated (1,648), unaccompanied (195), with single parents (138) or reunified (362). Building on a decade of inter-agency collaboration in work with separated children, a high level of co-ordination was possible.

This database is now housed in the provincial DINSOS office, giving government ownership and oversight of the project. The database analysis is used proactively to identify problems and improve practice. For example, in October 2005, agencies received feedback on the number of children on their caseloads who still lacked the necessary documentation for

‘permanent’ reunification. Feedback was also given on monthly placement follow-up forms for children not yet reunified and children with extended family members. In this case, 1,084 returns were late coming in, for a variety of reasons.

Details of children who have been registered and their current situation is given below.

Of the 2,343 separated and unaccompanied children, only 362 (15 per cent) have been reunified (most of these were spontaneous<sup>45</sup> (total: 302) rather than formal reunifications (total: 60)). The majority (70–80 per cent) of the 1,981 not yet reunified are living with members of their extended family in kinship care in camps, barracks and host communities. However, 11 per cent are living in institutions, (39 in orphanages and 212 in Islamic boarding schools) and 8 per cent (192) are in non-kinship care. The total number of children in institutions is certainly an underestimate – for example, in one Islamic boarding school alone, at least 127 children came under this category (45 orphans and 82 with single parents). (See section on IDTR above.)

**Table 3: Situation of children registered as separated, unaccompanied or with a single parent by the inter-agency family tracing network**

	Number/% in each category	Number/% who have been reunified and status in family settled, eg, given reunification certificate	Number/% whose status in family not settled, eg, not given reunification certificate
Separated from parents but with or in touch with kin	1,933 (82.5%)	285 (78.7%)	1,648 (83%)
Have a single parent	142 (6.1%)	4 (1.1%)	138 (7%)
Unaccompanied – not in touch with kin	268 (11.4%)	73 (20.2%)	195 (10%)
<b>Total</b>	<b>2,343</b>	<b>362</b>	<b>1,981</b>

*Situation on 13 October 2005*

Source: DINAS and inter-agency joint registered children database analysis, 13 October 2005

The lack of certified reunification for 1,981 children is largely because children are still hoping their parents will be found or because they do not feel settled where they are. There is an urgent need to follow up these cases, especially the 1,769 for whom no tracing action form has been completed. At some point the government will have to decide that those persons who have been categorised as missing are declared dead.

A great deal of sensitive work will need to be undertaken with children who have had ‘missing’ parents. Good practice also requires that these children are properly consulted regarding their permanent placement with family members; that the necessary procedures are followed with the prospective ‘foster’ parents; and that adults and children all understand the implications and are willing to sign the formal reunification certificate.<sup>46</sup>

#### **Have numbers been underestimated?**

One reason for the lower than expected number of children registered by the IDTR process may be the number of children to be found in *pantis* and *pesantrens*. Although in the first few days after the tsunami most children were taken in by extended family members or neighbours, many of these host families were themselves homeless and, in turn, had to find relatives and friends to provide them with accommodation. The overcrowding and distance from schools that resulted seems to have resulted in some children moving to *pantis* and *pesantrens*, as in the case of the boy interviewed below. From initial research into the 182 functioning *pantis*<sup>47</sup> (14 more than DINSOS estimated in October) and 13 functioning disabled children’s homes, 200 children (102 boys and 98 girls) have so far been identified as being in need of registration by the FTR unit but there are still another 29 *pantis* to be surveyed.

In addition, an estimated 1,999 children in the *pantis* surveyed are described as victims of the tsunami; it seems many of these are from secondary separation. From the data collected so far, of those children described as ‘victims of the tsunami’ currently attending *pantis*:

- 80 arrived less than three months ago

- 123 arrived four to six months ago
- 81 arrived seven to nine months ago
- 1,534 arrived more than nine months ago.

It is not known how many separated and unaccompanied children are in the *pesantrens*, but from initial enquiries it appears it could be over 1,000 children. Also, some children in either *pantis* or *pesantrens* who were victims of the tsunami have been returned to their families (298 so far identified) and also fostered out to families.<sup>48</sup>

The reasons why there is an apparent shortfall in the numbers of separated children are not entirely clear but may include:

- shortage of staff
- limited outreach. Although some local organisations were able to conduct house to house enquiries, much of the reporting was either:
  - responsive, ie, children or parents reporting their parents or children missing; however, some children will have known their parents had died so would probably not have reported them missing but gone straight to an extended family member. This number is hard to estimate and may be large
  - conducted through camp and other community leaders, who were asked to identify households caring for separated or unaccompanied children
- limited capacity to access and work in institutions
- international NGOs initially only had permission to stay until 28 March, after which they believed they would have to leave.

The family tracing network was aware of low numbers and careful checking took place.

A more accurate estimate should be possible when the recently completed census becomes available. This includes a question about the ‘number of children who are not of the family with whom they are staying’. Analysis of the census data should provide information on the numbers of children in both kinship and non-kinship care. This data would allow government to make plans for future follow-up work, potentially through a renewed system of community volunteers, backed up by the formal social welfare system.<sup>49</sup>

### Interview with a boy in a *panti*

How old are you?

*13 years old.*

Do you have brothers and sisters? Where are they?

*Yes, I have a young brother. Currently we live together in *panti*.*

How long have you been here at the *panti*? Who brought you here?

*We live in *panti* since March 2005. Our relative brought us to here, because we are tsunami victim. We lost our house, our parents.*

Do you go to school? Where?

*Yes, I study at Junior High School (SMP) 6 Grade 1st at Lampineung Banda Aceh.*

Do you have a parent or family member you could get in touch with?

*Yes, I have an uncle. His name is Ashok (42 years old). We still have grandma (maternal side) and now she lives in Lhokseumawe (North Aceh).*

Has any family member/friend visited you?

*Yes. My uncle visits us every two weeks.*

Have you left here to see any family member since you arrived? How often? How do you get there?

*Yes, but we seldom visit my grandmother in Lhokseumawe. It takes five hours by car to get there. And we never visit our uncle's house, because he does not have a house anymore since tsunami and he lives in the barracks.*

Do you confide in anyone at the *panti* if you have problems? Who?

*Yes, my roommate.*

What would you wish to be changed here?

*I don't know how to answer that question.*

Do the staff talk to you about your plans for the future?

*Yes, sometimes.*

When do you expect to leave the *panti*?

*I'll stay till I finish school (he would hope to complete senior high school).*

Are you happy here?

*Yes, I have many friends here.*

Who will you stay with after you leave the *panti*?

*I don't know.*

New *pantis* are being built both in Aceh (three new ones are fully operational and five more are being built) and in Medan, the adjacent province, where an institution for 1,000 children has been built from funds collected by Trans TV.<sup>50</sup> It currently has 245 children, of which approximately half are victims

of the tsunami. The exaggerated reports of the number of children orphaned by the tsunami clearly influenced public perceptions of the need for such institutions. DEPSOS is building a very well equipped compound with space for 600 beds in Aceh, but it is unclear how it intends to use it.

### **Removal of children from Aceh**

Some children did leave the province, with about 800 thought to have gone to Java; the accompanying adults claimed they were part of their extended family, as it was known they would not be allowed in if unrelated. The Department of Social Affairs employed two social workers to follow up these children. One hundred and fifty were placed in an Islamic boarding school in Jakarta, but most have now been returned to Aceh.<sup>51</sup> It is reported that ‘tsunami orphans’ were targeted in the areas of displacement for long-term scholarships, eg, 600 were going to be sent to Malaysia, but the police intervened. The government, in its policy on separated children in emergency situations, stated that children should “not be placed in orphanages or other forms of temporary care outside of the emergency zone”. The police and the Aceh Association did some good work in preventing children being smuggled out of the province, by being active at airports and crossing points.

### **Child trafficking**

No figures are available concerning child trafficking in Aceh before the tsunami. After the tsunami it is reported that “There has been a great deal of concern at the community level regarding trafficking, and international organisations such as ILO have confirmed that it is a problem.”<sup>52</sup> Some instances are known. The Children’s Protection Home in Jakarta received 15 children from Nias, all under 10 years old, who, because of poverty and the effects of the March earthquake, had been handed over by their parents to other families; this is not an unusual practice where parents are extremely poor. These children were then passed on to others and taken to Jakarta where they were intercepted and transferred to the protection home. They have all now been returned to their parents, having received scholarships to allow them to study.

### **Where are the survivors living?**

SATKORLAK (the provincial body responsible for calculating allowances for disaster survivors) has registered a total of 569,182 people displaced by

the tsunami. This is one-seventh of Aceh’s total population.

In September 2005:

- 57 per cent (294,873) of tsunami survivors were living in host communities
- 30 per cent (153,477) were living in tents
- 13 per cent (65,228) were living in barracks.

No one knows how many of these survivors are children or what their care status is.

## **Child protection and the international response from January to October 2005**

### **The arrival of international agencies**

UNICEF organised meetings of child protection agencies in the first week of January 2005,<sup>53</sup> as described above, and a number of other inter-agency bodies were set up, covering various sectors including education, health and livelihoods. The achievements of these groups in terms of collective action have been mixed. For example, the livelihoods group seems to have found co-ordination particularly difficult, possibly due to the fact that agencies had so much money to spend.

### **Interventions for children**

An inter-agency group was active in organising community spaces for children’s activities. Initially, these took place in any available space, such as a mosque or a tent or open space. More recently, many have constructed buildings close to the camps and barracks where children live. With the difficult and often depressing conditions in the camps and barracks, this provision is highly appropriate to children’s needs.

Partly building on the experience of earlier disasters, many agencies now see the importance of providing safe areas for displaced children to play, rebuild school routines and take part in normal activities. A number of these spaces and centres were set up in the early weeks of the relief operation. UNICEF took a leading

role, working with DEPSOS and, more recently, DINSOS, the Ministry of Women's Empowerment and local NGOs, eg, Pusaka and Muhammadiyah (all these have 21 centres plus satellites). Other agencies include Save the Children (67 centres), Child Fund (120 centres), and the International Rescue Committee (11 centres).

Early child development programmes, games, discussions, Islamic teaching, traditional dancing, cooking, counselling, art and handicrafts all take place in these centres. They also look at protection issues, eg, access to schooling, land rights, school and birth certificates. They cater for different age groups, ranging from three- to five-year-olds in the morning to teenagers and university students in the afternoon. The centres offer children a neutral space where they can meet people who will listen to them and refer them on to appropriate bodies for health or other requirements, or act directly on their behalf as appropriate.

It is hard to estimate the numbers of children using these centres, but assuming an average of 50 children in each of the 219 centres, they probably reach between 10,000–20,000 children. There have been no studies into the circumstances of the children who attend, for example, whether they cater for a broad cross-section of the community, the better-off or the most vulnerable families. Large numbers of volunteers are involved: the Child Fund, for example, has 1,440 community-selected volunteers working in their 120 centres.

The centres have been an important bridge between agencies working with children and communities. Training of volunteer workers has introduced concepts of child rights and topics such as child protection and the government's child protection policies, communicating and working with children, etc. Most centre staff are also aware of the importance of responding to the changing needs of children, eg, to provide a place for older children to study in the evening or to do vocational training.

There are some questions about the sustainability of these centres, especially those that are more centrally

run and involve few volunteer members of the target communities.

### **Child protection committees**

Many of the agencies managing such centres are facilitating the establishment of child protection committees in the barracks. The aim of these committees is to provide a forum where young people can discuss issues of child protection. The local organisation Muhammadiyah, for example, runs 14 committees for child protection. These are divided into sub-committees on sports, art, education, religion and a girls' group. One of the main purposes of these committees for Muhammadiyah is to give children the confidence to report any abuse or violence that may be happening in the barracks.

### **Training in early childhood development**

Each Safe Play Area (SPA) has seven volunteers and a co-ordinator, with 20–60 children attending each day on average. Save the Children runs 34 early childhood development courses, training workers with three- to five-year-olds in safe play areas and in government playgroups. No assessment has yet been done on the effectiveness of these three-day training courses. Links are also being made with the university to support their kindergarten course as most of their materials, manuals and equipment were lost in the tsunami. There is an awareness of the need not to undermine the re-establishment of government kindergartens.

### **Older children**

Children in the barracks often have to walk a number of kilometres to school. Some transport has been arranged by NGOs, and this can reduce problems, particularly for girls. Although it is only anecdotal, there is evidence that some children are opting to leave the barracks to go to a *panti*, to be near a school they prefer, or to be with friends.

### **Psychosocial programmes in schools**

Some direct work has been done in schools under the Psychosocial Structured Activities programmes (PSSA) carried out by Save the Children. By June

2005, 2,000 children had completed the course; 1,000 parents were involved in focus group evaluation discussions and reported favourably on the activities.

### **Housing the displaced**

Barrack-like structures were built to house families whose homes and communities had been destroyed by the tsunami. They provide each family with one room and often minimal washing and toilet facilities. Most families live in a cramped space and in close proximity to other families; this lack of privacy is particularly difficult for women and girls. The congested nature of the camps and barracks has given rise to tensions and there is considerable fear of child abuse. The disastrous impact of displacement on livelihoods and family life was evidenced in research carried out into conditions in the barracks.<sup>54</sup>

Unemployment is a major issue; international NGOs provide piecemeal livelihoods assistance to IDPs, while government support is non-existent. Seventy per cent of adults in the barracks said they have had no livelihoods support. Ninety-eight per cent of IDPs see support in re-establishing their livelihoods as a priority.<sup>55</sup> As noted above, the implications of these conditions for children's welfare are a major source of concern.

### **Livelihoods and social security**

A number of livelihood programmes are being implemented by international NGOs but there is currently no joint strategy. According to DEPSOS, half the population of Aceh now lives below the poverty line.<sup>56</sup> A number of safety nets are in place (including a price stabilisation system,<sup>57</sup> and a cash transfer of 90,000 rupiah for all IDPs in camps). However, it is not clear whether these are sufficient to cover the costs of raising children.

Save the Children, like a number of other agencies, provides grants and loans to replace major livelihood assets. Save the Children's programme provides a 60 per cent grant and 40 per cent loan up to a maximum of \$1,000, (eg, the cost of a boat, motor and nets plus 100,000 rupiah for fuel). The loan has to be paid back at the market rate to the local rural

bank involved in the scheme. The scheme has a total of 452 beneficiaries, 90 per cent of whom are men.

A second scheme provides 100 per cent grants to vulnerable family heads, particularly to women-headed households and to widowers looking after children. There have been 4,008 of these grants made, 70–80 per cent to women. As yet, there has been little link-up with Save the Children's child protection team.<sup>58</sup> This is surprising, given the known links between household poverty and child protection risks.

UNICEF is considering a transfer of 400,000 rupiah per month targeted at households that have taken in separated children. While this may benefit a relatively small number of households, there are many disadvantages in this kind of distribution – for example, that well-off households will be eligible for payments, while extremely poor households that do not meet targeting criteria are left out.

It was beyond the scope of this report to look in detail at the adequacy of distributions and cash payments currently available to IDPs through government distributions and other sources.

## **The way ahead**

### **Government involvement in child protection**

DEPSOS quickly became involved in managing some of the children's centres and in the inter-agency family tracing network. It is only recently that they have passed over their responsibilities to DINSOS.

The government of Indonesia has set out its position concerning the care and protection of children in laws, policy and guidelines:

- The Indonesian 1945 Constitution in articles 28 B (2) and 34 (1) states that “every child shall have the right to grow and to develop, and shall have the right to protection from violence and discrimination” and that “impoverished persons and abandoned children shall be taken care of by the state”.

- In 2002, the government passed a child protection law which states that “The protection of children shall be based on *Pancasila* (the national ideology), the 1945 Constitution and the basic principles contained in the Convention on the Rights of the Child”. In 15 Articles it lays out the rights and responsibilities of children. Article 14 states that:

*“Every child shall be entitled to be brought up by his/her own parents save where there is a valid reason and/or legal provision that requires separation of the child from his/her parents in the interests of the child. Such separation shall only be used as a last resort.”*

It sets out the basis for guardianship, which must take place through the courts; for fostering, although this is seen as primarily being undertaken by an institution; and adoption, which is based on local law and custom, does not sever blood relationships with natural parents and sees inter-country adoption as a last resort. However, the articles covering these areas are very general and require specific regulations if they are to be implemented.

- The policy ‘On separated children, unaccompanied children and children with one parent in emergency situations’ of February 2005 was drawn up by the Ministry of Social Affairs with support from an inter-agency group including Save the Children and UNICEF. It emphasises that children “are most likely to receive the best possible care if they are living with their natural family” in close connection with “their religion, community and culture”, and that “every effort must be undertaken so as to ensure that children are able to stay with their families and communities”. It stresses that the “priority at all times must be to reunite those children who are unaccompanied or separated with their parents or family/relatives”. As a broad policy covering most forms of care intervention for this group of children, it stresses the importance of the children being with their family or extended family, not being adopted or leaving the area during the emergency, and puts institutional care as a last resort and then only as a temporary one. The policy is very much in line with the *Inter-agency*

*Guiding Principles on Unaccompanied and Separated Children*. It is said to have been circulated to all district DINSOS offices in Aceh.

The Indonesian government’s positive approach under the administration of President Yudhoyono (inaugurated in late 2004) in reaching an effective peace agreement with GAM has gradually removed the need for a heavy military presence. This has greatly eased tensions in the province and the government has relaxed its position towards outside agencies.

The government has made provision for all IDPs to receive financial subsidies, although its allocation is not always consistent. Government also gives funding to support children in the *pantis* as described earlier.

### **Gaps in the provision of childcare and protection**

At the Aceh provincial level, there are 156 social workers but it is not known how many there are at district level. The lack of trained government social workers means that issues of child protection are not well understood, nor are they a priority.

DINSOS’ role includes monitoring the *pantis*. While there are government management guidelines, inspections only cover financial accountability. A number of district social affairs offices consulted as part of this study were not aware of the government’s policy on separated children, nor did they understand what the family tracing teams are trying to achieve. It was not possible to accurately assess knowledge of care and protection across the department, but it is reasonable to assume this lack of awareness is widespread, partly due to the scaling down of the district social welfare system under decentralisation.

MOSA/DEPSOS is aware from its own research that “many vulnerable children are falling through the cracks” and, since 2002, has been involved in discussions to establish a new safety net in the form of a cash subsidy scheme to encourage foster care in families rather than in institutions. Some funding was provided by the Asia Development Bank and pre-pilots were undertaken with promising results: “many

of the children who had been out of school said they were now attending classes again”.

In 2005, MOSA raised the importance of this subsidy again and the need to identify the remaining most vulnerable children not catered for by civil society agencies. However, nothing has yet been put in place. MOSA recognises that separated children are likely to be vulnerable due to the economic circumstances of the families they have joined.<sup>59</sup>

The lack of information on the family status of children in the barracks, camps and host communities and in the *pantis* and *pesantrens* has meant that neither government nor external agencies are fully aware of the scale of separation, the resources needed to follow and support these children, or the nature of vulnerability that children in kinship and non-kinship care may be exposed to.

## Lessons

### Survival and non-survival

The fact that it was very young children and girls who seem to have suffered disproportionately means discussion is needed with women and girls on the actions they need to take to improve their likelihood of survival. A simple booklet in Achenese about how people survived would be a useful starting point.

### Separation

It is important to identify children who are not with their parents as a result of the disaster and to plan actions that are in their best interests, both short and long term. The government needs to take a lead in documenting separated children, and systems to support this should be put in place as part of emergency preparedness. It is also important that international childcare NGOs see themselves as part of a collective response to the care and protection needs of children, working under government wherever there is a basic understanding of international norms and standards.

The government’s internal guidelines on institutions sets out the good practice requirement that institutions

should document all children in their care, and that these records should be monitored and updated. This was not the case in Aceh and has resulted in continuing lack of clarity about the number or whereabouts of children who lost one or both parents.

The collapse of the district social worker cadres at the sub-district and village level meant that the district authorities did not have staff to assist in identifying the situation of separated children in host communities, camps and barracks.

## Institutionalisation

The lack of official inspection of *pantis* and *pesantrens* has been noted. Because of the charitable and religious principles on which they are run, it is hard for managers to turn children away, although some do set strict limits on admissions. Gate-keeping policies are not encouraged by the authorities; this may partly reflect the absence of alternative forms of support through local social workers or other agencies and extremely limited social security provision. The institutions are currently the only solution when family-based care breaks down.

## Family care

With the assistance of an inter-agency group, MOSA responded quickly in issuing a policy for separated children in an emergency. This is a strong statement, emphasising that institutional care should be used only as a last resort and as a temporary, rather than permanent solution. Introducing a radical policy change of this kind is not easy in an emergency. Policies and supporting legislation should be in place and understood before an emergency. For Indonesia, the challenge is to incorporate the concepts of family-based care in a reformed policy for child welfare and protection, with practical support systems that will enable families to better look after the children in their care.

## IDTR

The forthcoming census may provide answers to some of the outstanding questions that the family tracing database is currently unable to resolve.

Family tracing work is a good entry point to raise childcare and protection issues with communities. By explaining the process of IDTR and involving community leaders, for example, as witnesses of reunifications, they can become part of the support system for separated children. This, in turn, raises awareness of the needs of all children at risk, and stimulates local debate about the most appropriate response.

The family tracing network might have achieved more if the Ministry of Religious Affairs and other religious agencies (including the association of religious leaders) had been involved in the inter-agency meeting, as this would have allowed better liaison with the *pesantrens*. Although the provincial DINSOS was involved from the start, it lost many staff in the tsunami and neither it nor external members of the inter-agency group were actively involved with the *pantis*.

There seems to have been poor communication between the provincial and district DINSOS offices, as few district officers knew of the government's child protection policy in any detail, or their role in the family tracing programme.

A great strength of the family tracing process was the emphasis it put on monthly follow-up of registered children. A reassessment at around six months would have been useful, to prioritise families and children in greater need of support.

### **Safety and security**

There has been little progress in returning IDPs to their villages and rebuilding their homes. (Only 8,000 houses have been built, of the estimated 120,000 needed.)<sup>60</sup> There is a strong incentive not to leave the barracks, as this results in the loss of benefits. Return home appears to be the priority for IDPs and its delay is the source of much frustration,<sup>61</sup> which, in turn, affects family relations.

The government reconstruction agency BRR was set up in April 2005 and is responsible for village mapping (verifying land rights, etc), before reconstruction. Only 30 villages have been mapped

so far, of 600 affected communities. These delays need to be addressed quickly, as there is growing resentment at the failure to use the money available to rehouse victims.

Families in the barracks and camps receive little economic support. To date, the financial and in-kind support has only covered basic survival and access to services. The livelihoods inter-agency co-ordination body has so far failed to achieve significant collective results, although 98 per cent of IDPs see livelihoods as a priority.<sup>62</sup> Lack of proper employment, particularly for men, is producing a range of social and psychosocial problems, which have implications for the care and protection of children.

### **What has changed since the tsunami?**

Government policy has increasingly focused on keeping children with their parents, extended family or in non-kinship care in the child's community.

The combination of government policy, inter-agency meetings, family tracing and children's centres have all involved government staff both from DEPSOS and DINSOS. This has created a pool of government staff who have developed a direct understanding of care and protection issues from working with separated children and their families. This is an important beginning, but both DINSOS management and staff need to be more involved in community-based work.

The role of Social Affairs in identifying separated children has been recognised and, in the case of children in non-kinship families, their role in obtaining a guardianship order from the court.

### **The situation now**

Many children have returned to school but the number of children working in agriculture has risen from 7,000 before the tsunami to 19,000, indicating that heightened poverty is probably increasing the drop-out rate from school.

It seems likely that, as rehousing proceeds more slowly than anticipated, IDPs will remain in the barracks and camps for another two to four years or longer.

Disillusion and resentment is likely, unless the majority of IDPs are able to return to some form of work. At worst, this could undermine the peace process. Communities need to be reassured that they will be allowed to return to their villages, if this is the case. Uncertainty is a cause of significant stress and anxiety.

Some children are themselves choosing to leave families for *pantis* after they are reunified. Reasons may include the lack of livelihoods support to their carers, especially in camps and barracks; being nearer to a school they want to go to and where they will be with their friends; and possibly a perception that they will be more secure.

There is still a backlog in negotiating long-term placements for those children who have been registered as separated.

### What is needed?

- A government-preparedness policy for earthquakes and tsunamis that reaches down to communities, and especially involves women and children, through women's groups, schools, village meetings and the media.
- Community-based protection systems. Currently, when a child is reunified, the head of the village or an *ulama* (or respected elder) witnesses the reunification certificate. However, there does not seem to be an arrangement for anyone within the village to have an ongoing supporting role to the family and the child, taking the welfare of the child as their prime concern. In addition, under the draft guardianship regulations, no one is given any formal oversight to check that the guardian fulfils their role in the best interests of the child.
- As a result of decentralisation, the Department of Social Affairs has no active local social work service at the sub-district and village level. Identifying people and resources to fill this gap, including training and supervision of village-level workers, should be a priority. A group such as the PSMs could be developed as a local social work force, operating in the best interests of children. They could help to identify separated children in the 'black areas' that have only recently become accessible and in addressing the lack of knowledge about children in barracks, camps and institutions.
- The principles of family care set out by MOSA in the 2005 emergency policy for separated children should be adopted in a separate policy for supporting all vulnerable children and their families. This should be backed by advocacy for cash transfers to all poor families caring for children.
- MOSA should, together with district Social Affairs and other agencies, determine how to record the family status and care needs of children in *pantis* and *pesantrens*, and the supervision needs of children in barracks, camps and host communities who have lost their parents.
- There should be a sharing at regional level of the lessons from the tsunami relating to the care and protection of children. Feedback to ASEAN (the Association of Southeast Asian Nations) and SAARC (the South Asian Association for Regional Cooperation) should be used to promote regional action on prevention strategies and the better protection of children in disasters.
- The inter-agency guidelines on separated children have strengthened capacity for collective action in tracing and reunification work. However, the size of the task in recording, tracing and following up all separated children should be acknowledged. In any disaster, an inter-agency group needs to initiate assessments at an early stage, to inform priorities and develop practical strategies with government and local agencies. In addition, the focus of this work should not only be immediate separation as a result of a disaster or emergency but the longer-term effect of such emergencies in terms of separation, including secondary separation or separation resulting from the impact of the emergency on care structures.

# 3 South India

## Context

The tsunami affected the south-east coast of India in Andhra Pradesh, Tamil Nadu and the islands off the coast. The coastal areas of Andhra Pradesh were less affected by the tsunami than other areas: there were few deaths or injuries, few children lost their parents, and there was little damage to housing and infrastructure. However, there was considerable loss of livelihood and the response in terms of restoring people's income has been slow. Further south, Tamil Nadu, with a population of 60 million, suffered greater destruction along its 2,000km coastline. The effects of the wave were felt up to 4km inland. Ninety-five thousand people are still displaced in 160 camps. The 2005 monsoon produced exceptionally heavy rains, resulting in flooding in coastal villages, further disturbing the people in the camps. Tamil Nadu is not a poor state and the government administration is described as good and competent by most informants.

## Livelihoods and poverty

The livelihoods<sup>63</sup> of the affected coastal communities are fishing, agriculture and working the salt pans, as well as small-scale trading. NGO assistance before the tsunami had been targeted at community level or at a community of people with similar employment. Often very poor communities, especially of a lower caste, would be excluded and this continued to happen after the tsunami. The focus by some agencies on restoring people's assets (such as fishing boats) rather than restoring income after the tsunami left many people without assistance. The fishing communities, particularly the boat owners, are well organised, with strong social structures. They were able to access aid and deal with the social effects of the disaster better than the non-fishing communities, which were struggling to stay out of poverty even before the tsunami. Other people in debt because of loans were facing considerable difficulties. The government safety

net system (known as the Public Distribution System) allows poor people who have been assessed to obtain stipulated food items each month at reduced prices from government warehouses. It was this system that enabled the government to make relief distributions after the tsunami.

## Existing protection issues and services

It seems probable that the incidence of child labour and the physical punishment of children by parents has been aggravated as result of the tsunami. Other protection issues in the region include child trafficking, sexual abuse, corporal punishment, early marriage and run-down state care facilities. Each district has a district social welfare officer and up to three extension workers usually placed in each block (sub-division). In Nagapattinam, there are about 100,000 people living in each block. The Juvenile Justice (Care and Protection of Children) Act 2000 introduced child welfare committees and reinforced the right of children in need of care and protection to be raised in families. It is taking some states considerable time to deal with the challenges of implementing this act. In Tamil Nadu, there are a total of 25 government orphanages catering for 5,000 children and an unknown number of homes run by NGOs, private agencies and religious groups.

## The effects of the tsunami – survival and non-survival

In India, more than 10,000 deaths were officially recorded along the coast and on the islands. The extent of injuries among children is unknown and there is no breakdown of casualties by age. Children account for around half of those killed in most locations. A high proportion of women were also killed. Significantly fewer men were killed as they were mostly out at sea and unaffected by the wave

as it hit the shoreline. Villagers more often talked of parents and especially men “being orphaned”, losing wives and children rather than children losing parents.<sup>64</sup> The Save the Children and UNICEF database has information on 361 orphans and 1,800 children living with single parents as a result of the tsunami. Data collected<sup>65</sup> suggested disability could be an emerging issue, as 39 children from 27 villages were found to have been disabled as a result of the tsunami.

Many children lost one parent as a result of the tsunami, which raises issues about the ability of the remaining parent to provide sufficient care and income. Poverty and securing a livelihood is of critical concern for all single parents and is especially acute for women from fishing communities who did not normally work outside the home and have no occupation or employment to resume. There are now single-parent fathers with the higher mortality of women, looking after several children. It may be important to assess the need for support, including daycare, for these children whose fathers have traditionally played a limited role in parenting.

### **Separation**

Separated children are not a major issue for India in this disaster and tracing activities were not put in place. The affected populations come from close-knit communities that have not been displaced over vast distances and are still living on the periphery of their home village in temporary settlements set up by the government. There were initial concerns about temporary separations among itinerant construction workers, who were searching for their children for a couple of days, but generally surviving relatives found each other quickly.

### **Agency responses**

Traditionally, if parents die there is a strong practice of relatives caring for the children of the deceased or supporting a single parent. However, after the tsunami there was a strong call from some NGOs, government and civil society to place children in

homes. Non-institutional approaches were unpopular with these groups. The initial Save the Children and UNICEF response was to try to ensure that affected children were protected against external risks – trafficking, sex abuse and unscrupulous relatives. Home-study reports were compiled on every separated child and information placed on a database. Follow-up visits to these children are planned.

### **Government response**

The tsunami emergency response for the Tamil Nadu state government is co-ordinated through the district collector, who delegated tasks to social welfare staff, such as organising shelter, paying out welfare benefits and meeting the needs of orphans, the elderly and widows. Immediately after the tsunami, adoption agencies and institutional care providers camped outside government and the India Council for Child Welfare offices looking for children. The Department of Social Welfare was inundated with requests from agencies inside and outside India looking for children to adopt or offering spaces in their orphanages. The government immediately banned all forms of adoption and embarked on opening orphanages to protect children from perceived threats. Many people have had to demand the return of their relatives’ children from institutions. Some organisations think that prospective caring relatives are only coming forward because of the promised government assistance. So far no one has come forward with reports that children are being trafficked but there are claims of increased child labour and early marriages.

### **Use of residential care**

Immediately following the tsunami, the state of Tamil Nadu announced the establishment of three special children’s homes and two adolescent girls’ service homes (hostels) in the tsunami-affected districts. The stated government policy was that they did not believe in institutional care but needed to safeguard the children. Three orphanages have been opened for orphans in the districts of Cuddalore, Nagapattinam and Nagercoil (Kanniyakumari) with facilities to maintain 100 children at each centre. The government

sanctioned a sum of rupees 47.76 lakhs (\$111,000) for this purpose. So far, 73 children in Cuddalore, 109 children in Nagapattinam and 45 children in Kanniyakumari were admitted. In Kanniyakumari, relatives have come forward and only five children remain in the home.

Orphaned adolescent girls are being admitted into service homes run by the state government. Two new service homes have been opened in Kanniyakumari and Nagapattinam districts – 24 girls in Nagapattinam and 17 girls in Kanniyakumari district have been admitted. The government sanctioned rupees 41.74 lakhs (\$197,000) for this purpose.

### **Social welfare payments**

The state government is investing a sum of rupees 5 lakhs (approximately \$11,300) as a fixed deposit in the name of each orphaned child and orphaned adolescent girl rendered homeless. This amount will be available to them when they are 18 for further studies, self-employment, etc.

### **Issues**

Although India has a long history of recent emergencies like the cyclone and flooding in Orissa and the Gujarat earthquake, there was no state disaster plan or emergency preparedness. Some felt there was a time gap before the needs of children were assessed; and when so much aid arrived the co-ordination was questioned. Beneficiaries were identified by the government and only those whose names appeared on the list were helped by NGOs.

The tsunami stopped all adoptions of children. Although demand for adoption exceeds supply in India, children appear to be overstaying in adoption homes, waiting for the new legal processes to be understood. There are concerns that the higher

administrative costs earned from international adoption will increase inter-country adoption and will then be justified because of the delays to in-country adoption processes.

There is still a consistent failure to monitor and ensure quality standards in unregistered children's homes. No one knows precisely how many of these homes exist or who is in them. There are certainly many homes, and children in them, but there are no figures. Monitoring of registered homes was described by NGOs as flimsy and the monitoring board as ineffective.

The NGO responses have been to support psychosocial programmes and to provide activity centres for children of all ages. The under 5s have had many centres re-equipped. Early child development programmes have benefited and have been the mainstay of childcare advice in many villages. Some people think that their role could be better utilised and that the 26,000 staff employed in these activities in Tamil Nadu could play a greater role in emergencies if training were provided in child protection protocols.

Ten months on, the government appeared firmly in control of the formal protection and entitlement procedures for orphans and children living with single parents. In an attempt to safeguard children from a multitude of perceived threats, the government has reacted by placing a considerable number of affected children in children's homes, and agencies are investing in these homes. The strong lead taken by the government social work agencies has meant that less attention was paid to some of the principles of family and community care found in the inter-agency guidelines. If the government is to implement its articulated policy of care within families, then reforms are needed to laws and procedures to allow this to happen and to assist the development of more modern childcare initiatives.

## 4 Sri Lanka

### Context

With a population of 19.3 million, Sri Lanka is ranked 93 out of 177 countries in the UNDP Human Development Index. The 20-year civil war between the Liberation Tigers of Tamil Eelam (LTTE) and the government of Sri Lanka has been a major cause of poverty in the country, especially in the north-east. During the conflict 800,000 people were displaced, livelihoods were ruined and infrastructure was destroyed. Separated children and the recruitment of children into the fighting forces have been significant problems. In 2002, a formal ceasefire was signed, allowing the return of nearly 300,000 IDPs.

### The tsunami

The tsunami struck the coastline of Sri Lanka from the north-east tip along the east coast and began to lose its potency in the south after Galle. On the flat north-east coastline it struck isolated fishing towns and villages still trying to recover and rebuild from the conflict. In towns and villages close to the sea, brick, mud-brick and concrete buildings were destroyed; further away houses constructed of wood and palm branches were also destroyed. In the south, many population centres engaged in fishing and tourism are close to the sea. Although less intense, the tsunami still brought considerable death and destruction

to a denser population. Ribbon development and urbanisation along the southern coastal road was bringing an improving quality of life for many people and the higher level of existing investments in this area mean that the south has been quicker to recover from the tsunami.

### Livelihoods and poverty

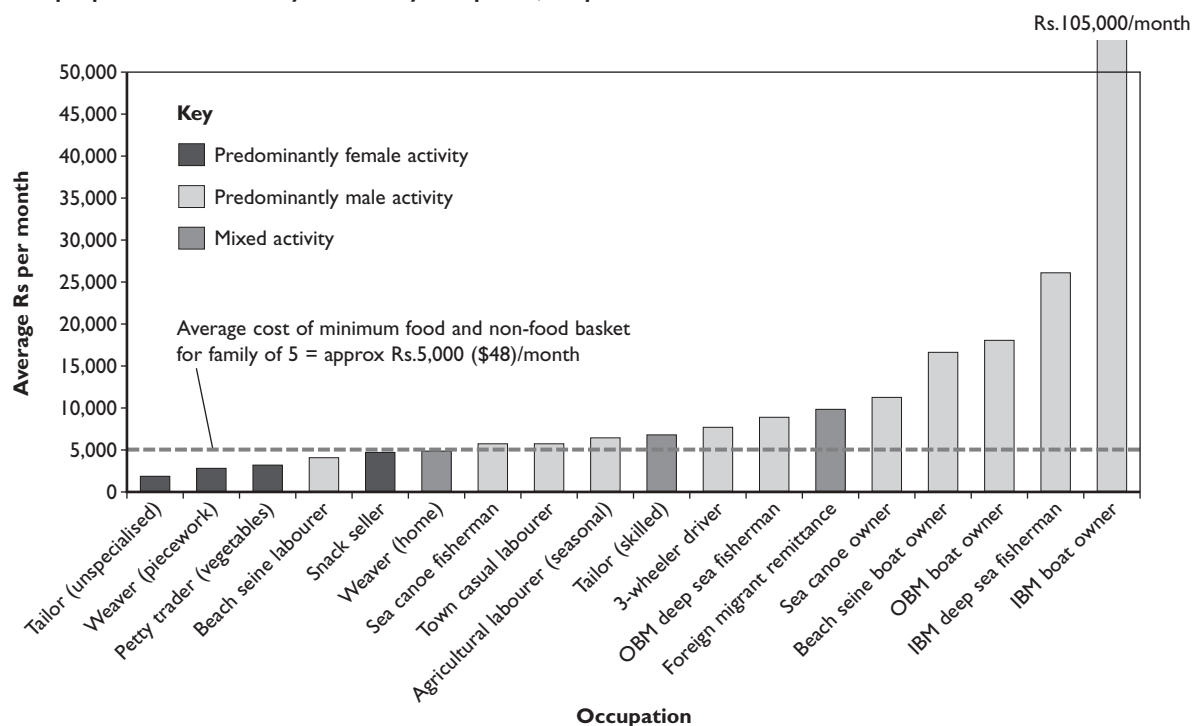
The Save the Children livelihoods assessment<sup>66</sup> conducted in the east of Sri Lanka shortly after the tsunami provides good information on poverty and livelihoods on the east coast. The poorest households – 5 per cent to 15 per cent – are characterised by single, low-income earners (vegetable growers and sellers, traders, some casual labourers who are often widows, disabled people with children not attending school). Poorer households, making up about 50 per cent of the population are small fishermen and casual labourers, with a secondary wage earner often being a female artisan or doing petty trade or vegetable growing.

Although unavailable in the north-east, *samurdhi* is the main social protection mechanism in Sri Lanka, comprising of co-operatives, savings clubs and microcredit, but the significant element is the voucher-based safety net. Families are means-tested and those falling below a defined poverty line

#### Trincomalee

Immediately after the tsunami the main issue was shelter and most people went to stay in the schools. Play areas for children were requested and provided by NGOs. For the first two weeks the children were sad and confused and agencies tried to normalise their lives through play and other activities. Families placed the orphaned children with relatives who then moved to the temporary shelters. The main concerns at that time were livelihoods and permanent dwellings.

Figure 2: Sample pre-tsunami monthly incomes by occupation, Ampara and Batticaloa



Source: Save the Children livelihoods assessment, January 2005

are provided with vouchers redeemable in local “multi-purpose co-operative stores” against specific food and non-food items. The amount provided depends on household size and income, and the value is usually 500 Sri Lankan rupees per month or 300–350 rupees (\$5). But, in practice, the system fails to reach about 50 per cent of those in need.

## Basic services

State healthcare provision is functioning well and is widely regarded as good value. There are, however, significant regional variations in service delivery with the north-east (in particular LTTE-controlled areas) having poorer access.

Performance in the education sector is declining but Sri Lanka has an unusually high level of school enrolment and literacy for South Asia, with primary school enrolment at over 90 per cent and secondary enrolment at 80 per cent nationally, and no significant gender differences.

Although primary education is compulsory and free, the quality of teaching in many schools is low and even the poorest families need to pay tuition fees of 250 rupees (\$2.5) for evening classes where the real learning takes place. The north-east has the poorer provision and higher school drop-out rates. Advancing through the class grades and moving from rural primary to municipal higher education is very competitive and expensive for poor parents.

## Situation of the most vulnerable children

### Children associated with armed forces

Following peace talks in 2002 and 2003, the LTTE and the government of Sri Lanka agreed to develop a plan for war-affected children, called the Action Plan addressing the needs and care for Children Affected by War in the north and north-east of Sri Lanka. In June 2003, both parties signed the plan and, as a result, the LTTE released a number of children under the age of

18 from their armed group.<sup>67</sup> Also under the plan, 7,000 children re-enrolled in school and 43,000 children received catch-up education classes.<sup>68</sup> UNICEF, Save the Children in Sri Lanka and the Tamil Rehabilitation Organisation (TRO) have been involved in the process of reunifying and reintegrating under-age recruits leaving the LTTE.

The Progress Report<sup>69</sup> for July 2004 to June 2005 details the progress that has been made. In the plan, the LTTE pledged to cease all recruitment of children under 18 and to release all children within its ranks. “From the reports received and verified by UNICEF, 1,116 children under 18 years of age continue to be within the LTTE ranks as of 30 June 2005;<sup>70</sup> as compared to the 1,273 children within the LTTE ranks as of 30 June 2004. 812 children were recruited during the reporting period from 1 July 2004 to 30 June 2005. At the same time, the LTTE released 308 underage recruits from their ranks.”<sup>71</sup> It seems that the number of children released each month has been fewer than the number of children recruited each month.

The use of children in the LTTE forces has been an ongoing problem. As of January 2006,<sup>72</sup> 2,523 children have returned and have received some assistance from Save the Children in Sri Lanka and other agencies in the form of family reunification, returning to school, vocational training or income generation. There are still some children reported to remain with LTTE forces and the LTTE reportedly continues to order families to hand over a child as part of a quota system.

### **Commercial sexual exploitation in Sri Lanka**

A recent survey<sup>73</sup> found that social and economic poverty were the main factors contributing to children’s inability to advance in life and their resulting involvement in commercial sex. This was compounded by parental neglect and ignorance of their children’s activities. The survey found a local demand for sex with children (especially girls) and a ‘foreign’ demand for sex with boys. The children were usually from the poorer communities and had been placed in government homes or were continuing

this activity. Out of 120 respondents, 76 were living with parents at the time of starting the commercial sexual activity. Nine had been in a government rehabilitation centre.

A domestic NGO called Protecting Environment and Children Everywhere estimated that there were 6,000 male children between the ages of 8 and 15 engaged as sex workers in beach and mountain resorts. It was also alleged that these children were trafficked internally and forced into prostitution by their parents or organised crime.<sup>74</sup>

### **Child labour**

According to an International Labour Organization (ILO) report,<sup>75</sup> the Sri Lankan Department of Census and Statistics conducted a national survey on child labour in 1999 and found that 926,037 children in Sri Lanka were economically active. This survey also found that as many as 234,618 of these children were engaged in economic activity while not attending school or any other educational institution. Nearly 11,000 children between the ages of 5 and 14 were working full-time. Finally, the survey reported that 52 per cent (or 475,531) of all working children were under the age of 15.

### **Child domestic labour**

A 1997 UNICEF study<sup>76</sup> of 750 houses in southern urban areas in Sri Lanka revealed that 1 in 12 had employed a child domestic worker. The study also reported that one-third of the domestic labour force comprised children and that 44 per cent of these came from the plantation sector.

### **Trafficking**

Preliminary calculations based on a number of reports from the International Programme on the Elimination of Child Labour (IPEC) Project for Combating Child Trafficking for Labour and Sexual Exploitation estimate that approximately 5,000 children have been trafficked internally and currently find themselves in some of the worst forms of child labour, including being conscripted to fight in conflict situations and involved in commercial sex tourism.<sup>77</sup>

## Street children

NGOs working with street children estimate that there are 2,000 children living and working on the streets of Colombo and approximately 2,500 outside of Colombo. However, accurate statistical data about street children is limited.<sup>78</sup>

## The childcare and protection system in Sri Lanka

In Sri Lanka, child protection is the responsibility of the following three agencies:

- Probation and childcare: in 1987, apart from in the north east, responsibility for probation and childcare was devolved to the provincial authorities. The 186 probation officers, supported by 65 trainees, function as officers of the court and deal with children in conflict with the law and child protection.
- Child rights promotion: the national Department of Probation and Child Care (DPCC) continued to remain at central level and took on responsibility for the policy, management and recruitment of a new cadre of 300 child rights promotion officers (CRPOs) who were placed within the divisional secretariats. The CRPOs are graduates but often without social work training. They have the advantage of being posted to divisions and, as such, are closer to villages and communities.
- The National Child Protection Authority (NCPA) was established in 1998. It operates with a board appointed by the President of Sri Lanka. Its mandate is to make policy on child abuse and exploitation, to provide therapy and rehabilitation for victims of abuse, to co-ordinate the work of other agencies with regard to prevention and protection from abuse, and resource mobilisation. Under its mandate, the NCPA has established district child protection committees in about 12 districts. During the Children in Institutional Care study it was apparent that these committees were not fully operational, although with notable exceptions in Jaffna and Galle.

A major weakness with these systems is the lack of co-ordination between the different child protection

agencies. It is difficult for the child 'client' to identify which person provides the service they need. There are many different actors in the process from the point of identifying a child or family in need of support and protection. These include the DPCC, the Department of Social Services, the Ministry of Labour, the police, the NCPA, and CRPOs. However, no single agency takes overall responsibility for the child's welfare through the entire process and there is no proper co-ordination between these agencies and with NGOs. The other problem is a lack of clarity over who is responsible for making policy in this field between the Ministry of Social Services and the NCPA. When put to the test by the tsunami, the deficiencies regarding responsibility for policy and implementation led to some difficulties.

In recent years, cabinet memoranda, circulars and protocols in relation to the DPCC have stressed the desirability of family care over more expensive residential alternatives, in contrast to legislation governing care and protection that is out of date. The DPCC and the Department of Social Services<sup>79</sup> are urged to provide economic support to keep a child and his/her family together. Generally the policy framework appears progressive and family oriented. However, in practice, there are problems with regard to implementation; children overstay in remand homes awaiting reports, and residential care is used for longer than the three-year period of the court order. Children's homes are not inspected or monitored and, in practice, divisional secretaries have little experience of supervising social workers.

## Residential care

In reality very few children are cared for outside the extended family apart from in institutions and shelters for street children and other welfare cases. Although the written and articulated policies espouse family care and speedy return of children to their families, there is a considerable gap between policy and its implementation by the DPCC. There is, in fact, greater use of institutions; according to government figures the number of children living in registered voluntary homes increased by 550 from 2002 to 2003.<sup>80</sup>

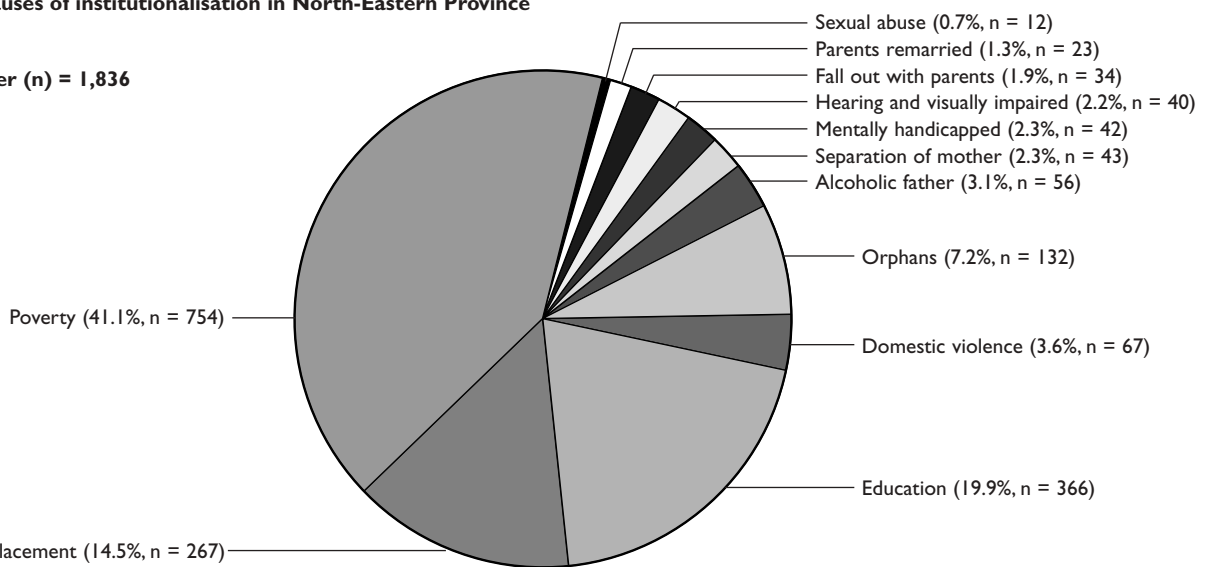
**Table 4: Distribution of type of institution by province**

Province	Receiving home	Certified school	Remand home	Detention home	Voluntary home	Home for children with disabilities	Other	Total number of institutions	Number of children
Western	1	2	2		72	12		89	4,594
Southern	1	1	1	2	20	6		31	1,063
North-Eastern	1				150	8	15	174	8,622
Central	1				30	4		35	1,279
Total	4	3	3	2	272	30	15	329	15,068

Source: A Bilson and P Cox, *Home Truths: Children's Rights in Institutional Care in Sri Lanka*, advocacy document, Save the Children in Sri Lanka, 2005.

**Figure 3: Causes of institutionalisation in North-Eastern Province**

Total number (n) = 1,836



Source: as above

There are a number of care providers. The state-run sector caters for those children admitted by probation officers through court orders as needing care and protection or who have been sent to the establishments for difficult behaviour or committing an offence. There is then the registered NGO, religious and private sector; these homes are supposed to keep to standards<sup>81</sup> and are monitored by the DPCC who, in theory, approve of all placements and transfers. There is then the unregistered sector most prevalent in North-Eastern Province. Although many of the homes are called orphanages, the reality is that

less than 10 per cent of the children are orphans. Most are placed in the homes for reasons of poverty or to improve a child's access to education and training. Variations between the regions in the survey are considerable. Another study found that children were admitted to the voluntary homes for the reasons set out in Figure 3 above.<sup>82</sup>

Of the 15,068 children in institutions identified in the study, 8,622 were in the North-Eastern Province. The tables above also show under-reporting in national statistics from this province, where a majority

of the institutions are unregistered and the authorities do not keep records on the children in these homes. It is possible that the number of institutions has increased, as has the number of children in them. It is a curious anomaly that institutions are not inspected by the DPCC unless they are registered and, until they are registered the DPCC appears both powerless and unwilling to tackle the situation.

Save the Children in Sri Lanka and UNICEF, together with the Ministry of Social Services and the Commissioners for Probation and Child Care, have committed themselves to reducing the number of children in these homes. The tsunami has placed the spotlight on the DPCC and the residential care system. There seems an imperative on policy-makers to improve the system of childcare and protection. The Ministry of Social Services seems to want change. The current system inherited from the colonial administration has not changed and was not designed to cope with urbanisation, conflict or other emergencies. The more recent protection issues of poverty, abuse, neglect, trafficking and child labour are missed by systems used to dealing with orphans, delinquents and babies abandoned through institutionalisation.

### Demographic impact of the tsunami

The government of Sri Lanka reported that 31,229 people died and 4,093 are missing as a result of the tsunami, from a population of 19.3 million.<sup>83</sup> Government officials estimate that children make up 40 per cent (12,000) of those killed.<sup>84</sup> Although anecdotal evidence suggests that more girls died than boys and more young children than teenagers, there

is no specific information on the deceased children. A quarter of a million people are living in transitional housing, which involves about 55,000 shelters on 492 sites. An estimated 275,000 people had their livelihoods affected.

### What happened to the children who survived the tsunami?

The number of children orphaned by the tsunami is shown in the table below.

It is less than originally feared and predicted by some agencies. Immediately after the tsunami, children who had lost parents were located by concerned relatives and friends. Other children who had been injured were found in the hospitals. In the next few days the families decided where these children would live and they either stayed with the relatives taking shelter in schools or moved to live in family members' homes if their houses were still standing.

**Table 5: Children orphaned by the tsunami**

	Girls	Boys	Total
Orphans	374	320	694
Father dead	1,079	1,050	2,129
Mother dead	1,354	1,100	2,454

Source: Save the Children in Sri Lanka

#### Mullaitivu and Killinochchi Districts

In Mullaitivu, the tsunami killed over 3,000 people and destroyed 5,000 homes. The district secretary reported 800 tsunami widows, in addition to the 3,300 war widows. In Killinochchi, 30 people were killed and 1,500 homes destroyed. There is some disquiet between the two groups – those who suffered loss and are without permanent housing due to conflict and people displaced by the tsunami. There is an urgent need to resettle both groups, particularly the former who are angry, have suffered repeated displacements and do not trust the authorities (see Table 6).

**Table 6: Impact on children in Killinochchi and Mullaitivu Districts**

	District		Totals
	Killinochchi and Vadamarachchi East	Mullaitivu	
Lost care-giver due to tsunami	4	42	<b>46</b>
Care-giver lost during conflict and were affected by tsunami	10	31	<b>41</b>
<b>Sub-total</b>	<b>14</b>	<b>73</b>	<b>87</b>
Separated	21	51	<b>72</b>
Lost one care-giver	237	365	<b>602</b>
<b>Sub-total</b>	<b>248</b>	<b>416</b>	<b>664</b>

Source: Save the Children in Sri Lanka

In Hambantota on the south coast, the tsunami struck when many people were at a market on the seashore. Many who died were adults selling goods and living in villages some distance away from the coast. This has made it more difficult to organise support for the orphaned children. At the Hambantota Children’s Resource Centre, 192 children out of a group of 604 affected by the tsunami receive support, counselling and extra tuition. Activities have been provided for the women who were widowed but it was realised that men are not receiving assistance, and there is a danger of them leaving their children. So far, although many children are still grieving, none have said that they are being abused.

### Agency responses

Government and relief agencies initially provided water, food, blankets and clothing, then began building temporary shelters. NGOs organised safe spaces for children, playgrounds and activity centres. Parents and adults coping with all the other issues did not have the time or capacity to care and play with all the children.

In the field of child protection there were fears that children were going to be abused and exploited. To safeguard children from exploiters, some NGOs and

the NCPA wanted to place separated children in children’s homes, and there were numerous requests to adopt children or build children’s homes by people wanting to help with the perceived orphan crisis. An NGO, Sarvodaya, heard reports of fights breaking out between officials from NGOs who wanted to take the children into homes, and relatives who wanted to care for the children. All agencies were concerned about abuse and exploitation of children by non-relative carers. In reality, although all suffered from international adoption agencies looking for children, none of the worst fears of rape, abduction or trafficking were realised. Almost all children were immediately taken in and cared for by relatives. NGOs and other agencies began to organise camp patrols as they felt that just one case of abuse would be enough to undermine the cause of non-institutional care.

Most of the psychosocial counselling programmes developed by external agencies have been criticised by all parties. There were insufficient trained counsellors and only religious leaders gained any respect in this field.

### Separated children

All agencies were concerned about abuse and exploitation of children by non-relative carers.

### **Child protection adviser, Save the Children in Sri Lanka, Trincomalee**

*“While dealing with immediate protection priorities such as registration and documentation of unaccompanied/separated children, questions as to what to do in the long term have preoccupied agencies. Defining a child protection project broadly will enable agencies to consider child protection issues as interconnected issues which require a common approach, rather than a thematic or single activity approach. A holistic approach will bring together central protection issues such as child recruitment and other issues like child abuse and exploitation, issues of child poverty, children affected by the disaster, advocacy of child rights, etc., under one common framework. This effort in turn needs to be rooted in community, and will require a long-term commitment on the part of Save the Children in Sri Lanka.*”

*“Working with local organisations that focus on child protection would have been an ideal situation. The reality on the ground, however, is different. There are no such local organisations as far as I know; not in Trincomalee District at least. What we have is rather few organisations which are involved in a variety of activities and operate in defined geographical areas: Kinniya Vision in Kinniya Division, AHAM in part of Echchilampathu (unclear area), TDDA in Mutter (cleared area), SDF in part of Kuchchaveli, and Surekuma in Sinhalese-speaking areas (Gomarankadevila, Morawewa, part of town). These local organisations which we have identified as our partners are partners to several international NGOs and are involved in relief, education, health, psychosocial, reconstruction, etc. They are consequently overstretched, and there is even concern that these limited local organisations are over-committing themselves.”*

### **Supporting children in Trincomalee District**

In Trincomalee District, Save the Children in Sri Lanka/UNICEF/CCF/NCPA figures show 60 separated children and 131 living in one-parent families due to the tsunami. These children are scattered across many villages and it is difficult to provide follow-up visits and target any livelihoods work. Probation officers and protection staff from Save the Children and other agencies spend much of their time travelling to remote villages. A fit-person allowance is being paid for 118 children, with 28 cases still pending. More than 200 special needs payments have been requested but delays in payment were being experienced.

For the last nine months, protection staff in Trincomalee have been busy registering children affected by the tsunami. Immediately after the tsunami a meeting was held between Save the Children in Sri Lanka, UNICEF and the DPCC where it was agreed that Save the Children and the DPCC would undertake registration and UNICEF would co-ordinate and maintain the database. Save the Children and the DPCC staff eventually split the district divisions between them, as work routines were not compatible for joint working. The registration documents were given to UNICEF who processed them and returned them to the DPCC for obtaining fit-person orders. Protection officers thought in hindsight that the separated children issue was not as great as had been assumed. Relatives have taken care of all the children and have not moved them around. There have been few protection issues arising from these families and it was considered irrelevant to make fit-person orders once the assessments had been done, as this could single out these children for always being different.

On 6 January 2005, NCPA, DPCC, UNICEF and Save the Children in Sri Lanka released a joint media statement saying that many children who survived the tsunami were separated from family and care-givers, and that the above agencies were working together to “ensure that these children remain in safe environments, protected from violence, exploitation and abuse”. The media statement then gave information about the registration process, tracing and reunification. This statement and the registration process were a result of considerable advocacy at national level by Save the Children, UNICEF and others.

The policy emanating from the government, and backed by UNICEF and other agencies, was that all children should be registered by the DPCC as unaccompanied (UAC) or separated. They were trying to follow the inter-agency guidelines on unaccompanied and separated children, but these needed to be quickly translated into local languages and it appears that the interpretation of children requiring protection focused on orphans and children who had lost one parent.

Registering the separated children brought to light other child protection issues. Many mothers are migrating to the Middle East to find employment. There was a case in Muttar Division where a family had lost their mother in the tsunami. As part of the registration process it is necessary to fill in one form per child in the family. Save the Children wanted to complete a form on a particular 16-year-old but were told that she was absent. Further probing revealed that she was not in Sri Lanka but was working in the Middle East. The father said he had always argued that the daughter should not leave but was overruled by his wife and her mother, who had both died in the tsunami. He was very sad that his daughter was not at home but relieved that she was at least still alive. Save the Children partners state that it is common to find children going abroad for work. Although there are legal age requirements for getting a passport and visa, this can apparently be overcome by illegal means.

This policy statement and the registration process were a result of a shared concern between agencies and learning from previous emergencies where abuse of children, particularly girls, has taken place. None

### **Life in a transit camp**

Vadamarchchi transit camps are a typical example of temporary housing along this coastline – they are situated about a kilometre from the sea among palms and sandy soils. Two thousand people live in 650 households. The shelters are made of cement blocks about one metre high; the rest of the construction is of wood with interwoven palm-leaf roofs. The shelters are identical and are organised closely together in rows. People are grouped in their old communities. Very few shelters appeared to have any plastic sheeting and they were not effective in keeping out the monsoon. Neither was the camp drainage preventing the shelters being flooded. Immediately after the tsunami people expressed the need for support for livelihoods and permanent housing. Unlike other districts in Sri Lanka, there seems to be sufficient state-owned land to facilitate resettlement.

People in the camp were concerned about being so close to neighbours; they felt that their children were too near undesirable influences. The camp had schools, nursery facilities, activity centres, sports fields and playgrounds built by the NGOs but the problem of the children having no place to study and do homework was cited as a reason for some children leaving the camp to go and stay in children's homes. Fathers, particularly the fishermen, who had become single parents were finding it hard to raise their children single-handedly and without support.

of the worst fears of sexual abuse, abduction or trafficking were realised and almost all children were immediately taken in and cared for by relatives. This is probably a result of all the efforts by policy-makers and social workers but most of all by the children's families and relatives.

### Issues

- The number of orphaned children was lower than was predicted at the outset and it is probable that the conflict in the north-east, with its consequent loss of life, destruction of property and displacement of population, caused hardships that were paid less attention. However, many children lost their lives, particularly the younger ones and girls. Currently many agencies are only just beginning to rise to the challenge of helping children to know how to keep themselves safe on coastlines where natural disasters like flooding may become more frequent.
- The majority of children separated from parents because of the tsunami are living with their relatives, being supervised by state social work agencies, and the carers are receiving a small cash allowance.
- The inter-agency guidelines on separated children provided a focus for discussions with the government about actions, roles and responsibilities for separated children. However, these documents were new to the government and were not translated into Sinhalese or Tamil until some weeks later. Several people thought the guidelines were complicated, and it appears that “orphan” or “single-parent carer” were the preferred local terms for assessing the need for intervention.
- It is arguable that there were less unaccompanied children and separations than expected because many children were killed. It is also probable that, as the population movements were only over approximately a kilometre, this prevented many of the separations seen in conflict where people are on the move for many days without security, shelter or food.

### Fit persons, fostering and allowances

Probation officers were responsible for registering all guardians caring for children who lost one or both parents in the tsunami. These guardians were assessed and their status as fit persons to undertake fostering has been validated by a court order, which lasts for a year but is renewable annually for up to three years. A fit-person order recognises a person as being suitable in law to care for a child. A fit person is entitled to an allowance of 500 rupees (\$5) per month for each child. (Before the tsunami the carer of a child subject to a fit-person order was entitled to 250 rupees per month.) Save the Children has agreed to pay a special-needs allowance of up to 500 rupees per month for each child who is being cared for by a single parent and is vulnerable due to the consequences of the tsunami or the war. There is a condition that these children should go to school. This scheme is administered by the probation service. Five hundred and seventy one fit-person orders have been made on separated children and 928 on children who had lost one parent. In all, the DPCC made over 6,500 assessment visits and 286 orders are pending before the courts.

Opinions varied as to whether these amounts were sufficient; most people said that 1,000–1,500 rupees per child would have been more appropriate, while others said the amount was adequate.

### Legislation following the tsunami in the fields of care and protection

Although the policy message – that children needed protection and no adoptions could be made after the tsunami for one year – was well understood, it was reinforced by the Tsunami (Special Provisions) Act No.16, 2005. The act is comprehensive and is designed to protect children living with new carers after the tsunami. It is also designed to establish a period of foster care before a child can be adopted. Any custodian of children not subject to a fit-person order was required by law to register with the DPCC. This also applied<sup>85</sup> to all those who had become single parents as a result of the tsunami. The consequences of failing to register could be imprisonment.

Although well intentioned, the act has been criticised by lawyers and UNICEF, among others. The act and its guidelines are unclear as to which children are covered, especially as regards children living with single parents; it does not define adequate parental care; and is unclear as to whether a parent is unable to care for a child. The impact of the Act has been beneficial in that most care arrangements have been assessed by the DPCC or CRPOs.

The Act introduces the concept of fostering and gives the power to keep a register of all foster children to the NCPA. The NCPA becomes, through section 12 of this Act, the guardian of every child whose parent wishes to place a child in foster care, or where the child is an orphan. The NCPA is then required to set up foster care evaluation panels in each province and to appoint a monitoring officer. At the time of writing it appears that these panels have not been convened and foster care orders have not been made.

### Issues

- The legislation only applies to children whose parents were killed in the tsunami. It does not apply to children whose parents died before the tsunami or afterwards. Probation officers, apart from cases of special need, were not previously registering or making fit-person/foster orders on children going to live with relatives because of the death of a parent or for any other reason. The value of the fit-person allowance was doubled for those affected by the tsunami.
- The legislation and guidelines that accompanied it seem, by inference, to have concerns about the care offered by single parents and the future step-parents. The wider question of children and second marriages needs to be addressed by policy-makers.
- Through the legislation, the state – in the form of the NCPA – takes a step closer to protection and the principle of ‘*parens patrias*’, but again this is partial as it is for tsunami-affected children only.
- To try and overcome some of the possible duplication of work and lack of clarity over responsibility for childcare and protection, UNICEF and Save the Children in Sri Lanka are

looking to support the establishment of social welfare/development centres where staff at district and divisional level can work together from the same office. However, this by itself will not change the management structures and responsibilities of the different agencies.

### The use of residential care

Most people interviewed for this report were pleased that very few children seemed to have been placed in residential care due to the tsunami. However, it appears that the probation officers registering unaccompanied and separated children have not, especially in the north-east, included on their lists children who are living in homes run by the voluntary sector. The figures in the box opposite would seem to suggest that over 200 children are now living in residential care because of the social and economic consequences of the tsunami.

### Issues

- While the numbers of children received into homes are relatively small and Sri Lanka should be congratulated for pursuing a policy of care by relatives, it does suggest that, as in pre-tsunami times, a tighter monitoring system is needed over placement of children in voluntary homes.
- If the reports from these homes are accurate, the family tracing databases should be examined to see whether the children placed in homes are on the lists. If these children are not documented, they represent a significant number slipping through the registration process. It is recommended that all the children’s homes in the north-east are visited for this purpose.
- Some of the case studies above also suggest that the education, health and livelihoods programmes were not able to make a difference to the placement of these children.

### The situation by November 2005

Ninety-five per cent of children affected by the tsunami are back in full-time education. However, many of the children from the coastal villages are

### Government bans adoption of tsunami orphans

The Sri Lankan government, following concerns expressed by the UN that orphans might be targeted by criminal elements, has banned the adoption of children affected by the devastating wave that hit the island, 26 December 2004. Adoption without prior government approval is now impossible.

"Adopting the children until a permanent solution is implemented is illegal," said government spokesman Mangala Samaraweera.

"Not even a Sri Lankan can adopt a child affected by this disaster until the government has come out with their programme," he said. "Even if they are relatives, they are not expected to take children without government permission."

With many children forced to live in refugee camps due to the tsunami, fears have arisen that some of them may have been abducted. The government is compiling a census to have a clear idea of the number of children orphaned by the tidal waves.

Source: [www.priv.gov.lk](http://www.priv.gov.lk) (official website of the Government of Sri Lanka) 7 January 2005

finding the travel and experience of being in a large school in a town unsatisfactory.

Some permanent housing is being allocated in the south and east but, in general, people are still living in cramped shelters or with relatives. The monsoon season has shown the inadequacy of the temporary shelters. The fishermen have been well targeted for livelihoods support, but other trades less so.

The key issues for all children appear to be the prolonged wait for permanent housing and the effect that the tsunami has had on household income. Although education is, in theory, free, expensive tuition classes are essential if a child is to progress. Failure to re-establish former livelihoods is therefore putting pressure on children in the education system.

Although there has been some noticeable drift towards using residential care, most families are still looking after separated children. They are being monitored and allowances paid. This support may well only be short term and, as yet, the coverage of livelihoods programmes is unlikely to reach all separated children living with relatives, as there are generally only one or two children in this category per village, in the affected districts. Some longer-term mechanism is

needed to identify and support the poor families caring for these children and to deal with the thousands of children who appear to be in residential care for reasons of poverty. Added to this there are the problems of children living with relatives or a father where their mother has gone abroad looking for work.

In Trincomalee, 14 child-headed households were found in the villages when agencies were undertaking livelihoods assessments. In many of these families, there is a father but he is neither working nor taking care of the children. In other cases the father contracts a second marriage; he leaves the children in the care of the first wife, obliging the eldest child to work to support the family.

A year on from the tsunami it appeared that the situation for children was as follows:

- Most separated children are living with relatives. However, some children (probably between 100 and 200), particularly in the north-east, are in residential care because of the immediate impact of the tsunami and because of ensuing socio-economic issues, including remarriage, fathers struggling to cope as single parents, and the fact that orphanages offer good education opportunities

### Children's homes<sup>86</sup> in Killinochchi and Mullaitivu

Currently 507 children live in Kanth Illam: 495 are girls over six years old and 12 are orphaned boys under six years old who will transfer to a boys' home when they reach seven. The home employs 28 staff, of which 15 are teachers. One hundred and twelve children have no parents, and 95 are from single-parent families. Twenty children were admitted after the tsunami, 13 from single-parent households and 7 for other socio-economic reasons.

**Kurukkulam Home** was founded in 1956, but taken over in 1990 by the Tamil Relief Organisation. In 1996, the children were displaced and the home destroyed in the conflict. In 2002, the home was rebuilt and now accommodates 175 boys. Nineteen children were placed in the home because of the tsunami.

**Barathi Girls' Home** houses 195 girls aged between 4 and 25. The children come from all over the north-east but mainly from Mullaitivu. Seventy per cent of the children are orphans, but most of these have relatives with whom they are expected to resettle when they reach 18. Five children joined the home after the tsunami, replacing the five killed by the tsunami who were on home leave. Children are placed in the home when the parents ask for a place from the probation officer, and it is the probation officer who requests a place from the home. The home has a waiting list of applicants from the tsunami-affected areas. If children of greater need apply then it is possible for the less needy to be returned to their families.

**Kantharuhan Anivulai Home** is a considerable investment: it has a swimming pool and is patronised by LTTE leaders. There are over 240 children in the home, 27 of whom were admitted as tsunami orphans. The home has 27 full-time teachers, 17 part-time teachers and 27 other staff. The majority of the children are war-affected; others were abandoned. Many of their mothers could not cope with life in the displaced camps. The children are in the home with the knowledge of the probation officers.

**Holy Land Home** accommodates 150 children – 38 are orphans, 40 are without a father, 34 have no mother, 38 are in the home for reasons of poverty, and 10 have been admitted for tsunami-related reasons.

**Matarcholai Shelter** in Mullaitivu was destroyed in the tsunami and 80 out of some 200 children died. It is reported that the shelter is now situated in Valipana and has received a further 90 children affected by the tsunami.

### The children

Priya, aged 17, has been living in a girls' home since May 2005. Her family live in a temporary shelter after their house was destroyed in the tsunami. She is the eldest and has a younger brother aged 14 living with her parents. Priya is in year 11 at school and hopes to pass eight subjects. She is happy to be in a home as it means she can study better and she has made two good new friends. It was difficult to study in the camp; there was no space and she was always being disturbed. Her new school has better facilities and provides a better education. Her parents have visited her twice.

Vijitha and Vidya are teenage sisters who live in a girls' home. Their mother died before the tsunami, and their 10-year-old sister died in the tsunami. They were both injured by the tsunami and hospitalised. They moved into the home on 2 February 2005. They thought that their father and 17-year-old brother were killed, but the two now live together in a temporary shelter, with the brother looking after the father whose mental health has been severely affected by the tsunami.

Two very quiet and visibly very sad, emotional young brothers now live in a children's home. Their mother and three younger children died in the tsunami. Their father has remarried and lives in a transit scheme. The father visited twice early in their stay and now an uncle visits.

and conditions for further study. These children may not have been registered by the authorities, which highlights the difficulties faced by the probation officers in knowing how to respond to children's homes that are not officially registered. They need better legal rights of access to these children.

- The temporary shelters in camps are aggravating child protection issues. Although authorities have tried to locate former communities together, many of these are fragmented and less able to share responsibility for looking after children. There is overcrowding and less privacy; girls feel it is unsafe and there is nowhere quiet with electricity to do homework. Permanent housing would remove many of the fears and issues regarding childcare.
- Sri Lanka has other child protection issues, including 15,000 children living in children's

homes, many because of household poverty or poor access to education, or due to demobilisation from the ongoing conflict. Thousands of children are also being raised by their fathers or other relatives because their mothers are working abroad. Agencies have shown that they were able to co-operate and work together to try and preserve family life for most children affected by the tsunami. The government policy statements and laws have helped reinforce the practice of children being cared for by relatives and the extended family. The tsunami has put the spotlight on child protection and it is reasonable to demand that similar support and resources should be made available to secure good childcare for children whose problems arose either before or after the tsunami.

- As children orphaned by the tsunami grow older we can expect some of them to experience

### Matara District

Fifty-six separated children were registered, together with 390 living in single-parent families due to the tsunami. Thirty separated children now have fit-person court orders, as do 155 living with one parent. Before the tsunami, the district only supervised 30 orders. Unlike Killinochchi and Trincomalee, this district has not been affected by conflict. Before the tsunami, protection programmes concentrated on trying to reduce violence through working in schools. After the tsunami, Save the Children in Sri Lanka created 25 child-friendly spaces, of which five have become children's clubs. An NGO, Enfants du Monde – Droits de l'Homme, thought that the tsunami had not created any new protection issues in this district.

The fishing communities were already more fragile than others along the coast and they have struggled to cope with life in the cramped conditions of the temporary shelters. As with men whose wives have migrated, the men who have become widowers are finding it difficult to raise their children without support. Some, it is reported, are drinking alcohol more often. Mental health problems are not being properly addressed.

By and large, protection work remains the same in Matara District except that the caseload of the District Probation Office has increased from 10 to 70 after the tsunami. Previously the work was with children in conflict with the law; now they are checking on whether relatives are looking after the children properly. So far the probation officer has encountered no protection issues and tries to visit his caseload once a month. The major problems are economic, and the 500 rupees (\$5) allowance per month was thought to be insufficient as the necessary supplementary evening classes for schoolchildren cost over 250 rupees a month.

relationship difficulties with their relatives – these children will need support and guidance. Some research is needed to predict the additional demands on social services and to resource the service providers.

- The tsunami has placed an exceptional demand on the state social work and social welfare systems, particularly in the north-east, where recruitment and retention of staff is more difficult. Some probation officers have seen their protection caseload rise sevenfold. They are being asked to provide protection to tsunami-affected children that is not offered to other children whose parents have died. In order for the state to provide equality of access to all children in need of care and protection or those in conflict with the law, a longer-term commitment to supporting reforms is needed from government and donors.

## What is needed?

1. A reassessment of the childcare and protection systems in Sri Lanka, and of the mechanisms whereby families providing foster care or caring relatives are receiving social welfare payments. These systems needed modernising before the tsunami, which has focused attention on some of their shortcomings. Below, we suggest some long-term reforms that look at the role of the state and its social workers at local level, in protecting children from abuse, neglect and poverty, as well as in orphanhood.
2. A framework or set of guidelines on separated children and protection that is universally accepted by governments and can be used as a tool for a response to protection in emergencies. The inter-agency guidelines are for co-operation between agencies. Where there are strong government and state services, their role is crucial but they may lack the experience of practical assistance in emergencies.
3. Disaster preparedness along coastlines that includes the role of children and gives them confidence to act in emergencies. Climate change and rising sea-levels will make coastal communities more vulnerable.
4. More thought should be given to how families who begin to care for relatives' children are supported and targeted with assistance. Is it beneficial for the term 'foster parent' to apply to an uncle or grandmother, or does the use of this term and all that follows erode the continuum of family care and place an exceptional burden on weak social work systems?

## 5 Conclusions and further issues

This section focuses on the specific achievements that were common to all three countries affected by the tsunami. It highlights the work that is needed to gain a fuller understanding of local and international responses to the tsunami, with the objective of trying to reduce the loss of life in future disasters and to minimise disruption, deprivation and distress among surviving children.

### Achievements in protection

In brief, specific achievements of the child protection sector include:

- strong co-ordinated initial advocacy at government level, to prevent adoption and institutionalisation
- acceptance by governments that a co-ordinated approach to separated children was needed, with both governments and NGOs working to the standards in the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*
- advice on child law and support to government social work teams
- establishment of children's centres to provide opportunities for play and other normal activities
- community-based work linked to children's centres
- co-ordination of IDTR activities by inter-agency committees.

### Role of international agencies and governments regarding standards in protection

The existence within the international community of a strong inter-agency group that could provide a unified message on child protection played a major part in these achievements. However, if benefits for children are to be maintained over time, national governments need to follow through the process of

child welfare and child law reform initiated by the disaster. This report has shown how the process is currently progressing. To ensure governments are able to provide the necessary protection framework in future emergencies, there is a need for 'pre-positioning' work, based on internationally agreed norms and standards, and supported, where necessary, by the relevant UN agencies.

### Improvements and further work needed

#### Rapid needs assessments

Earlier sections have already commented on the 'assumptions' that influenced the protection response to the tsunami. To ensure that programmes are implemented on a stronger factual basis, a framework for initial assessments is needed that better identifies the nature and scale of childcare and protection issues and makes this analysis available to other sectors. Subsequent interventions are likely to involve work on livelihoods, education and basic needs (*see below*) as well as in the 'traditional' protection areas such as social welfare and IDTR.

#### Linking analysis of child protection risks with livelihood assessments and interventions

There is a disconnection between livelihood assessments and interventions, and analysis of protection risks. All children in households that cannot provide for basic needs face a range of protection risks: they are more likely to be involved in dangerous survival activities, more likely to be poorly nourished, at greater risk of separation or recruitment, etc. Protection programmes must seek to ensure that all children (not just children in a defined social category, for example, with a single parent, orphaned by the disaster, etc) access minimum needs. Where the

disruption of livelihoods is widespread, protection programmes should resist the targeting of economic support to specific social groups unless there is a sound evidence base for doing so.

### **Understanding links between the disaster and the use of institutional care**

It is important that groups of children, for example, those in private children's homes and institutions, are not left out of assessments. This will often involve working with government, to gain access to children who are not living in the community. Unless access can be negotiated, it is impossible to assess possible links between the disaster and the use of institutions. Research into the reasons for institutionalisation is essential to promote policies and programmes that support family-based care.

### **Targeting of material assistance and social work interventions**

(i) The use of the term 'tsunami-affected' as the main criterion for support and deciding legal custody will become increasingly difficult to justify as time passes. The fact that highly vulnerable children will be excluded from economic assistance on the grounds that they do not meet 'social' criteria is a problem that needs to be recognised.

(ii) This problem is particularly acute with respect to foster care allowances for tsunami-affected children. The sustainability of foster care allowances and the implications of withdrawing allowances should be considered by all implementing programmes. The question of allowances should be considered in the context of nationwide systems for social protection and social security. Criteria for ending support should be transparent and children in households where benefits are withdrawn should be followed up.

(iii) Registration of children with single parents in the same manner as unaccompanied or separated children, and classifying surviving single parents as 'foster parents', needs further study. This practice appears to have been introduced in Sri Lanka and is a matter of concern. Classifying single parents in this way carries

the risk of inappropriate removal of children from their homes.

(iv) After the tsunami, most children who lost their parents were immediately taken in by relatives from the same area who survived the disaster. Concern that these children might be at risk of 'secondary separation', ie, that they might be abandoned by their relatives, has informed much of the post-tsunami child protection work. However, evidence of secondary separation is based on very different contexts and circumstances (post-conflict Africa and children in care in industrialised countries). To assist strategic planning and resource allocation in future natural disasters, longitudinal research should be undertaken in each of the countries included in this report to track the incidence of secondary separation and to identify the social and economic circumstances under which the care of children spontaneously taken in by their relatives breaks down.

## **Learning how to work with governments**

In places where an emergency is caused by conflict, state protection systems are often weak or non-existent. In natural disasters this may not be the case: India and Sri Lanka (as well as Aceh, to a lesser extent) have functioning systems of social work and social welfare, which are given specific mandates in emergencies. International agencies need to understand how best to work with established government agencies.

## **Helping children to protect themselves**

Finally, there is a pressing need to develop local programmes that will help children protect themselves in future natural disasters. It is important that resources are directed to clubs, classrooms, community groups, and any other place children can learn survival skills. Innovative ways are needed to

reach disadvantaged children: children who are out of school and in the workforce, children with disabilities, domestic workers, casual labourers and young mothers with babies.

## Lessons and the way forward

The main lesson from this review is that assessments of the nature and scale of protection needs must be carried out before programmes develop their own dynamic. While guiding principles such as those set out in the inter-agency working group on separated children have significantly improved capacity to advocate quickly and coherently in the protection field, it is important that these principles are translated into programme strategies that fit the specific circumstances of each emergency. As part of this strategy, it is essential to define the factors that increase children's exposure to economic and social risks, and allow protection programmes to be led by this analysis.

In terms of a coherent system for response, child protection is one element in an overall framework for social protection that includes:

- access to basic income to meet minimum food and non-food needs: employment, relief or social security
- access to health, education and other services
- a legal framework for child welfare and protection
- social work and social welfare services to oversee childcare and protection
- a community-based framework for protection referral.

The challenge for agencies promoting child protection is to ensure that they are not relegated to a 'protection sector' – or even worse, to IDTR programmes – but work at every level to ensure that families have the means to protect and nurture children, and systems are in place that properly reflect children's rights and needs.

# Notes

## I Introduction: the emergency response to the care and protection of children affected by the tsunami

<sup>1</sup> Save the Children UK, World Vision and the International Rescue Committee (IRC). These agencies played a leading role in the care and protection of unaccompanied and separated children after the Rwandan genocide.

<sup>2</sup> An unaccompanied child is usually defined as one who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so. A separated child is one who is separated from both parents, or from their legal or customary primary care-giver, but not necessarily from other relatives. See *Inter-agency Guiding Principles on Unaccompanied and Separated Children* (International Committee of the Red Cross, 2004).

<sup>3</sup> Numbers of unaccompanied children identified in October 2005: 195 in Aceh, 1 in India and 12 in Sri Lanka.

<sup>4</sup> Different types of schools; a *panti asuahan* or *panti* is a children's residential home. The children living there attend local schools so that in some ways it is like a hostel, which also gives care and support. The children seem to be encouraged to keep in touch with their relatives and, where possible, visit them during holidays and festivals. *Pesantrens* are privately run Islamic boarding schools. They usually take children aged 12 to around 20 years. The great majority are traditional and concentrate solely on Islamic studies; the fees to attend these schools are modest in comparison to other schools. A few *pesantrens* are described as 'modern', as they have a large component of secular school subjects; they are much more expensive.

<sup>5</sup> Indirect trafficking involves children being passed to other families and then later trafficked by second or subsequent families. After the March 2005 earthquake in Nias, some such cases arose from extreme poverty; those known cases ended up in Jakarta.

<sup>6</sup> Official ICRC figures in 1998 show that 116,877 Rwandan children were registered as unaccompanied by the various agencies inside and outside Rwanda. There were 60,157 reunions within the Great Lakes and, of these, 45,885 were within Rwanda.

<sup>7</sup> For more on this example, see D Tolfree, *Facing the Crisis: Supporting children through positive care options*, Save the Children, London, 2005, p 5.

<sup>8</sup> *Note for Implementing and Operational Partners by UNHCR and Save the Children UK on Sexual Violence & Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone*, UNHCR/Save the Children UK, February 2002.

<sup>9</sup> *Protecting Children in Emergencies*, policy brief, International Save the Children Alliance, 2005.

<sup>10</sup> G Machel, *Impact of Armed Conflict on Children*, report of Expert of the Secretary-General of the United Nations, submitted pursuant to General Assembly Resolution 48/157 1996.

<sup>11</sup> *Refuge in the City: The Lives of Separated Children Update, phase one; study on the immediate and root causes of child separation in Rwanda*, Save the Children, Rwanda, 2004.

<sup>12</sup> D Berridge, C Karp and T Butler, 'Foster Care, A Research Review', *Child & Family Social Work*, 1998; B Minty, 'Annotation: Outcomes in long-term foster care', *Journal of Child Psychology and Psychiatry*, 1999, 40:7, pp 991–99; C Sellick and J Thoburn, *What works in family placement?* Barnardo's, 1996.

<sup>13</sup> This might be supplemented by a similar study in Kosovo, where it seems no fostering allowances are paid, and in Bosnia and Serbia, where they are paid.

<sup>14</sup> The account of the disaster in South India is less detailed than the other two affected areas. The review coincided with the Pakistan earthquake, and many individuals who had been involved in the tsunami response were on emergency missions to Pakistan. Unprecedented monsoon floods also made travel and interviews extremely difficult in some areas. However, it was possible to cover key issues, which are outlined in the report.

## 2 Aceh Province, Indonesia

<sup>15</sup> Save the Children, *Aceh Earthquake Relief Assistance Programme Strategy 2005–10*, unpublished internal document, October 2005.

<sup>16</sup> I C Stobutzki and S J Hall, 'Rebuilding Coastal Fisheries Livelihoods after the Tsunami: Key Lessons from Past Experience', *The WorldFish Center Quarterly* 28: 1&2, 2005.

<sup>17</sup> L Adams, *Livelihoods Assessment NE Coast, Aceh Province, Indonesia*, Save the Children, February 2005 (internal version).

<sup>18</sup> BULOG is the government's logistics agency, which works to ensure reasonable prices for farmers and consumers, including a national system of price stabilisation. *Ibid*, p.4.

<sup>19</sup> L Adams, *op cit*.

<sup>20</sup> 'Black areas' are the conflict zones where the Free Aceh Movement (GAM) was strong or active, and so the government placed various restrictions on those living there and stopped outsiders, eg, NGOs, from entering.

<sup>21</sup> 'Jadup' is a central government allowance of 3,000 rupiah a day or 90,000 per month payable to every adult and child who became an IDP as a result of the tsunami and who is living in a camp or barrack. Those eligible will be paid this allowance for six months. However, if a child leaves the camp or barrack to stay with a host family in the community, they stop receiving this allowance. Not all those eligible appear to have received this allowance.

<sup>22</sup> Figures from the 2005 Aceh census on drop-outs from schools.

<sup>23</sup> 'Supporting the development of the alternative care system at regional (Aceh) and national levels in Indonesia', UNICEF and International Social Service (ISS), November 2005.

<sup>24</sup> [www.wikipedia.org/wiki/Aceh](http://www.wikipedia.org/wiki/Aceh)

<sup>25</sup> From interview discussion with the authors.

<sup>26</sup> Save the Children, *Aceh Earthquake Relief Assistance Programme Strategy 2005–10*, unpublished internal document, October 2005, and US Department of State, *Country Reports on Human Rights Practices – 2004*. Released by the Bureau of Democracy, Human Rights, and Labor, 28 February 2005.

<sup>27</sup> *Ibid*.

<sup>28</sup> It is not clear whether this figure includes children in *madrassas* (Islamic schools). Interestingly, Aceh had a higher average literacy at 93 per cent in 1999 than that of Indonesia as a whole at 88 per cent, in part because many people can read Arabic as a result of their Islamic schooling.

<sup>29</sup> 'Child Soldiers Global Report 2004', Coalition to Stop the Use of Child Soldiers. [www.child-soldiers.org/document\\_get.php?id=852](http://www.child-soldiers.org/document_get.php?id=852)

<sup>30</sup> Interview with Ibu Farida, Deputy Head of the provincial Department of Social Affairs.

<sup>31</sup> UU Perkawinan no. 1/1974 (para7i).

<sup>32</sup> Interview with Ibu Farida, Deputy Head of the provincial Department of Social Affairs.

<sup>33</sup> Interview with Bureau of Public Statistics, Aceh.

<sup>34</sup> There were about 125,000 IDPs and an estimated 16,735 orphans as a result of the conflict; many were only displaced for short periods before returning home.

<sup>35</sup> One hostel (*panti*) for street children was destroyed in the tsunami.

<sup>36</sup> UN Information Management Service (UNIMS) statistics, 19 May 2005.

<sup>37</sup> Dinas Social and Inter-agency joint registered children database analysis, 13 October 2005.

<sup>38</sup> *Ibid*.

<sup>39</sup> Save the Children, *Aceh Earthquake Relief Assistance Programme Strategy 2005–10*, unpublished internal document, October 2005.

<sup>40</sup> Interview with Ibu Farida, Deputy Head of the provincial Department of Social Affairs, Aceh.

<sup>41</sup> Sekretariat Children Centres, DEPSOS, 29 April 2005.

<sup>42</sup> UNICEF Indonesia.

<sup>43</sup> Figures are tentative, as a study of the number of separated children as a result of the tsunami who are living in *pantis* and *pesantrens* will not be completed until mid-2006, and without these figures the totals are hard to confirm. There appears to have been little change in the number of children in the 860 registered *pesantrens* (of which eight appear to have been completely destroyed and 160 damaged); similarly, there seems to have been little change in numbers in the 168 *pantis*, of which 27 were severely damaged.

<sup>44</sup> The database was developed by Save the Children and is used to log follow-up visits, completion of forms, etc, and provides a monthly caseload analysis for the entire province. The operators of the database, of whom three come from Save the Children and one from DINSOS, say it is user-friendly and they are able to extract the information required.

<sup>45</sup> Spontaneous reunification usually means that the child and their extended family have come to an arrangement between themselves that one of the inter-agency bodies has to then come in to check and formalise.

<sup>46</sup> See principles of why children should have follow-ups, in the Appendix.

<sup>47</sup> Research is being undertaken by DEPSOS, supported by Save the Children, in January–February 2006.

<sup>48</sup> DEPSOS ongoing research, as *above*.

<sup>49</sup> There might be potential to use tsunami resources to support this work. However, the resource implications and the need for long-term commitment should not be underestimated.

<sup>50</sup> Save the Children, *Supporting Family and Community-based care for Separated Children in Aceh*, unpublished internal document, 2005.

<sup>51</sup> Interview with Puspa Kartika, Save the Children.

<sup>52</sup> Child Protection Handover Notes, Save the Children, May 2005.

<sup>53</sup> DEPSOS, Save the Children, the ICRC, Lost Children Operation, Child Fund, UNICEF and their partners, Pusaka, Muhammadyah and the Ministry of Women's Empowerment, the International Rescue Committee and the Christian Children's Fund.

<sup>54</sup> Assessment and profiling of nine government-provided barracks in Aceh Besar, CONCERN, August 2005, and interview with Lorraine Darcy, CONCERN. A survey carried out by CONCERN in August 2005 found that an average of 79 per cent of the adults in nine barracks in Aceh Besar said they needed emotional support and were willing to participate in counselling. Thirty-one per cent of the adults interviewed were suffering from depression and "feel like they would have been 'better off dead'". Forty-three per cent of parents believed their children continue to suffer trauma that they are unable to deal with and 61 per cent said their children needed more psychosocial support. Twenty-one per cent of parents believe that their children are at risk from abuse or exploitation from living in the barracks and an equal number of adults said they themselves feel the barracks are unsafe and are constantly afraid. As many more women than men died in the tsunami, many of those men who lost wives or are unmarried may be looking for new partners, probably among the younger women. These findings underline the high anxiety levels in the barracks, made worse by a fear to report crime voiced by 19 per cent of those interviewed.

<sup>55</sup> I Wall, *Where's my house?* UNDP, August 2005.

<sup>56</sup> *Cash Subsidies for Family of Orphans and Separated Children in Disaster and Conflict Zone*, DEPSOS, 2005.

<sup>57</sup> L Adams, *Livelihoods assessment NE coast, Aceh province, Indonesia*, Save the Children, 2005.

<sup>58</sup> Interview with Husaini Ismail, Livelihoods Sector Head, Save the Children, Aceh.

<sup>59</sup> *Cash Subsidies for Family of Orphans and Separated Children in Disaster and Conflict Zone*, DEPSOS, 2005.

<sup>60</sup> Interview with Ibu Fuad Mardhatillah, BRR, Indonesian Reconstruction Agency.

<sup>61</sup> I Wall, *Where's my house?* UNDP, August 2005

<sup>62</sup> *Ibid.*

### 3 South India

<sup>63</sup> S LeJeune, Livelihood Adviser to Save the Children (UK), *5 January – 8 April, South India: Final Report*, April 2005.

<sup>64</sup> A Naik, *Child Protection Assessment of Tsunami-affected Areas in India*, 17 January 2005.

<sup>65</sup> *Ibid.*

### 4 Sri Lanka

<sup>66</sup> *Rapid Livelihoods Assessment In Coastal Ampara & Batticaloa Districts, Sri Lanka*, Save the Children, 18 January 2005.

<sup>67</sup> *Child Soldiers Global Report: 2004, Sri Lanka*, Coalition to Stop the Use of Child Soldiers, 2004. [www.child-soldiers.org/regions/country.html?id=200](http://www.child-soldiers.org/regions/country.html?id=200)

<sup>68</sup> Sri Lanka: Country Page, UNIFEM, 2004. [www.womenwarpeace.org/sri\\_lanka/sri\\_lanka.htm](http://www.womenwarpeace.org/sri_lanka/sri_lanka.htm)

<sup>69</sup> *Action Plan for Children Affected by War Progress Report: 1 July 2004 – 30 June 2005*.

<sup>70</sup> This number reflects the overall outstanding cases of reported under-age recruitment received and verified by UNICEF less the verified official releases of children and confirmed incidents of children who have run away. The actual number is likely to be higher.

<sup>71</sup> *Action Plan for Children Affected by War Progress Report: 1 July 2004 – 30 June 2005*.

<sup>72</sup> Save the Children in Sri Lanka Under-age Recruitment (UR) Project, January 2005.

<sup>73</sup> S W Amarasingh, *The Commercial Sexual Exploitation of Children: A rapid assessment*, International Labour Office (ILO), 2002.

<sup>74</sup> US Department of State, Sri Lanka Country Report on Human Rights Practices – 2004. Released by the Bureau of Democracy, Human Rights, and Labor, 28 February 2005. [www.state.gov/g/drl/rls/hrrpt/2004/41744.htm](http://www.state.gov/g/drl/rls/hrrpt/2004/41744.htm)

<sup>75</sup> *Child Labour and Responses: Overview Note – Sri Lanka*, ILO, November 2004. [www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/](http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/)

<sup>76</sup> Professor H de Silva *et al*, (1997) referenced in *A study of Youth Domestic Workers (14–18 years) in Sri Lanka: Proposals for legal amendments and a code of conduct*, National Child Protection Authority, 2002.

<sup>77</sup> *Child Labour and Responses: Overview Note – Sri Lanka*, ILO, November 2004. [www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/](http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/responses/srilanka/)

<sup>78</sup> A Civil Society Forum for South Asia on Promoting and Protecting the Rights of Street Children, 12–14 December 2001: Colombo, Sri Lanka. [www.streetchildren.org.uk](http://www.streetchildren.org.uk)  
[www.streetchildren.org.uk/reports/CSF%20Colombo%20report.pdf](http://www.streetchildren.org.uk/reports/CSF%20Colombo%20report.pdf)

<sup>79</sup> Circular 12/76 1976.

<sup>80</sup> Statistical Report 2003 by Provinces – DPCC.

<sup>81</sup> Fixation of General Standards for Promoting the Quality of Services in Voluntary Children's Homes – Commissioner, Probation and Child Care Services, October 1991.

<sup>82</sup> R Jayathilake and H Amarasuriya, *Children In Institutional Care: The status of their rights and protection in Sri Lanka*, 2005.

<sup>83</sup> As of 30 September 2005; UN Office for the Coordination of Humanitarian Affairs (OCHA) Post-Tsunami Update September/October 2005.

<sup>84</sup> 'Beach Vigil in Sri Lanka', CBS News, 2 January 2005. [www.cbsnews.com/stories/2005/01/02/world/main664267.shtml](http://www.cbsnews.com/stories/2005/01/02/world/main664267.shtml)

<sup>85</sup> According to Dealing with Child Victims of the Tsunami in terms of the Tsunami (Special Provisions) Act No 16, 2005 – Ministry of Justice and Judicial Reforms.

<sup>86</sup> Note – this is a sample of children's homes visited in the two districts and is not an exhaustive list.

# Appendix: The importance of follow-ups for separated children

Why should children who are separated and have lost a parent or parents be officially followed up?

- To check that separated children are still living in the registered household.
- To facilitate reunification if parents are subsequently found.
- To visit and support the child and to ensure that any formal, long-term care arrangements are based on the best interests of the child.
- To ensure that the carers understand their role and responsibilities and the child understands her or his status.
- To ensure that the child's inheritance rights are known to the child, the carers and the community leaders so that they are protected.
- To arrange support for poor families so that the child is not put into an institution because of family poverty.
- To ensure that community members, especially the village head or someone representing the child's best interests, can witness and monitor the arrangement.
- To ensure that the child knows where to go for help.

# Definitions

The following is a list of definitions that will be used throughout the 'First Resort' series.

**Adoption:** A permanent living arrangement for a child that confers full family membership in his or her adoptive family. Adoption is usually understood to be a formal, judicial process that transfers legal rights and responsibilities for the child to the adopters. However, in some legal codes, there is a distinction between 'simple adoption', which does not usually involve a change of name and family identity, and 'full adoption', which does. In some situations traditional forms of adoption exist which do not confer a changed legal status, hence there is a blurring in the distinction between traditional adoption and long-term fostering.

**Carer, care-taker and care-giver:** These terms are used interchangeably to describe the person who has the actual care of the child, without necessarily implying legal responsibility.

**Fostering:** The term refers to situations where children are cared for in a household outside their family. Fostering is usually understood to be temporary, and in most cases the birth parents retain their parental rights and responsibilities. This definition reflects the great importance attached to the blood tie in many societies, which often leads to a sharp distinction between related and unrelated care-takers. The term 'formal' or 'agency' fostering is used for fostering arrangements resulting from the intervention of agencies that accept continuing responsibility for the placement. The term 'spontaneous' or 'informal' fostering refers to arrangements resulting from the spontaneous actions of families to take in an unrelated child without the intervention of a third party.

**Kinship or extended family care:** This refers to girls and boys placed within the extended family. Very often this is spontaneously arranged within the family, but sometimes agencies intervene to arrange and support

the placement. In the latter context, the term 'kinship fostering' is sometimes used. However, in the 'First Resort' series, this term is avoided as 'kinship care' and 'fostering' (ie, by unrelated families) are seen as quite different concepts.

**Orphan:** A child who has lost one or both of his or her parents ('single' or 'double' orphans respectively). The distinction between a 'single' or 'double' orphan is not always as meaningful as it might appear: for example, in some communities where kinship is derived through the male line, the loss of the father often results in the mother leaving the children and returning to her village of origin, leaving the child parentless (Mann 2002). In some contexts, the local term for 'orphan' may refer to a child living in an irregular or unsatisfactory situation (eg, on the streets), regardless of whether one or both parents have died.

**Orphans and vulnerable children:** This term is widely used to describe children who have been orphaned by AIDS and/or affected by the HIV and AIDS pandemic (children living with sick parents, children living in highly affected communities, children living without adult care). However, this term is generally avoided in the 'First Resort' series: first, because it implies that all HIV and AIDS-affected children, regardless of their situation, are 'vulnerable'; and second, because it can isolate HIV and AIDS-affected children from other vulnerable children in the community.

**Packages of protection and care:** This term is used to describe the creation of a 'package' of support for a child or family by combining elements from a range of different approaches or interventions, in order to diminish the likelihood of the child needing care outside of the family or to support children living in some form of alternative care such as fostering. It is similar to the concept of a 'continuum of care' but is preferred, as the latter tends to imply a clearer break

between family support and alternative care and can be interpreted as a progression between mutually exclusive alternatives rather than a set of options that can be combined in various ways to protect a child's best interests.

**Parent:** This term is generally used to describe the child's biological mother and father. However, it is important to note that in some societies it is very common for girls and boys to spend various periods of time with other members of their extended family and sometimes with unrelated families. Throughout this publication the term 'parent' will generally refer to the biological parent, but sometimes it will also refer to the person(s) who have assumed the child's care on a permanent basis – eg, adoptive parents or extended family members providing long-term care.

**Prevention:** This term incorporates a wide range of approaches that support family life and help to diminish the need for the child to be separated from her/his immediate or extended family or other traditional care-taker, eg, in the case of parental illness or of risk of abandonment as a result of poverty. This is the main usage in the 'First Resort' series but it is important to be aware that in contexts such as AIDS-affected communities, the term has other connotations linked to the prevention of HIV infection; it is therefore important to be clear in which sense the term is being used in any particular context.

**Protection:** This term is used in its broadest sense to describe activities that aim to protect children from harm resulting from exploitation, neglect and abuse. Harm can take a variety of forms, including impacts on children's physical, emotional and behavioural development, their general health, their family and social relationships, their self-esteem, their educational

attainment, and their aspirations. The need to protect children from harm within the family or from harm from other sources is often a key element in decisions made about the care of a child.

**Residential care, institutional care, or orphanage:** A group living arrangement which normally takes place in a building provided by the organisation responsible, with care provided by paid adults who may or may not live on the premises and are not considered as traditional carers within the culture (adapted from Tolfree 1995, p. 6). The term 'orphanage' is not representative, as in practice these facilities often admit many children who are not actually orphans.

**Respite care:** A service, usually based on foster or residential care, to give the family a break from caring for a child.

**Separated children:** Children separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may therefore include boys and girls accompanied by other adult family members (derived from ICRC 2004). Separations may be categorised as voluntary (eg, the child leaving home to live on the streets) or involuntary (as frequently happens in the mass displacement of people).

**Substitute care, alternative care or out-of-home care:** These terms are used in this series to refer to arrangements for the child to be looked after by people other than the birth family or other traditional care-givers. It implies not just physical and material care, but an appropriate response to the whole range of children's needs and rights, including emotional, social, educational and spiritual.